

**Reports of Criminality:  
The *Aberdeen Journal* and the Presentation of Crime,  
1845-1850**

**by  
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## **ABSTRACT**

### **Reports of Criminality: The *Aberdeen Journal* and the Presentation of Crime, 1845-1850**

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This thesis is an examination of the presentation of criminality to the reading public through a content analysis of crime reports published in the *Aberdeen Journal* from 1845 to 1850. As a primary source, the crime reports in the *Aberdeen Journal* allow for an analysis of the occurrence of crime, type of criminal activity and court proceedings as presented to the reading public through the newspaper. A close examination of the *Aberdeen Journal* in the year 1845 resulted in a record of the size and placement of each crime report within the paper, details of the victim and accused, and variables such as gender, age, location and the general or specific deterrents used in response to the crime. The High Court of Justiciary trials in Aberdeen from 1845 to 1850 were also examined through a comparison between court records and reports published in the *Aberdeen Journal*. Through this research, I argue that newspapers provide a representation of criminality that differs from the record of crime available from court documents. Furthermore, the *Aberdeen Journal* provided commentary on the developments in policing method, institutions for young offenders and community perceptions of women, juvenile delinquency, theft and murder during this period. As a result, I propose that in the writing, editing, and organization of the *Aberdeen Journal*, reporters were active moral and social agents who shaped the meaning of crime in Aberdeen. This examination of the function of newspapers in the presentation of crime to the reading audience adds to the growing field of the history of crime in Scotland.

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*For Oma, Grandma, Dad, Nancy and Grandma Schmuck*

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## INTRODUCTION

OLD NEWSPAPERS – Many people take newspapers, but few preserve them; yet the most interesting reading imaginable is a file of old newspapers. It brings up the very age, with all its bustle and every-day affairs, and marks its genius and its spirit more than the most labored description of the historian. Who can take up a paper dated half a century ago, without thoughts akin to those with which Hamlet examined the skull of Yorick – remembering that almost every name there printed is now cut upon a tombstone at the head of an epitaph.

Published in the *Aberdeen Journal* on June 11, 1845, the above anecdote can be found nestled between articles on foreign and domestic affairs, local news and advertisements. Its anonymous writer illustrates the way in which newspapers can be useful in providing a glimpse of the “every-day affairs” of the past. As a source, newspapers have been utilized by historians to gain insight into both the ordinary and extraordinary through the representation of these events in the news. This is no less the case in the field of crime history. Not only do newspapers provide records of the occurrence and details of crime; they are valuable in the study of crime history. Newspapers enable crime historians to examine how newspapers represent the social context in which criminal activity occurred. For example, in *Histories of Crime: Britain 1600-2000*, Anne-Marie Kilday and David Nash explore the way in which media representations can develop historians’ approach to crime history:

For many people, for most of their lives, their only encounter with crime and the law would have been from thinking about the subject matter they encountered in the newspapers and novels. Indeed the encounter with popular depictions of crime may have been the place where a vast number of people learned about crime, and developed opinions upon it.<sup>1</sup>

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<sup>1</sup> Anne-Marie Kilday and David Nash. *Histories of Crime: Britain 1600-2000* (Houndsmills: Palgrave MacMillan, 2010), 5.

While gossip and stories told in social gatherings may also have provided a source for stories of crime, the examination of newspapers reveals the way in which crime was represented to the public, allowing for a more thorough investigation of the relationship between crime and the social response to criminal activity.

Through the examination of the *Aberdeen Journal* from 1845 to 1850, this thesis argues that the writing, selection and organization of the newspaper shaped the presentation of crime in Aberdeen. This research also suggests that the newspaper presented a representation of criminality to the reading public that was different than the crime recorded in the court records. As court records have been the mainstay source for historians of Scottish crime, the examination of the representation of crime in the newspaper provides an opportunity to study the way in which crime was presented to the reading public and placed within the social context in which the crimes occurred.

### Parameters

This study uses a number of parameters in order to examine the representation of crime in Scotland's newspapers. These parameters include a representative locality, time period, and newspaper. While studies of crime history in Scotland tend to focus on the Lowlands, most predominately Glasgow and Edinburgh,<sup>2</sup> substantial studies of nineteenth-century crime north of the River Tay are rare. It is, foremost, the location of Aberdeen that makes it a fitting setting for this study. Aberdeen was one of the central locations of the northern circuit of the High Court of Justiciary, where trials were conducted for some of the most serious crimes in the north of

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<sup>2</sup> For example, Anne Marie Kilday's research in *Women and Violent Crime in Enlightenment Scotland* examines the lowland region of Scotland, and argues that such an analysis would not have been available in a study of Scotland's North, the lowlands being selected as it was the "hub of economic and social modernization" (5); Studies that focus on specific crimes such as Eleanor Gordon and Gwyneth Nair's *Murder and Morality*, and Deborah Symonds, *Notorious Murders*, place notorious crimes and trials within the context of the communities of Glasgow and Edinburgh respectively.



Scotland, including those of murder, arson, rape and crimes of repeat offenders. Due to its location for the meeting of the High Court of Justiciary and its placement outside of the usual focus of study of crime in Edinburgh and Glasgow, Aberdeen is a fitting context for the study of crime.

The mid-nineteenth century was selected as a period for this study due to notable changes in Aberdeen's population, developments in urbanization and the effects of a changing economy. Nineteenth-century crime is often associated with growing population and urbanization.<sup>3</sup> In the early to mid-nineteenth century, Aberdeen's population rose from 26,992 in 1801 to 71,973 in 1851.<sup>4</sup> Between 1801 and 1841, it moved in ranking from sixteenth to thirteenth in population size among British provincial towns.<sup>5</sup> During this period, the community of Aberdeen responded to concerns over perceived increases in crime rates through the development of charitable and reformatory institutions and policing. While the developments in policing and institutions to prevent crime will be discussed more thoroughly in the subsequent chapters, it is notable that the period from 1845 to 1850 in Aberdeen marked a time of development in these areas. The Industrial Schools that were first initiated in Aberdeen by Sheriff Watson in 1841 were, by 1845, functioning fully with the addition of two more schools. This, coupled with the changes in policing, including the implementation of the measure that allowed police to apprehend begging children and place them in the Juvenile Reformatory School, show this period to be one of negotiation between the development of policing and the needs of a growing population. The awareness of crime in Aberdeen, and the hope for a decrease in crime through both policing and preventative measures is evident in the commentaries on crime published in the local newspaper,

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<sup>3</sup> Peter King establishes this in "Urbanization, Rising Homicide Rates and the Geography of Lethal Violence in Scotland, 1800-1860", using homicide rates and geography to show the connection to urbanization, 258.

<sup>4</sup> Robert E. Tyson, "The Economy of Aberdeen," in *Aberdeen in the Nineteenth Century: The Making of the Modern City*, edited by John S. Smith and David Stevenson (Aberdeen: Aberdeen University Press, 1988), 20.

<sup>5</sup> Tyson, "The Economy of Aberdeen," 20.

the *Aberdeen Journal*. However, it was not only growing population and urbanization that raised concerns over potential increases in crime rate, but also concerns of the effect a declining economy would have on criminal activity in the community.

The period from 1845 to 1850 was a time of economic change in Aberdeen. In many ways, Aberdeen's growth and increasing urbanization were indicative of the Industrial Age. Yet the county did not have a large supply of the oft relied-on natural resources of iron and coal that was typical of industrialized localities.<sup>6</sup> Up until the late 1840s, it was the textile industry in Aberdeen that was a growing sector of the economy, employing 12,000 men, women and children.<sup>7</sup> However, the collapse of the textile industry in the late 1840s led to economic crisis, leaving many unemployed and experiencing considerable difficulties between 1848 and 1852, slowing population growth and affecting the whole economy of the city.<sup>8</sup> Yet, the economy in Aberdeen became distinguished from other cities by its diversity in industry, specifically industries that relied on its natural resources, including agriculture, fishing and granite, as well as the manufacturing of natural resources.<sup>9</sup> This diversity allowed Aberdeen to develop into the second half of the nineteenth century without being reliant upon textiles or any one monopolizing industry.<sup>10</sup> Therefore, the period of this study, from 1845 to 1850, is pertinent to the study of crime in Aberdeen, as it was a time of economic change and growth in population and urbanization. These were changes that were frequently reported in the local news.

During the mid-nineteenth century, Aberdeen had multiple local newspapers that vied for readership in and around the local area, including the *Aberdeen Journal*, the *Constitutional*, and

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<sup>6</sup> Richard Perren, "The Nineteenth-century Economy," in *Aberdeen 1800-2000: A New History*, edited by W. Hamish Fraser and Clive H. Lee (East Linton: Tuckwell Press, 2000), 75.

<sup>7</sup> Tyson, "The Economy of Aberdeen," 21.

<sup>8</sup> Tyson, "The Economy of Aberdeen," 21; Perron, "The Nineteenth-century Economy," 82.

<sup>9</sup> Perron, "The Nineteenth-century Economy," 75; Tyson, "The Economy of Aberdeen," 29.

<sup>10</sup> Tyson, "The Economy of Aberdeen," 34.

the *Aberdeen Herald*. Between April and June 1843, the *Aberdeen Journal* circulated 2,846 copies, showing its popularity over the other local papers, the *Aberdeen Herald* and the *Constitutional*, which circulated 2,307 and 577 copies respectively.<sup>11</sup> The *Aberdeen Journal and General Advertiser for the North of Scotland* was the most circulated paper in the north of Scotland. The *Aberdeen Journal*, as it was called, was distributed even more widely than the *Scotsman*, which circulated 2,307 copies, and was only inferior in numbers to newspapers such as the *Witness*, published in Edinburgh, and the *Glasgow Herald*, the *Scotch Reformers Gazette* and the *Saturday Evening Post* from Glasgow.<sup>12</sup> The *Aberdeen Journal* was both popular and competitive within the Scottish press during the mid-nineteenth century, making it an ideal study for examining representations in the news in northern Scotland.<sup>13</sup>

### Data and Methods

For this project, the *Aberdeen Journal* was used not only for its prominence as a mid-nineteenth century Scottish newspaper, but also as a result of its accessibility, as this paper has been archived electronically through the British Library. While studies using digitized newspapers often rely on topic and keyword searches,<sup>14</sup> the method used for this study was a close examination of the *Aberdeen Journal* between 1845 and 1850. First, a close reading of the newspaper for the year of 1845 was conducted through an examination of the whole of the paper for this year. By this method, not only were the reports on crime consistently identified, but also

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<sup>11</sup> R.M.W. Cowan, *The Newspaper in Scotland: A Study of its First Expansion 1815-1860*, Glasgow: George Outram & Co., 1946, 169-170. Cowan notes that these figures are taken from the official returns of the issue of stamps; while these figures do not represent actual sales, they indicate an accurate approximation of the number of copies sold.

<sup>12</sup> Cowan, *The Newspaper in Scotland*, 169-170. The *Witness*, *Herald*, *Scotch Ref. Gazette* and *Saturday Evening Post* circulated 3,447, 3,384, 3,538 and 3,600 copies respectively.

<sup>13</sup> However, statistics for circulation cannot be taken as statistics for readership. A discussion of the readership of the *Aberdeen Journal* will be made in Chapter 2.

<sup>14</sup> For example, Christopher A. Casey's study, "Common Misperceptions: The Press and Victorian Views of Crime," uses frequency analysis to study crime coverage in *The Times* and *The Manchester Guardian*. Philip Chong Ho Shon and Michael A. Roberts study, "An Archival Exploration of Homicide – Suicide and Mass Murder in the Context of 19<sup>th</sup>-Century American Parricides," uses *The New York Times* and the *Chicago Tribune*.

the context in which the crimes were presented. This methodology allowed for the analysis of the column size, the placement of the report on the page, and the organization of the paper itself. The examination of the full paper, rather than a key word search, also recognizes the challenge of defining crime. For this study, crime was defined by any act that was recognized as an act of criminality against property or the person, regardless of whether the crime was committed, attempted, prevented, or unprosecuted.

For each crime report in the *Aberdeen Journal* in 1845, an entry was recorded which included the details of the type of crime committed and, when available, the outcome, the name and gender of both the accused and the victim, and the locality in which the crime was committed. Not only was the quality of the reporting assessed by recording the key terminology and language of the report, but a quantitative approach was used through recording both the number of crime reports in each edition of the newspaper, as well as the size of each report. Measuring the area used to cover individual crime reports and examining the placement of each crime report within the *Aberdeen Journal* allowed for an exploration of the presentation of crime that takes into account the format of the newspapers itself.

Secondly, for the years 1845 to 1850, a study was conducted of the representation of the High Court of Justiciary trials in Aberdeen in the *Aberdeen Journal*. A similar approach was used, with the quality of the reports recorded, including the description of the crime and the measurable aspects of the report. The circuit court met in Aberdeen in the spring and autumn of each year, the proceedings of which were reported in the *Aberdeen Journal*. For this study, the reports were compared to court records of the High Court of Justiciary. Collecting data on the length, language and quality of news reports in comparison to court records, reveals how crime was represented to the reading community of the *Aberdeen Journal*.

The aim of this thesis is to show the ways in which newspapers can be used in the study of Scotland's crime history. In doing so, this thesis will examine the presentation of crime in the *Aberdeen Journal* during the years 1845 to 1850. The first chapter will review the work that has been done by crime historians in both Scottish crime history, as well as examining the framework established by crime historians in their handling of sources, including newspapers, statistics and the changing definitions of crime and the criminal. Chapter 2 will provide an examination of the *Aberdeen Journal* and its significance to its community of readers. This chapter will analyze data gathered from the year 1845, illustrating the way in which crime was presented to the reading public. Through this analysis, the economic, institutional, and social contexts in which these crimes were committed and made public will emerge, through the examination of policing methods, institutions for young offenders, and community perceptions of women, juvenile delinquency and theft. Chapter 3 will provide three case studies that will further explore the function of newspapers in the shaping of the social meaning of crime in Aberdeen from 1845 to 1850. The first case study will examine the *Aberdeen Journal's* reporting of trials of the High Court of Justiciary in Aberdeen from 1845 to 1850. By comparing these reports with court records, the use of newspapers as a source for the crime historian can be further investigated. This chapter will also examine two cases that were notorious in Aberdeen at the time.<sup>15</sup> These case studies provide a glimpse into how the reading community might have understood and made sense of crimes through the reports in the *Aberdeen Journal*. Before examining the results from the *Aberdeen Journal*, a review of the literature on crime history, crime in Scotland, and the use of sources, including newspapers in the study of crime is needed.

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<sup>15</sup> These cases include James Burnett's trial of the murder of his wife, held in the High Court of Justiciary in Aberdeen on April 25, 1849, and the trial of James Robb for the rape and murder of Mary Smith, held by the High Court of Justiciary in Aberdeen on September 19, 1849.

## CHAPTER ONE

The history of crime is an area of study that has evolved in the past few decades, with notable developments in the handling of sources and the defining of the criminal. Whether examining Europe, Britain, or Scotland specifically, historians studying the nature of crime have established a basis for addressing the main issues and challenges of crime history, including the use of crime statistics, newspapers and court records, and the changing definitions of criminality. This chapter will outline the methodologies used by historians with a focus on those that provide a framework for subsequent research. The main issues involved with studying crime history will then be discussed in relation to both historians of crime in Scotland and those examining crime within the broader context. While progress has been made in the field of Scottish crime history, historians have noted opportunities for further research. Most pertinent to this study, is the opportunity for research of crime reporting in Scotland. However, by examining the work that has been done by historians in this field and the issues and trends that have been considered in previous research, it is possible to both appreciate the work that has been done and to anticipate the direction that future research will take in the study of crime history in Scotland.

### History of Crime in Scotland

In 1992, Margaret Crowther provided an analysis on the crime history of Scotland that recognized the need for a more thorough investigation of criminality in Scotland and the reasons for the gaps in the field.<sup>16</sup> She suggests that crime, law and policing in Scotland have only been featured by historians in relation to short-term political events or within the context of labour unrest.<sup>17</sup> This results in the need for research that focuses on trends, changes and defining

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<sup>16</sup> Margaret Crowther, "Scotland: a Country with No Criminal Record," *Scottish Economic and Social History* 12 (1992), 82.

<sup>17</sup> Crowther, "Scotland: a Country with No Criminal Record," 82.

aspects of crime in a more general way. As the study of crime history can reveal a great deal about the larger context within which these crimes occur, it is important that these needs be addressed. Crowther argues that questions about social perceptions of crime and the history of law can be answered by the examination of sentencing policy, civil actions and the changes in the definition or categorization of certain offences.<sup>18</sup> She also argues that this analysis for Scotland has not yet begun.<sup>19</sup>

Crime history can provide insight into the social response to crime. In terms of social history, the study of crime provides perspective on society's definition and expectations for moral behavior; however, as Crowther writes, there is the need for a more thorough investigation into these perspectives in the study of Scotland's crime history.<sup>20</sup> Following Crowther, Ian Donnachie provided a speculative survey of Scotland's crime history from 1800 to 1850. Statistics show that Scottish society experienced an increase in recorded criminal prosecutions, a trend similar to other populations experiencing growth and urbanization.<sup>21</sup> Donnachie's survey examines the possible meaning behind these patterns in the statistics of crime. He questions whether the increase was a result of unreliable data and interpretation, a result of increased population, poverty and fear amongst the upper classes, or a result of improved policing and legislative changes.<sup>22</sup> He looks to the patterns that were evident in the statistics from the High Court precognitions or pre-trial statements. As is the nature of surveys, this article introduces aspects to the study of crime history that require further study:

...the evidence of this study surely indicates a large void in the social history of nineteenth century Scotland. Filling the gap by more widely-based research in the

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<sup>18</sup> Crowther, "Scotland: a Country with No Criminal Record," 82.

<sup>19</sup> Crowther, "Scotland: a Country with No Criminal Record," 82.

<sup>20</sup> Crowther, "Scotland: a Country with No Criminal Record," 82.

<sup>21</sup> Ian Donnachie, "'The Darker Side': A Speculative Survey of Scottish Crime During the First Half of the Nineteenth Century," *Scottish Economic and Social History* 15 (1995): 5.

<sup>22</sup> Donnachie, "'The Darker Side,'" 5.

extensive legal archives, nationally and locally, would undoubtedly enrich our understanding of the impact made by industrialisation and urbanisation on Scottish society and its darker side – a world of poverty, depravity and crime.<sup>23</sup>

While historians continued to work to fill this void, not all sought to focus on the criminal as a member of the ‘dark side’ of Scottish society.

One example is Deborah Symonds’ examination of the crimes of Burke and Hare, the notorious individuals who sold the bodies of their victims to the Royal College of Physicians and Surgeons in 1828. This source uses the murders to examine the nature of the ‘Shadow Economy’ in Edinburgh as well as the agency of the criminal. However, rather than placing the criminal on the ‘dark side’ of society, Symonds argues that the criminal should no longer be placed outside of history where their actions are only in response to factors of economy and society.<sup>24</sup>

Symonds recognizes criminals as “active, calculating, economically aware agents”.<sup>25</sup> The focus on the agency of the criminal is a trend that historians have continued to consider in their approach to crime history, especially when discussing the female criminal.

Female criminality has been a focus for several crime historians. Anne-Marie Kilday argued that in Scotland, crime history tends to centre on female criminality in the early-modern period.<sup>26</sup> While Kilday’s work focuses on the gendered aspects of crime, her research also looks to crimes of property, fatal violence, harmful violence and crimes of protest. In her study, not only are male and female criminals examined within this context, but a comparison is also provided between patterns in Scottish crimes and those found elsewhere. The escalation of crime, then, is attributed to the substantial increase in population, resulting in the heightened

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<sup>23</sup> Donnachie, “‘The Darker Side,’” 22.

<sup>24</sup> Deborah A. Symonds, *Notorious Murders, Black Lanterns, & Moveable Goods: The Transformation of Edinburgh's Underworld in the Early Nineteenth Century* (Akron: The University of Akron Press, 2001), 9.

<sup>25</sup> Symonds, *Notorious Murders*, 13.

<sup>26</sup> Anne-Marie Kilday, “The Barbarous North? Criminality in Early Modern Scotland,” in *The Oxford Handbook of Modern Scottish History*, ed. T.M. Devine and Jenny Wormald (Oxford: Oxford University Press, 2012), 389.



awareness and fear of rising criminality.<sup>27</sup> Throughout Kilday's work, the study of criminality is associated with issues of the evolving definitions of crime, the problem of sources and the use of statistics.

The issues of sources, statistics and the definition of crime have been addressed by most historians. Recently, the discussions surrounding the handling of these sources and methodologies have led to some established analytical models. Notably, Leon Radzinowicz' history of crime in England has been recognized for providing historians of English crime with the building blocks for the discipline for over the past half-century. As Scotland does not have this same foundation, Crowther suggests that the best remedy would be to provide a 'broad-brush' approach that looks to the similarities between the English and Scottish legal systems in order to provide a foundation from which Scottish crime historians can build their research.<sup>28</sup>

There are limits to this approach. The distinctive institution of Scots Law, and the difference in the organization of the judicial records and statistics that resulted, have been a challenge for historians examining the history of crime from a British perspective.<sup>29</sup> Crowther argues that too often these differences are exaggerated; in practice, the treatment of serious offences and the way in which records were kept in Scotland after 1836 suggest that there is more consistency between the two systems than is usually assumed.<sup>30</sup> As a result, there is an opportunity to study Scotland's crime history from a broader perspective. In the following sections, the methods used by historians of crime in England will be examined in order to analyze the best methods for handling sources in the study of crime history.

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<sup>27</sup> Kilday, "The Barbarous North?" 399-400.

<sup>28</sup> Crowther, "Scotland: a Country with No Criminal Record," 82.

<sup>29</sup> Crowther, "Scotland: a Country with No Criminal Record," 82.

<sup>30</sup> Crowther, "Scotland: a Country with No Criminal Record," 82.

### Crime history and its sources

Historians of Scottish crime must address the issues of sources, statistics and the evolving definitions of crime in their work. The methods used continue to build on previous work and provide a foundation for the study of Scotland's crime history. Yet, Scotland's crime history has not embraced the use of newspapers as a source to the extent of histories of crime in England.<sup>31</sup> Therefore, studies of English crime can be useful to Scottish historians.

To begin, in 1975 *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* was published. The contributors to this collection were social historians who were primarily concerned with the law, the definitions of crime and the criminal, and the social response to criminal offences.<sup>32</sup> They believed that, through the study of these topics, a better understanding of the meanings of eighteenth-century social history would be attained.<sup>33</sup> The contributors to this text used a variety of sources in their work. Not only were court records used, but newspaper and magazine publications as well. The legal records are incorporated into statistics for crime, though the editors acknowledge that these statistics were "still not firmly established and they present difficulties in interpretation,"<sup>34</sup> while magazines, periodicals and newspapers were used to examine the social context for crime. Because of the social approach used by the historians of *Albion's Fatal Tree*, sources were required that went beyond the crime records of the court. It is therefore established, early in the historiography of crime, that the source base for the study of the social context of crime requires a variety of source types.

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<sup>31</sup> While some Scottish historians, such as Deborah Symonds in her work in *Notorious Murders*, have used newspapers as a source for their research, Scottish historians have not provided the same extent of work on the reportage of crime in the newspaper as English historians such as Esther Snell, whose work focuses precisely on the representation of criminality in the newspaper.

<sup>32</sup> Douglas Hay, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (Harmondsworth: Penguin Books, 1975), 13.

<sup>33</sup> Hay, *Albion's Fatal Tree*, 13.

<sup>34</sup> Hay, *Albion's Fatal Tree*, 13.

However, while the limitations of statistical accounts were addressed in *Albion's Fatal Tree*, the benefits and limitations of sources such as the newspaper were not yet explicitly discussed.

In contrast to the social approach of the contributors to *Albion's Fatal Tree*, J.S. Cockburn's work on crime in England from 1550 to 1800 examines crime history through a focus on court records, including a discussion throughout the text on the methodology for handling legal sources. The limitations of legal records are addressed. First, the creation and survival of these records provide a biased weighting of our knowledge of the criminal; through the work of law courts, it is those who came into conflict with the law, rather than those who lived within the law, that the historian is able to know best.<sup>35</sup> On the other hand, the absence of sources, whether lost, destroyed, or deficient in their consistency, leaves historians with an incomplete understanding of the patterns and trends in crime.<sup>36</sup> Another difficulty in the use of crime records is the 'dark figure' of crime.<sup>37</sup> Accounting for crime that was unreported and left unknown has become an unanswerable question of methods that continues to elude historians. While historians tend to respond to these deficiencies by incorporating other sources, such as pamphlets, diaries, chronicles and items from the press,<sup>38</sup> the argument in Cockburn's analysis is that sources other than court records, though necessary to consult, must be used with caution as they "uncover only a very unsystematic collection of cases biased towards the sensational."<sup>39</sup> While this text is significant in its recognition of the developments of crime history and its call for greater caution in the handling of sources, it nonetheless questions the value of the newspaper as a source for historians examining crime through a social approach.

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<sup>35</sup> J.S. Cockburn, *Crime in England, 1550-1800* (Princeton: Princeton University Press, 1977), 1.

<sup>36</sup> Cockburn, *Crime in England*, 9-10.

<sup>37</sup> Cockburn, *Crime in England*, 12.

<sup>38</sup> Cockburn, *Crime in England*, 10.

<sup>39</sup> Cockburn, *Crime in England*, 10

In 1980, a collection of essays examining crime from a social perspective was published.<sup>40</sup> In their work, Gatrell, Lenman and Parker note that the study of crime had shifted from the study of the institutions of law and the study of ‘great crimes’ to focus on the social meaning and context of crime.<sup>41</sup> Gatrell’s arguments regarding the extent to which legal records can either reflect or distort the realities of crime within society<sup>42</sup> are quite consistent with those of both Cockburn and the authors of *Albion’s Fatal Tree*. However, by noting the shift by crime historians towards a social approach, Gatrell states that it is necessary for historians to also include newspapers, novels and pamphlets to their source base in order to measure the “sensationalism of contemporary news papers and the melodrama of contemporary novels and pamphlets against the actual practice of the courts and the police.”<sup>43</sup> The recognition of the value of using sources from the popular press to gauge social response to crime was also evident in the work of Clive Emsley. Throughout his work on crime and society in England, Emsley relied on both newspapers and legal records to examine crime history; records and statistics were used to gauge the prevalence of crime, while newspapers were used to investigate the social response to crime. Emsley described his work as “history from below,”<sup>44</sup> and in order to assess the significance of crime in this way, the newspaper was used.

In summary, newspapers were identified as valuable sources early in the historiography of English crime as they were used to examine the social context of crime. However, the strengths and limitations of newspapers as a source for crime history have been debated by crime historians. Newspapers provide an opportunity to study the social meaning of crime and the

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<sup>40</sup> V.A.C., Gatrell, Bruce Lenman and Geoffrey Parker. *Crime and the Law: The Society of Crime in Western Europe Since 1500* (London: Europa Publications, 1980).

<sup>41</sup> Gatrell, Lenman and Parker. *Crime and the Law*, 1.

<sup>42</sup> Gatrell, Lenman and Parker. *Crime and the Law*, 2.

<sup>43</sup> Gatrell, Lenman and Parker. *Crime and the Law*, 2.

<sup>44</sup> Clive Emsley, *Crime and Society in England: 1750-1900* (London: Longman, 1996), 1.

representation of crime to the reading audience, allowing for an examination of the social context of the crime. However, the use of newspapers as a source for the study of crime history can be limited by its unsystematic record of crime and its sensational, or constructed, tone. As a result, the combination of sources such as newspapers along with court records is seen as a methodology that balances these two source types.

### Sources and Statistics

The challenge of using court records as a source continues to be an area of caution for crime historians. The use of court records can not only influence the portrayal of society, but also the portrayal of the accused. For example, because of the nature of crime records, only limited information is provided. As a result, the complexity of each criminal act is simplified to a formulaic account, which results in the characterization of the criminal as timeless and unchanging.<sup>45</sup> This limitation of court records is further complicated by the challenges involved in the use of statistics. The value of statistics in revealing patterns, changes and continuity is significant. The benefits of statistics were further enhanced, as Crowther notes, by the way in which the Scottish collection of statistics became much more regulated after 1836.<sup>46</sup> However, while statistical records were progressively kept with greater consistency during the nineteenth century and onwards, the way in which statistics are to be best used continues to be a debate amongst historians. Douglas Hay notes that the difficulty in statistics resides in the interpretation of them, arguing that statistics suggest that the incidences of crime multiplied throughout the eighteenth century, though this may only appear to be so because the statistics were not fully established.<sup>47</sup> Elton also notes that statistics only allow the historian to make estimates based on

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<sup>45</sup> Symonds, *Notorious Murders*, 9.

<sup>46</sup> Crowther, "Scotland: a Country with No Criminal Record," 82.

<sup>47</sup> Hay, *Albion's Fatal Tree*, 13.

the offences known, as a result of the ‘dark figure’ of crime.<sup>48</sup> As the study of crime can only account for those offences recorded, the historian must take into account the fact that the full extent of crime cannot be known. However, for the crimes that are recorded, the historian must also consider the limitations involved. Gatrell demonstrates the caution that historians should use in making assumptions of the type of information that can be gleaned from crime statistics, as he mentions the error in early attempts to use statistics as a measure of the vice, sin and moral health within the nation.<sup>49</sup>

Statistics must also be examined with a consideration to the changing definition of crime that evolved during this period. The distinction between criminal offences and appropriate social and moral behaviour has been redefined throughout history. Gatrell writes:

It is not merely the adequacy of the records of crime which the historian has to consider, but also the meaning of the acts which are recorded. Crime is after all a label attached to an act by those who make and enforce law. To examine crime is in effect to examine the way in which certain acts were perceived and labeled by those who sought to control and curtail them.<sup>50</sup>

Therefore, the study of crime must be seen within the context of changing legal definitions of criminality, as the response to an offence will differ greatly from one period to the next with the changing of laws. Also, the social response to an offence changes over time in relation to the redrawing of the line between crime and expected social conduct. Elton questions whether a social criterion should replace a legal one in the definition of crime, as it would provide a comprehensive category of crime and allow the study of crime to be a tool for analyzing the social expectations for behaviour.<sup>51</sup> The evolving definition of criminality reflects the historical

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<sup>48</sup> G.R. Elton, “Crime and the Historian,” in *Crime in England, 1550-1800*, ed. J.S.Cockburn (Princeton: Princeton University Press, 1977), 12.

<sup>49</sup> Gatrell, Lenman and Parker, *Crime and the Law*, 3.

<sup>50</sup> Gatrell, Lenman and Parker, *Crime and the Law*, 4.

<sup>51</sup> Elton, “Crime and the Historian,” 2.

context.<sup>52</sup> Because of the way in which the nature of crime changes in its definition within the legal and social context, crime historians must use statistics cautiously.

While the official records of crime and the court continue to be the principal source for crime historians, some see the benefits of using a combination of sources. For several historians, to focus simply on the media, or to avoid the media and rely solely on the legal reports, would be a misrepresentation of the significance of crime within society.<sup>53</sup> As newspapers become more widely accepted in the research of crime historians, a discourse on the methodology for interpreting this source has also developed. In order to handle these sources in a meaningful way, one must consider the changing nature of newspaper reporting, the distribution of the news, the reading audience and their response to the news.

#### The value of newspapers to the study of crime history

During the eighteenth century, the newspaper became the leading form of print culture in Britain, providing a variety of choices in papers to its readers.<sup>54</sup> As a developing form of media, historians recognize the necessity of accounting for the changes that occurred in the way in which news was reported and distributed over time. In 2007, a collection of articles were

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<sup>52</sup> This is exemplified in Brian Leveck's article titled "The Prosecution of Sexual Crime in Early Eighteenth-Century Scotland". This study looks at the way in which the prosecution of sexual crimes changed through the redefining of the criminality of fornication and adultery during the session held in Perth in 1709. Prior to this session, biblical scripture had been used in the defining of sexual crimes. However, at this time, a change was made to separate the definition of sexual crimes from the biblical context when it was decided that biblical texts were prone to variant and contradictory interpretations. As a result of this change, Scottish criminal justice became increasingly secularized and hundreds of sexual criminals were given pardons during this session.

<sup>53</sup> Judith Rowbotham and Kim Stevenson. "Causing a Sensation: Media and Legal Representations of Bad Behaviour." in *Behaving Badly: Social Panic and Moral Outrage – Victorian and Modern Parallels*, ed. by Judith Rowbotham and Kim Stevenson (Burlington VT: Ashgate Publishing, 2003), 31 ; Richard McMahon, "'For Fear of the Vengeance': the Prosecution of Homicide in Pre-Famine and Famine Ireland," in *Crime, Law and Popular Culture in Europe, 1500-1900*, ed. Richard McMahon (Portland: Willan Publishing, 2008), 140 ; Antony E. 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, no. 1 (Spring 2004): 28.

<sup>54</sup> Elizabeth Foyster, "Introduction: Newspaper Reporting of Crime and Justice," *Continuity and Change* 22, no. 1 (2007), 9.

published on the history of crime reportage in British papers.<sup>55</sup> In an introduction to these articles, Elizabeth Foyster notes that “it is not until now that historians of crime have analysed in any detail what the content of these newspapers can reveal about contemporary attitudes towards crime and justice”.<sup>56</sup> Included in this collection is an article titled “Newspaper Reporting and Attitudes to Crime and Justice in Late Eighteenth and Early-Nineteenth-Century London”, by Peter King. It is here that King discusses the significance of the newspaper to the public’s understanding of crime by describing these publications as being the “most widely read source of printed information about crime and justice”.<sup>57</sup> King also provides a historiography of some of the effective applications of media-study to the history of crime.<sup>58</sup> However, he notes:

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... However, while the functions of certain forms of newspaper advertising have been analysed, and while a few micro-histories [...] have employed an impressive range of materials 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.<sup>59</sup>

According to King, Esther Snell’s work went beyond the micro-history approach in her research on the presentation of crime in *The Kentish Post*.<sup>60</sup> Esther Snell uses a quantitative approach in her study of *The Kentish Post* to show the trends towards an increasing representation of crime in the news during the eighteenth century. Her research reveals that crime was consistently central within the context of this newspaper, and that when the thousands of accounts within *The Kentish Post* are examined in full, a great deal can be revealed about the “nature, causes and

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<sup>55</sup> These articles were published in *Continuity and Change*, vol 22, 2007, and include articles by Elizabeth Foyster, Peter King and Esther Snell.

<sup>56</sup> Foyster, “Introduction: Newspaper Reporting of Crime,” 9-10.

<sup>57</sup> Peter King, “Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth- and Early-Nineteenth-Century London” *Continuity and Change* 22, no. 1 (2007): 74.

<sup>58</sup> King, “Newspaper Reporting and Attitudes,” 75.

<sup>59</sup> King, “Newspaper Reporting and Attitudes,” 75.

<sup>60</sup> King, “Newspaper Reporting and Attitudes,” 75.



consequences of crime.”<sup>61</sup> In this way, she incorporates both a quantitative and qualitative approach to her study of crime in the news. By doing so, she provides a more complete picture of the history of crime, by not only showing the prevalence of crime reporting, but also in considering the way society received these reports.

Following Snell, a similar approach was taken up by other crime historians such as Christopher Casey,<sup>62</sup> Rab Houston,<sup>63</sup> and Haia Shpayer-Makov.<sup>64</sup> For example, in his research in the press and Victorian views of crime, Casey argues that the reporting of crime in the nineteenth century resulted in an increased familiarity with crime.<sup>65</sup> This familiarity with crime resulted in a misperception amongst the public that crime was on the rise. As a result of such research, the historiography is beginning to be filled by historians incorporating publications of the press into the study of crime in society. While the historiography expands beyond the use of legal records, the most notable discourse continues to revolve around the best methods for considering the readership of crime reports in the popular press, and the reader’s response to reports of crime.

### Readership and Response

Before considering the audience’s response to crime accounts in the news, one must consider the readership. The rate of literacy is of significance to historians who aim to assess the level of participation of the general public in the reading of the news. Casey suggests that although “literacy rates were widely assumed to be low...most of the working-class population was able to read well enough to understand the contents of a newspaper,” with estimates that “two-thirds

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<sup>61</sup> Esther Snell, “Discourses of Criminality in the Eighteenth-Century Press: the Presentation of Crime in *The Kentish Post*, 1717-1768,” *Continuity and Change* 22, no. 1 (2007): 16.

<sup>62</sup> Christopher A. Casey, “Common Misperceptions: The Press and Victorian Views of Crime,” *Journal of Interdisciplinary History* 41, no. 3 (2011): 367-391.

<sup>63</sup> Rab Houston, “Fact, Truth, and the Limits of Sympathy: Newspaper Reporting of Suicide in the North of England, circa 1750-1830,” *Studies in the Literary Imagination* 44, no. 2 (Fall 2011): 93- 108.

<sup>64</sup> Haia Shpayer-Makov, “From Menace to Celebrity: The English Police Detective and the Press, c.1842-1914,” *Historical Research* 83, no. 222 (November 2010): 672-692.

<sup>65</sup> Casey, “Common Misperceptions,” 368-367.

to three-quarters of the working-class were literate to some degree.”<sup>66</sup> Antony Simpson, in his article on the role of the press in popular perceptions of rape in the eighteenth century, argues that low literacy rates may not have caused a great disconnect between the illiterate public and their access to the content of the newspaper.<sup>67</sup> He suggests that the common practice of reading newspapers aloud in public places would have allowed news, especially the sensational news of crime, to be widely disseminated, even amongst a non-reading audience.<sup>68</sup> King adds to this by suggesting it was likely that the majority of London’s population would have been regularly exposed to the newspaper-transmitted news during this period; the audience was not confined to the gentry and upper classes, but reached an audience that was becoming increasingly broad.<sup>69</sup> This discussion among historians suggests that literacy rates cannot be used to restrict the assumed reading audience of the newspapers by limiting the audience to only the literate.

Whether an individual received the information in a crime report through personal reading, or as a listening audience, the extent to which crime reporting influenced the ‘reader’ is a debate that historians continue to discuss. For example, Joy Wiltenburg, who examines crime history from a psychological perspective, applied current statistics to inform her understanding of the way in which readers have responded to crime in the past. Wiltenburg argues that:

...increased consumption of true news reports actually decreased people’s objective knowledge about the prevalence of crime. Despite their low or even negative informational value, such reports have substantial emotional impact.<sup>70</sup>

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<sup>66</sup> Casey, “Common Misperceptions,” 374.

<sup>67</sup> Antony E. 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, no. 1 (Spring 2004): 64.

<sup>68</sup> Simpson, “Popular Perceptions of Rape as a Capital Crime,” 64.

<sup>69</sup> King, “Newspaper Reporting and Attitudes to Crime,” 74.

<sup>70</sup> Joy Wiltenburg, “True Crime: The Origins of Modern Sensationalism,” *American Historical Review* 109, no. 5 (2004): 1377.

Wiltenburg's approach suggests that the psychology of crime reporting today, and the reader's response to this reporting, is applicable to the psychology of the eighteenth- and nineteenth-century consumption of crime news.<sup>71</sup> Though this approach is problematic, as it makes assumptions of the past, these conclusions are consistent with those made by other historians whose approach and methods for examining this subject differ from Wiltenburg.

Esther Snell makes a similar argument in her work, suggesting that the press was influential in the formation of public opinion on crime and the criminal.<sup>72</sup> However, Norma Landau, in her examination of crime in late eighteenth-century England, argues that this assumption of the influence of the press was misguided.<sup>73</sup> By suggesting that Londoners were far more familiar with crime than historians tend to assume, Landau argues that the newspaper was not as influential in the formation of public opinion as historians like Snell suggest.<sup>74</sup> Landau also argues that historians' assumptions of the influence of crime reports on the public can blur the line between (i) the reports and (ii) the reader's experience and response.<sup>75</sup> This argument is a valid one, as the discussion of the reader's response to crime news is often subjective by nature.

While historians continue to discuss the extent to which readers may have internalized their response to crime reports, it is also important to consider how the public acted out in response to the readings on crime in the news. This may provide a more tangible means for gauging readers' response to crime reports. For example, Casey describes the ways in which public opinion had an influence on policing and the law. Using the Garroting Panic of 1862 as an example, Casey shows the cyclical nature of reporting and response:

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<sup>71</sup> Wiltenburg, "True Crime: The Origins of Modern Sensationalism," 1377-1388.

<sup>72</sup> Snell, "Discourses of Criminality in the Eighteenth-Century Press," 14, 15, 36.

<sup>73</sup> Norma Landau, "Gauging Crime in Late Eighteenth-Century London" *Social History* 35, no. 4 (Nov 2010): 401.

<sup>74</sup> Landau, "Gauging Crime in Late Eighteenth-Century London," 402.

<sup>75</sup> Landau, "Gauging Crime in Late Eighteenth-Century London," 401.

Greater police diligence meant more arrests. More arrests meant more articles in the papers and inflated crime statistics. Inflated statistics and the subsequent news reports covering them meant more public outcry for greater levels of police surveillance.<sup>76</sup>

The panic also resulted in two Acts that reinstated corporal punishment, which Casey attributed to the effectiveness of the public and the press in producing change.<sup>77</sup> The way in which the press incited the public, whose response then resulted in a public outcry that prompted change from Parliament and increased police efforts, demonstrates that the reading of crime reports did affect the reading audiences to such an extent that they would respond publicly.

Haia Shpayer-Makov's study of the relationship between the press and the public's reception of the English police provides an exemplar of the methods for examining readers' response to the press. By focusing on the role of the police detective, Shpayer-Makov shows the role of the press in transforming the figure of the police detective, who was highly criticized in mid-nineteenth-century England, to a figure notorious for heroics and respectability. By connecting the crime reports in the newspapers to the public's developing reception of the police detective, a measurable representation of the relationship between the press and societal response could be attained. However, Shpayer-Makov recognizes the limits of a study on readers' response. While it is impossible to accurately assess the way in which readers interpreted the news, she suggested that historians should consider that, to some extent, readers would have internalized the literature, as it was intended to be read and consumed.<sup>78</sup> Nonetheless, as discussed in Shpayer-Makov's article, scholars continue to debate the extent of influence the

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<sup>76</sup> Casey, "Common Misperceptions," 379.

<sup>77</sup> Casey, "Common Misperceptions," 380.

<sup>78</sup> Shpayer-Makov, "From Menace to Celebrity," 692.

press has on its readers and society; while they may agree that the press is influential, historians do not agree on the extent of this influence.<sup>79</sup>

### Conclusion

The field of crime history is a rapidly developing field. The historiography of crime in England has provided a framework which can be applied to the study of crime in Scotland. The sources available in the study of crime history, whether court records or newspaper, involve strengths and limitations that must be considered by the crime historian. By recognizing the work that has been done in the general field of crime history, a set methodology can be identified to aid in: (i) the handling of sources, (ii) examining the representation of criminality in the press, and (iii) considering the influence of crime reportage on the reading public. The work that has been done in this field has set the parameters of the methodology used in the research presented in the following chapters. To illustrate the benefits of using newspapers as a source base of the study of Scotland's crime history, an examination of the reporting of crime in the *Aberdeen Journal* will be made. Through this study, an understanding of criminality and the context of criminal activity begins to emerge.

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<sup>79</sup> Shpayer-Makov, "From Menace to Celebrity," 673.

## CHAPTER TWO

The first edition of the *Aberdeen Journal* was published on January 5, 1748 by James Chalmers. It was printed every Wednesday, until 1876, when it became a daily paper. Today its title is *The Press and Journal*, and remains the oldest paper to still be in print in Scotland.<sup>80</sup> The *Aberdeen Journal* was run by the Chalmers family from 1748 to 1877. Under the proprietorship of James Chalmers' grandson, David Chalmers, who took over the newspaper in 1810, the sales of the *Aberdeen Journal* rose steadily.<sup>81</sup> Under Chalmers' direction, the *Aberdeen Journal* was the most circulated newspaper in northern Scotland, and provided higher numbers than such Lowland papers as the *Edinburgh Weekly Journal* and the *Scotsman*.<sup>82</sup> David Chalmers was the influential owner of the *Aberdeen Journal* until 1854.

The *Aberdeen Journal* was regarded as a Conservative paper, though up until 1838 it remained neutral on most questions, until competition with other papers and challenges such as the Corn-Law repeal forced the paper to define its Conservatism.<sup>83</sup> By 1846, the *Aberdeen Journal* had a monopoly on the Conservative press in the north-east.<sup>84</sup> However, a change in the editor in 1849 to William Forsyth, altered the political tone of the *Aberdeen Journal*.<sup>85</sup> In 1855, the *Aberdeen Journal*, under the editorship of Forsyth, was described as the following:

In principles it is professedly Conservative, and attached to the Established Church of Scotland; but, in the expression of its opinions, it is careful not to give offence, and advocates measures for the public good, without reference to party. The leading articles are ably and temperately written. The *Journal* is deservedly popular as a family newspaper, even amongst parties of opposite political opinions.<sup>86</sup>

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<sup>80</sup> George Fraser and Ken Peters, *The Northern Lights* (London: Hamish Hamilton, 1978), 1.

<sup>81</sup> Fraser and Peters, *The Northern Lights*, 27.

<sup>82</sup> Fraser and Peters, *The Northern Lights*, 26.

<sup>83</sup> Cowan, *The Newspaper in Scotland*, 148.

<sup>84</sup> Cowan, *The Newspaper in Scotland*, 148.

<sup>85</sup> Cowan, *The Newspaper in Scotland*, 292.

<sup>86</sup> John S. North, *The Waterloo Directory of Scottish Newspapers and Periodical, 1800-1900*, (Waterloo: North Waterloo Academic Press, 1989), 112-113.

Over the thirty-year influence of William Forsyth, the politics of the *Aberdeen Journal* became increasingly liberal-conservative in tone.<sup>87</sup> However, the *Aberdeen Journal* realigned with the Conservative Party in 1876 when the party began to use the paper to counteract the dominance of the Liberal *Aberdeen Free Press*, financially supporting the paper and forming the Aberdeen North of Scotland Newspaper and Printing Company, while taking over the *Aberdeen Journal* and turning it into a daily Conservative paper.<sup>88</sup> However, during the mid-nineteenth century, this balance between conservative and liberal content resulted in a paper that did not appear to take a hard line on the issues reported. While the editorialization of the paper, through the writing, selection and organization of its content will be discussed in more detail later in this chapter, the content of the *Aberdeen Journal* does not suggest that this process was defined by the politics of the paper.

Despite rival newspapers, such as the *Aberdeen Constitutional*, *Aberdeen Banner*, the *Herald*, and later, the *Aberdeen Free Press*, the *Aberdeen Journal* continued to be successful during the mid-century period.<sup>89</sup> The success of the *Aberdeen Journal* was due to several factors. First, it was due to technical innovations made to its printing. For example, in 1830 David Chalmers introduced the steam-driven printing press and became the first in Scotland to replace the manual presses in order to meet the growing readership demands.<sup>90</sup> Second, the success of the *Aberdeen Journal* was a result of its claim to contain more advertisements than any other paper in Scotland.<sup>91</sup> The *Aberdeen Journal* was, foremost, an advertiser. Thirdly, it was circulated predominately through the towns in Aberdeen, Banff, Kincardine, Forfar, Moray, and

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<sup>87</sup> Cowan, *The Newspaper in Scotland*, 292; North, *The Waterloo Directory*, 112.

<sup>88</sup> Ewen A. Cameron, "Journalism in the Late Victorian Scottish Highlands: John Murdoch, Duncan Campbell, and the *Northern Chronicle*," *Victorian Periodicals Review* 40 no.4 (2007): 283.

<sup>89</sup> Fraser and Peters, *The Northern Lights*, 27.

<sup>90</sup> Fraser and Peters, *The Northern Lights*, 27-28.

<sup>91</sup> Fraser and Peters, *The Northern Lights*, 27.

Nairnshire.<sup>92</sup> Its circulation was extensive, and, as previously mentioned, the *Aberdeen Journal* sold stamps on 2846 copies between April and June 1843.<sup>93</sup>

This period of study is before the repeal of the Stamp Act in 1855, suggesting that readers of the *Aberdeen Journal* may have been limited to those who could afford the full price of the paper. Casey describes the effect of taxation on controlling the distribution of newspapers. He discusses the improvement in the circulation of printed materials by the end of the ‘taxes on knowledge’, including the repeal of the advertisement tax in 1853 and the abolished stamp tax, paper duty and financial restraints on publication that occurred throughout the period.<sup>94</sup> Technological innovations also reduced the cost of production and led to a reduction in cost that allowed newspapers to be accessible to a wider audience.<sup>95</sup> However, the readership of the *Aberdeen Journal* was not limited only to those who purchased it.

For example, in William Skene’s “series of papers dealing with life and character in the East-End of Aberdeen between the years 1840 and 1860,” Skene wrote about the local boot and shoe maker, John Black, whose business also included passing around the newspaper: “One branch of John’s business which gained him notoriety was the letting-out of newspapers at a charge of a halfpenny for two hours.”<sup>96</sup> Providing access to newspapers at a cheaper price allowed for a growing readership through such circulating libraries, a process that helped increase accessibility until the repeal of the Stamp Act in 1855 when the cost of newspapers became less of a hindrance.

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<sup>92</sup> North, *The Waterloo Directory*, 112.

<sup>93</sup> Cowan, *The Newspaper in Scotland*, 169-170. Cowan notes that these figures are taken from the official returns of the issue of stamps; while these figures do not represent actual sales, they indicate an accurate approximation of the number of copies sold.

<sup>94</sup> Casey, “Common Misperceptions,” 373.

<sup>95</sup> Casey, “Common Misperceptions,” 373.

<sup>96</sup> William Skene, *East Neuk Chronicle* (Aberdeen: Aberdeen Journal Office, 1905), 38.



Circulating newspapers through a library-type system allowed for news to be spread outside of the city as well. Skene writes:

Some of my relations in the country, within ten miles of the city, used to get the Wednesday's "Aberdeen Journal" on the following Wednesday, and it had not finished its round even then. In many cases it was passed around till it was almost in tatters.<sup>97</sup>

However, it was not only through borrowing copies that the news in the *Aberdeen Journal* circulated. In William Donaldson's *Popular Literature in Victorian Scotland*, the reading of the *Aberdeen Journal* was described as a community event through a description of the life of William Lindsay, who was born in 1821 and lived in Aberdeen:

He attended school for a few sessions and then from about the age of twelve, earned his living as a reader. This was a common practice in the workplace at that time, especially amongst skilled trades. The journeymen would open a joint subscription to newspapers and other popular journals, and while the rest of the men worked, one read to them, and his wages were made up later by his colleagues. A cheaper alternative was to hire a literate child, and this is what his father's workmen did.<sup>98</sup>

William Lindsay was paid a weekly sum to read from various newspapers including the *Aberdeen Journal*.<sup>99</sup> The information within the newspaper, therefore, was not limited to only those who purchased the paper, or those who could read. Rather, newspapers like the *Aberdeen Journal* had a following that was enhanced by the sharing of information through communal readings.

In 1845, when the paper was four pages in length, the first page was dedicated completely to advertisements, including those for the letting of land, new products, and for local business.<sup>100</sup> The following pages would continue to advertise, yet the advertisements were often interspersed between railway news, shipping intelligence and sections on agriculture, the markets

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<sup>97</sup> Skene, *East Neuk Chronicle*, 39.

<sup>98</sup> William Donaldson, *Popular Literature in Victorian Scotland: language, fiction and the press*, (Aberdeen: Aberdeen University Press, 1986), 18-19.

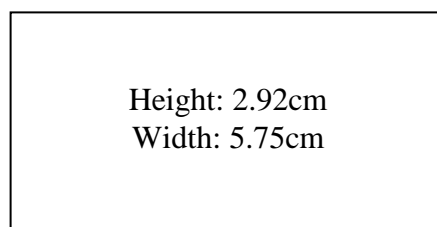
<sup>99</sup> Donaldson, *Popular Literature in Victorian Scotland*, 19.

<sup>100</sup> The *Aberdeen Journal* was a four page newspaper until 1847, when it increased to eight pages in length. During the year 1845, there were three editions that included supplements that increased the number of pages to six. However, the regular portion of the *Aberdeen Journal* remained to be four pages in length.

and sessions of parliament. The reports presented in the *Aberdeen Journal* were often brought in from throughout Scotland and the rest of Britain and would be published in the *Local* and *Domestic* sections, often found on the second or third page of the paper, along with news from outside Britain, often published in the *Foreign Intelligence* section. Local news from the city and county of Aberdeen was published in the *Local Intelligence* section, which would include notices of marriages, births and deaths, meeting minutes and the notable local news. It was in the *Local*, *Domestic*, and *Foreign Intelligence* sections that reports of crime would often be placed, tending to be on the second and third page of the newspaper.<sup>101</sup> The *Aberdeen Journal*'s layout prioritized its advertisements, with advertisements often occupying over fifty per cent of the coverage of the newspaper. In a newspaper that focused on advertisements promoting its community's agriculture and markets, what place did crime have in its coverage?

The data gathered from 1845 shows that, in a single year, there were 415 articles regarding criminal activity, with an average of 8 reports of crime being published in the *Aberdeen Journal* each week. In total, crime reports made up a total of 6991.39 cm<sup>2</sup> of text during that year. Though crime articles varied in sizes, the size of reports of crime on average was 16.8 cm<sup>2</sup>.

**Figure 1: Average size of crime reports**



Source: *The Aberdeen Journal*, 1845

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<sup>101</sup> Of the crime reports printed in the *Aberdeen Journal* in 1845, 154 crime reports were published on the second page, and 183 crime reports were published on the third page of the paper. Only 3 reports on crime were printed on the first page, and 73 on the fourth page. The majority of crime reports were placed on the second and third pages.

The reporting of crime was not the dominant subject in the *Aberdeen Journal*. Crime reports worked out to be only 1.46 per cent of the overall coverage of the journal. In a newspaper that focused on agriculture, politics, and local news, crime coverage represented only a small portion of the news reports. Yet, these accounts of crime provided, not only a stark contrast to the rest of the journal, but also insight into the community in which these crimes were committed.

Like most papers, the *Aberdeen Journal* provided a commentary on the nature of crime committed both within Aberdeen as well as in Scotland in general. At this time, the Schools of Industry in Aberdeen were just established by Sheriff Watson in response to juvenile crime. These schools were a subject of commentary in the *Aberdeen Journal* as articles associated the trends in juvenile crime with the work of the Schools of Industry. However, a struggling economy during this period also resulted in news reports speculating on the effects that poverty had on crime, especially crimes of theft. Developments and changes in the courts, and also in policing, were discussed in the *Aberdeen Journal* in connection to trends in the apprehending of criminals, their trials, and changes in sentencing and punishment. These articles provide insight into the way in which crime was presented to the readers of the *Aberdeen Journal*.

The data gathered from the year 1845 reveals the way in which crime was presented to the reading public, creating a sense of the economic, institutional, and social context in which these crimes were committed and made public.

#### Reporting Crime in the *Aberdeen Journal*, 1845

Of the 415 crimes reported in the *Aberdeen Journal* in 1845, the typology of crime consists of crimes against property and crimes against the person. The main types of crimes against property reported in the *Aberdeen Journal* include crimes of (i) theft, robbery and housebreaking, (ii)

fraud, forgery and embezzlement, and (iii) trespassing. Within these three types of crimes against property, there were 194 cases reported, measuring 2,719.86 cm<sup>2</sup> in the overall coverage during the year, and average report size 13.4 cm<sup>2</sup>.

**Figure 2: Typology of crimes reported in the *Aberdeen Journal*, 1845<sup>102</sup>**

	Crime	Number of Reports	Percentage	Total size of reports	Percentage	Average size of report
Crimes against property	Theft, robbery, housebreaking	149	40.71%	2130.62 cm <sup>2</sup>	37.03%	14.3 cm <sup>2</sup>
	Fraud, forgery, embezzlement	33	9.01%	437.18 cm <sup>2</sup>	7.6%	13.2 cm <sup>2</sup>
	Trespassing	12	3.28%	152.06 cm <sup>2</sup>	2.64%	12.7 cm <sup>2</sup>
Crimes against the person	Assault	34	9.29%	925.75 cm <sup>2</sup>	16.09%	27.2 cm <sup>2</sup>
	Murder and culpable homicide	125	34.15%	1949.18 cm <sup>2</sup>	33.88%	15.6 cm <sup>2</sup>
	Infanticide, child murder, concealment of pregnancy and exposure	13	3.56%	158.98 cm <sup>2</sup>	2.76%	12.2 cm <sup>2</sup>

The main types of crimes against the person include the crimes of (i) assault, (ii) murder and culpable homicide, and (iii) infanticide, child murder, concealment of pregnancy and exposure. Within these three types of crimes against the person, there were 172 cases reported. The predominance of reports of crimes against property is an accurate representation. From the early nineteenth century to 1850 there was an increase in the proportion of crimes against property, while there was a decline in the percentage of crimes against the person.<sup>103</sup> In Ian

<sup>102</sup> This table includes data from 366 crimes that were reported in the *Aberdeen Journal* in 1845. These 366 crimes were within the six most frequently reported crimes within the typology of crimes reported (those of murder, assault, infanticide, theft, fraud, and trespassing). This table does not include data from 49 crime reports that were included in the *Aberdeen Journal* in 1845. These 49 crimes were those that fell outside of the six predominant types of crime reported in this newspaper, including crimes of wanton mischief and arson.

<sup>103</sup> Donnachie's study on the crime rates in Scotland show that in 1810 55% of the crimes recorded in Scotland were crimes against property, while 28% were crimes against the person. Over the course of the nineteenth century, these rates continued to change, resulting in 1850 with 79% of the crimes being crimes against property and 15% being crimes against the person; Donnachie, "The Darker Side," 10.

Donnachie's survey of Scottish crime rates, he explains these trends by examining the relationship between crime and urbanization, economy, geography and class. The increase of theft was most prevalent in urban areas, where there was a concentration of both poverty and wealth.<sup>104</sup> This period also saw a changing definition of property and ownership, and an evolving notion of privacy, resulting in higher levels of property crime.<sup>105</sup> Not only were crimes against property rated as the most frequently occurring crime in Scotland, crimes against property were the most frequently reported crime in the *Aberdeen Journal* in 1845.

**Figure 3: Average size of reports of crimes against property**

<i>Average size of reports of crimes against property</i> 13.4 cm <sup>2</sup>		
<i>Average size of reports of theft, robbery, housebreaking</i> 14.3 cm <sup>2</sup>	<i>Average size of reports of fraud, forgery, falsehood</i> 13.2 cm <sup>2</sup>	<i>Average size of reports of trespassing</i> 12.7 cm <sup>2</sup>

Source: *The Aberdeen Journal*, 1845

While the quantity of reports on crime against property was higher than those of reports on crimes against the person, the size of the reports on crimes against the person were much longer. Reports of crimes against the person occupied 3033.91 cm<sup>2</sup> of text in the *Aberdeen Journal* in 1845, with the average report measuring 18.3 cm<sup>2</sup>.

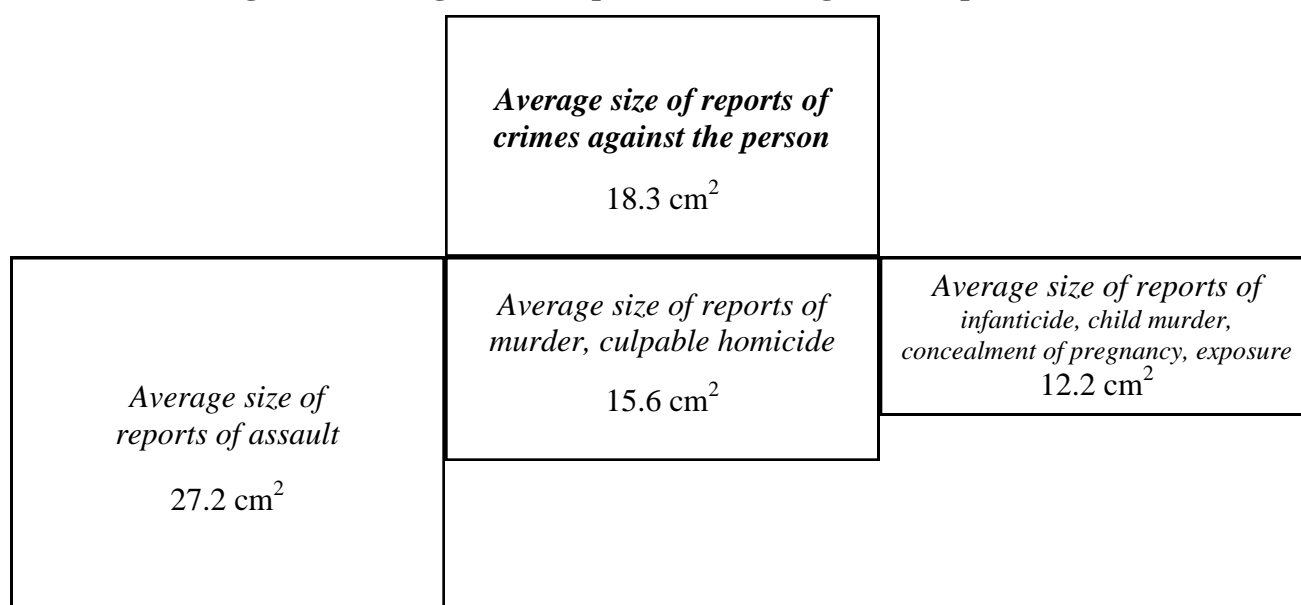
The crimes against property including theft, fraud, and trespassing were the most frequently reported, yet overall, the size of these reports were shorter than the reports of crimes

<sup>104</sup> Donnachie, "The Darker Side," 9.

<sup>105</sup> Donnachie, "The Darker Side," 9.

against the person, those of murder, assault and infanticide. The limited size of these reports resulted in different information being included or omitted. The typical report included information on the crime committed, the location of the crime, those involved and, less frequently, the outcome. While it may seem as though the size of these reports do not differ greatly, it is necessary to consider how the size of these reports impact the information presented to the reader.

**Figure 4: Average size of reports of crimes against the person**



Source: *The Aberdeen Journal*, 1845

For example, on October 8, 1845, the *Aberdeen Journal* reported on the trial of David Jolly for the crime of assaulting Francis Reid, a young boy.<sup>106</sup> The report was 31cm<sup>2</sup> in size and stated that Jolly, an elderly man, had discharged a pistol, wounding Reid in the thigh while near Chapel Lane in Aberdeen. The report revealed his motive in shooting at Reid, explaining that he was in a temper, but was at such a distance from the boy that he did not intend to hit him. The report also described the regret that Jolly felt, and his plea for a mitigation of punishment. The

<sup>106</sup> *Aberdeen Journal*, October 8, 1845.

inclusion of these details focused on his guilt, but also presented readers with language that humanized the accused rather than demonized him. The statements of the court were presented to the reader, showing that judge had difficulty coming to a resolution, finally sentencing Jolly to 6 months imprisonment rather than transporting him or sentencing him to death.

In the same paper, the trial of Jean Lobban from Banff was reported.<sup>107</sup> Within only 3 lines of text, the details of the trial were given, including her guilty plea for the charge of concealment of pregnancy, and the sentence of twelve months imprisonment. While a great deal of information can be provided in only 3 lines of text, the difference between the limited details provided in the report of the trial of Jean Lobban, in comparison to the trial of David Jolly, is significant.

Historians have noted the significance of the length of reports in the presentation of crime to the reading public. During the eighteenth and nineteenth century, changes were made in the content that was presented to the public in British newspapers' representations of crime. Several historians, in their examination of these changes, conclude that the transitions that occurred in this period affected how the public understood the nature of crime and the prevalence of crime in society. For example, Esther Snell's research on *The Kentish Post* involves an examination of the quality of the crime reports and, as a result, she suggests that the content representing criminality to the public in the eighteenth century was significantly different from the portrayal of crime in print during the seventeenth century.<sup>108</sup> As well, in her study on the role of sensationalism in the modern press, Joy Wiltenburg notes that, in the seventeenth century, crime reports often included lengthy explanations of the cause and motivations for crime, which tended to refer to sin, and the rightful punishment by Providence, providing a means by which the reader could understand and

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<sup>107</sup> *Aberdeen Journal*, October 8, 1845.

<sup>108</sup> Snell, "Discourses of Criminality in the Eighteenth-Century Press," 37.

cope with the details of crime.<sup>109</sup> Snell explained the change in content in the newspapers in the eighteenth century and used both quantitative and qualitative measures to examine the changes in the representation of crime. Snell found that the length of crime reports gradually decreased over this period, from accounts that initially tended to be up to a full column in length, to accounts at the end of the period that were less than five lines in length.<sup>110</sup> As a result of these shorter reports the causes and motives of the criminal activity were often omitted.<sup>111</sup> Snell concluded that this is a significant change in the ‘traditional explanatory rhetoric’ that had previously been used to lessen the disturbing nature of crime.<sup>112</sup>

The length and content of crime reports were not only determined by the type of crime or quality of the story. In considering the writing, selection, and organization of the newspaper, the role of the editor and journalist must be considered. The space provided for reporting crime was determined by other content; when other material required priority of coverage, the editorial decisions on the length and content of crime reports were made. For example, on February 12, 1845, the opening of Parliament was the dominant news item, resulting in only three crime reports included in this particular edition. Similarly, on March 26, 1845, the *Aberdeen Journal* included several long articles on the railway. As a result, crime reports were limited to three short articles placed on the last page of the paper, even though such reports tended to be placed on the second or third page of the paper. Nonetheless, while prioritized content may have determined the column space available for crime reports, some space was always provided for crime reportage. It is therefore, even more important to consider how, in the space provided for

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<sup>109</sup> Foyster, “Introduction: Newspaper Reporting of Crime,” 10.

<sup>110</sup> Snell, “Discourses of Criminality in the Eighteenth-Century Press,” 30.

<sup>111</sup> Snell, “Discourses of Criminality in the Eighteenth-Century Press,” 31.

<sup>112</sup> Snell, “Discourses of Criminality in the Eighteenth-Century Press,” 32.



the use of crime reportage, the space was negotiated between the selected reports. These decisions were a result of the editorial process.

The writing, selection and organization of reports reveal the voice of both the journalist and the editor. While reports throughout the *Aberdeen Journal* did not include the name of the author, the writing and language must be seen as being intentionally selective. For example, in the previously mentioned case of David Jolly, the reader is presented with information on the age of the accused and the victim, as well as the location in which the crime occurred. This information may have seemed alarming to the reader, especially if they resided near Chapel Lane in Aberdeen. However, the motive for the crime, the claim that the action of the accused was accidental, as well as the resolution from the court that showed the considerations of both justice and mercy that were made, may have provided the reader with closure. In comparison, the few lines given to the report on the trial of Jean Lobban, may have allowed the reader to remain disconnected from the case. Alternatively, because of the omission of details of the motives or the response of the accused or the court, the reader may not have benefitted from what Snell describes as the ‘tradition explanatory rhetoric’<sup>113</sup> that allowed for the reader to make sense of the crime.

In the *Aberdeen Journal* publications in 1845, the crimes of assault were the longest of the reports and these were most often reports coming from Scotland, and within Aberdeen itself. It is interesting, then, that these were provided with the most column space. It could be argued that they were the longest reports because more information could be gathered as the crime was committed locally. Assault was also a violent crime, and therefore required more space to be dedicated to the reporting of these crimes.

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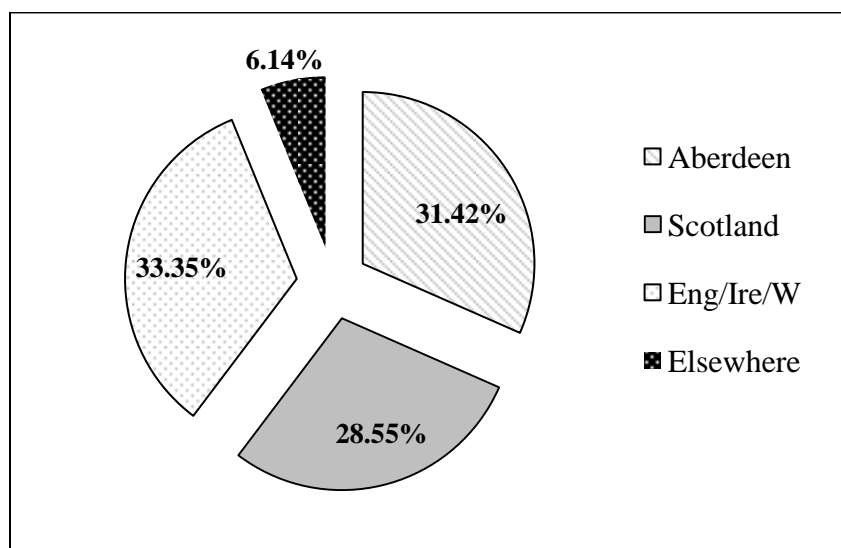
<sup>113</sup> Snell, “Discourses of Criminality in the Eighteenth-Century Press,” 32.

Theft was the most frequently reported crime in the *Aberdeen Journal* in 1845. This is an accurate representation, as the crime of theft made up the largest category of crimes tried by the courts.<sup>114</sup> However, while there were 149 reports of theft, robbery and housebreaking in the *Aberdeen Journal* in 1845, there were 125 reports of murder and culpable homicide. Yet, during this particular year, only two cases of attempted murder were brought before the High Court of Justiciary in Aberdeen. Therefore, the *Aberdeen Journal* provided a disproportionate representation of murder to its readers by bringing in reports of murder and culpable homicide occurring outside of Aberdeen.

#### Location and the reporting of crime in the *Aberdeen Journal*

When reporting on crime, the *Aberdeen Journal* included reports not only from within Scotland, but throughout the world. In 1845, there were 144 reports of crime from Aberdeen and 93 from

**Figure 5: Percentage of crime reports by location**



Source: *The Aberdeen Journal*, 1845

<sup>114</sup> For example, between 1845 and 1850 there were 241 charges brought before the High Court of Justiciary in Aberdeen. 74.7% of these charges involved theft, housebreaking or robbery. In comparison, the charge of murder made up 2.9%, assault charges, 4.1%, infanticide, exposure, concealment of pregnancy, 6.2%, and fraud, 12%. *National Archives of Scotland*, JC26/1845-JC26/1850.

elsewhere in Scotland, equaling 237 cases in Scotland in total. There were 152 cases that were reported on crimes committed in England, Ireland and Wales and 28 reports of crimes that occurred outside of the British Isles. The majority of reports of crimes occurring outside of Scotland were republished from other regional and national newspapers. This suggests that there was a demand for reports on crime from outside of Aberdeen. Whether these reports were incorporated into the *Aberdeen Journal* out of convenience as they did not require the work of the paper's own journalists or because they allowed the paper to meet the expectations for the quota of crime reports, the inclusion of these reports from outside of Aberdeen was a proponent of the business of selling the news.

The thefts reported most often occurred in Aberdeen, numbering 94 reports or 62% of the thefts reported in the *Aberdeen Journal*. Theft was both the most frequently reported crime and the crime most often committed in Aberdeen. Theft in Scotland, outside of the county of Aberdeen were reported in 34 articles and theft in England, Ireland and Wales was presented in

**Figure 6: Quantity of crime reports by location**

	Aberdeen	Scotland	Eng/Ire/W	Elsewhere
Theft	94	34	20	2
Fraud	10	8	13	2
Trespassing	11	1	0	0
Assault	7	13	11	3
Murder	2	12	93	18
Infanticide	5	5	3	0

Source: *Aberdeen Journal*, 1845

29 reports. However, theft occurring outside of Great Britain was seldom reported. As Deborah Symonds proposes in her study of the 'Shadow Economy', "theft was an entrepreneurial activity

possible for those without capital, appealing to those who would be entrepreneurs”.<sup>115</sup> Therefore, theft was often seen as a crime that was committed on a smaller scale and was, overall a less serious crime. Thefts that occurred outside of Britain would not have raised as much attention and would not have been included unless they included extraordinary circumstances.

However, with regards to murder, there were two reports of attempted murder in Aberdeen in 1845, 12 reports of murder in Scotland, and 93 reports of murder occurring in England, Ireland and Wales. Therefore, the majority of the murders reported in the *Aberdeen Journal* occurred in England, Ireland and Wales. Research shows that the *Aberdeen Journal* took on reports of crimes from outside of Aberdeen, selecting the most serious and extraordinary of crimes to report. For this reason, some of the most serious crimes presented to the reader occurred, not within the reader’s community, but from outside of it. This may have suggested to the reader that the most serious crimes were taking place outside of their community. However, reports on crime outside of Aberdeen also allowed for a commentary on the overall control of crime in Britain to emerge through publications of the *Aberdeen Journal*. For example, murders occurring in Ireland were frequently reported along with a commentary on the overall state of British crime, contributing to perceptions of the crime. On January 29, a murder in Ireland resulted in the *Aberdeen Journal* stating that British law was too mild and allowed for the guilty to escape.<sup>116</sup> On December 10, the *Aberdeen Journal* published a report of an attack on a man in Ireland and stated, “times are awful, what’s to happen next?”<sup>117</sup> This commentary provided a stark contrast to the local reports of theft. While crimes of theft were more closely tied to the economy, living standards and social welfare, murder was inexplicable. For example, Symonds research reveals that there is a level of crime that is permissible within a community, but “the

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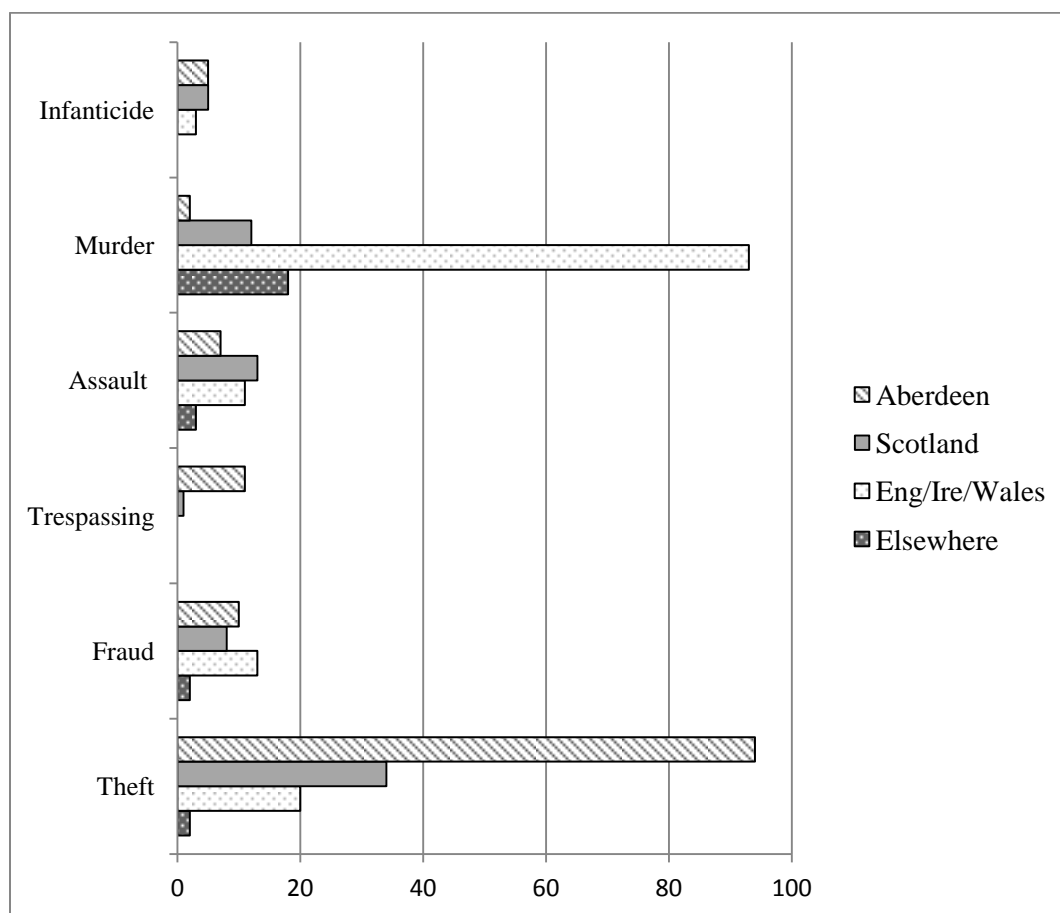
<sup>115</sup> Symonds, *Notorious Murders*, 136

<sup>116</sup> *Aberdeen Journal*, January 29, 1845.

<sup>117</sup> *Aberdeen Journal*, December 10, 1845.

line between murderers, especially of the neighborhood poor, and petty criminals was quite clear to the people".<sup>118</sup> The reader of the *Aberdeen Journal* may have been able to make sense of the crimes of theft occurring within their community, while the crimes occurring elsewhere, especially those involving murder, were incomprehensible.

**Figure 7: Type of crime reports by locality**



Source: *Aberdeen Journal*, 1845

In contrast to reports of murder, assault and fraud were more equally represented between Aberdeen, Scotland and the rest of the Britain Isles. The reports of infanticide, however, were most often from Aberdeen and Scotland. Yet, even though these reports were more local, they

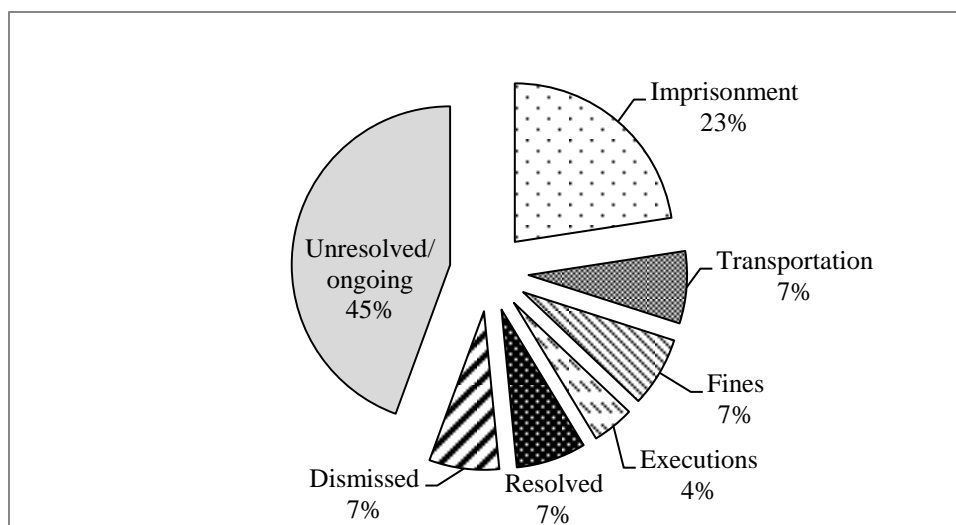
<sup>118</sup> Symonds, *Notorious Murders*, 73.

tended to be limited in length, suggesting that, though details may have been available as the crime was committed locally, it was not seen as ideal for the format of the newspaper.

Trespassing reports were only from Aberdeen and Scotland, resulting in local representations of this crime.

Location was also influential when reporting on the outcome of criminal activity. In 1845, there were 28 reports where the outcome was execution. As an execution had not occurred in Aberdeen since the hanging of Margaret Davidson for the murder of her husband by poison in the 1830s,<sup>119</sup> it is possible that the reader's only encounter with an execution would have been through reading the newspaper. Of the punishments given, imprisonment was the most frequently reported deterrent, numbering 95 reports. Sentences of transportation and fines were nearly equally represented with 31 of the reports involving transportation sentences and 30 including fines. Altogether, the news reports that involved some form of punishment numbered 174. This made up 41.9% percent of the reports.

**Figure 8: Outcomes of criminal activity reported in the *Aberdeen Journal*, 1845**



<sup>119</sup> *Aberdeen Journal*, May 23, 1849

However, for many of the reports, the crimes were left unresolved. Many of the reports involved crimes that were not yet resolved, with case ongoing, or without hope of resolution. This shows that the editors of the *Aberdeen Journal* reported stories as they were ongoing, not waiting until there was a conclusion to the report. Even though the *Aberdeen Journal* was only a weekly publication, there was still an urgency to report crime, even if crimes were left unresolved for the reader. This illustrates the demands of the paper and the interest of the audience in reports of crime. As well, the number of crimes left unresolved might have revealed to the reader that, regardless of whether crime rates were declining, there was a large number that were unsolved. For those reports from Aberdeen that lacked a resolution, the result may have been a concern for the safety of the community. Reports also included cases that were dismissed or acquitted. It should be considered that those cases that were acquitted or dismissed may not have felt resolved to the reader, as it may have suggested that the guilty party was still unknown and the case, unsettled.

Reports of crime from outside of Aberdeen were included in the *Aberdeen Journal* and tended to be sensational in tone or report on serious cases. However, not all sensational stories occurred outside of Aberdeen, or resulted in either severe punishments or left unresolved. For example, on February 19, 1845, there was a comical report in the *Aberdeen Journal* of an event occurring in the market in Aberdeen. The reporter said a crowd in the market was startled by the sudden calling out of a flesher, shouting, “My heart – my heart; there’s a wife awa’ wi’ my heart”, after a woman who was departing through the crowd.<sup>120</sup> When she was apprehended, “it was found that, instead of her making free with the flesher’s own heart, she had fancied that of a bullock, which was lying upon his stand, and made off with it”. This story was not included in the *Aberdeen Journal* for its severity of crime, but it is preserved in the *Aberdeen Journal*

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<sup>120</sup> *Aberdeen Journal*, February 19, 1845.

nonetheless. It shows a light-hearted understanding of crime, suggesting that there was a level of crime that was seen as acceptable in society. Another example of a surprising turn of events was recorded on December 10, 1845. The *Aberdeen Journal* detailed the theft of a watch from a shop.<sup>121</sup> Shortly after the alarm was raised, the watch was returned back to the merchant inside an envelope as the culprit had been taken by the “power of conscience”. While accounts of murder and horrific crimes were far more frequently reported in the *Aberdeen Journal* than these extraordinary events, these examples reveal that often more is known about people that are involved in criminal acts than people who live by the law. These glimpses of individuals’ lives and extraordinary events would not have been preserved in the newspaper if they had not involved crime. Because they do, there is now a record of events that would not have been revealed through court records. Through the publication of these reports, the reader was made aware of these extraordinary events and the individuals involved in them.

### Social Context

The crime reports in the *Aberdeen Journal* in 1845 not only provide a description of criminality, but also reveal the social context in which these crimes occurred and the communities to which these reports were presented. In this way, the examination of media, such as newspapers, allows for a more thorough understanding of the meaning of crime within the community of Aberdeen. The following sections will examine the reports in the *Aberdeen Journal* from 1845 and the information they provide on the community of Aberdeen by examining the creation of Industrial Schools in Aberdeen, the developments in policing, the representation of gender in crime reports, as well as the concerns of community over a changing economy. These articles provided commentary on the developments in policing method, institutions for young offenders and

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<sup>121</sup> *Aberdeen Journal*, December 10, 1845.



community perceptions of women, juvenile delinquency and theft during this period. As a result of the writing, editing, and organization of the *Aberdeen Journal*, reporters were active moral and social agents who shaped the meaning of crime in Aberdeen

### Industrial schools

Juvenile crime was a concern in Aberdeen during this period. Statistics show that in 1841 there was an estimated 280 children in Aberdeen who were begging and thieving, a quarter of which had been imprisoned at some point in the previous year.<sup>122</sup> As juvenile crime was identified as a rising concern in the mid-nineteenth century in Aberdeen, the community began to react to the problem of crime amongst the younger population. One of the primary responses to juvenile crime was the development of Industrial and Ragged Schools.

In 1841 Sheriff William Watson of Aberdeen initiated the development of an Industrial School to respond to the concerns of juvenile crime. These schools aimed to provide education for the children of the poorest families in Aberdeen and supplied education and training, and perhaps most importantly, three meals a day.<sup>123</sup> Aberdeen was the first locality in Scotland to initiate these efforts, and it was seen as successful throughout the mid-century.<sup>124</sup> William Watson, the initiating force behind these institutions, wrote a book regarding crime and Industrial Schools in Aberdeenshire.<sup>125</sup> In this text, he included statistics of crime, prison numbers, and theft and discussed concerns over how these issues led to the creation of the Industrial Schools. In 1842 there were 36 boys in attendance at the Industrial School. The girls' school was started in 1843. By 1845, there were 54 boys and 53 girls attending regularly. The

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<sup>122</sup> Sydney Wood, "Education," in *Aberdeen 1800-2000: A New History*, edited by W. Hamish Fraser and Clive H. Lee (East Linton: Tuckwell Press, 2000), 329.

<sup>123</sup> William Watson, *Pauperism, Vagrancy, Crime, and Industrial Education in Aberdeenshire, 1840-1875* (Aberdeen: John R. Smith, 1877), 43.

<sup>124</sup> Alexander Thomson, *Industrial Schools; Their Origin, Rise and Progress in Aberdeen* (Aberdeen: Geo. Davidson, 1847), 6.

<sup>125</sup> Watson, *Pauperism, Vagrancy, Crime, and Industrial Education*.

numbers increased over the four year period. By 1850 there were 100 boys and 159 girls attending.<sup>126</sup> Most children in attendance were cared for only by their mothers, or were orphans.<sup>127</sup>

Reports in the *Aberdeen Journal* illustrated the reasons for the concern over juvenile crime. On April 23, 1845 three “young boys” were accused of stealing from John Mortimor.<sup>128</sup> The accused were Robert Carr, William Campbell, and John Campbell, who was nine years old. The charges included theft by housebreaking and stealing a box of money and papers. Carr and Campbell pleaded guilty; however, John Campbell, the nine year old, pleaded not guilty. In the end, all three of the accused were found guilty and were sentenced to 7 years transportation. Another case reported in the *Aberdeen Journal* involved Francis McGrath and Lawrence Mauchlin, who were simply described as “boys”.<sup>129</sup> They were also accused of theft in Aberdeen. As described in the report, a “young lady”, had her pockets picked. After she gave a description to the police, they were able to “immediately” find the boys who committed the crime. McGrath was sentenced to 60 days in prison and Mauchlin to 30 days imprisonment. This report included high praises for the Aberdeen police. The immediacy with which they were able to find the boys, suggests that the police were highly aware of these, possibly notorious boy thieves, having their own suspicions that they were capable of pick-pocketing.

In Linda Mahood’s research on child-welfare institutions in Scotland, she illustrates the response to juvenile offenders prior to the second quarter of the nineteenth century: “Little if any attention was paid to age or sex of the offender, and girls and boys were thrown into prison

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<sup>126</sup> Watson, *Pauperism, Vagrancy, Crime, and Industrial Education*, 50.

<sup>127</sup> Wood, “Education,” 329.

<sup>128</sup> *Aberdeen Journal*, April 23, 1845.

<sup>129</sup> *Aberdeen Journal*, June 25, 1845.

alongside adults for the most trivial of charges.”<sup>130</sup> However, those who were critical of the prison system argued that prison was not a deterrent for young offender, nor did prison facilitate rehabilitation.<sup>131</sup> The Industrial Schools in Aberdeen were established in response to such concerns and aimed to provide an institution for deterring young offenders.

In 1847, Alexander Thomson wrote a text titled *Industrial Schools; Their Origin, Rise and Progress in Aberdeen*. He used the schools started by Sheriff Watson as an example of how they could be successful.<sup>132</sup> Thomson describes the program in the schools:

The attendance on the whole, is excellent – better than at an ordinary day school. The general arrangement of the day is four hours of lessons, five hours of work, and three substantial meals. The whole produce of the work of the children goes towards defraying the expense of the establishment.<sup>133</sup>

By 1847, the Industrial Schools were seen as a success by Thomson, based on the visible differences in the streets of Aberdeen.

A few years since, there were 280 such children in Aberdeen, who had no visible means of subsistence but by begging and stealing. A begging child is now seldom to be seen in our streets or in the county, and juvenile delinquency has considerably diminished. The former result has been produced by the establishment of Schools of Industry.<sup>134</sup>

Industrial Schools were also seen as successful due to the way in which they fit within the social identity of those who supported the institutions. Graeme Morton’s research on the construction of identity in Scotland explores the influence of Industrial Schools in reinforcing identity: “The feared loss of morality, of social stability, and the inculcation of industrious and temperate habits mobilized and sustained the religiosity of the Scots, counteracting the anticipatory signs of secularization. It was a response rooted in the identification of Scotland as a

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<sup>130</sup> Linda Mahood, *Policing Gender, Class and Family: Britain, 1850-1940*, (London: UCL Press, 1995), 30.

<sup>131</sup> Mahood, *Policing Gender, Class and Family*, 30.

<sup>132</sup> Thomson, *Industrial Schools*, 6.

<sup>133</sup> Thomson, *Industrial Schools*, 9.

<sup>134</sup> Thomson, *Industrial Schools*, 30.

place where religious virtues prevailed among its people.”<sup>135</sup> Industrial Schools were seen as successful in Aberdeen and Scotland because they responded to the concerns of the community in a way that was consistent with their understanding of crime and the deterrents of crime. In the *Aberdeen Journal*, Industrial schools were represented and celebrated as being a successful preventative measure for juvenile crime. For example, on February 26, 1845, a report was published in the *Aberdeen Journal* on juvenile delinquency, proposing the benefits of Industrial Schools in reducing criminal activity amongst youth. As the Industrial Schools in Aberdeen were seen as successful, other Scottish towns followed the example.<sup>136</sup> As Schools of Industry spread, reports from outside of Aberdeen were printed in the *Aberdeen Journal*. For example, on June 25, 1845, the decrease of crime in Perth was attributed by the editors of the *Aberdeen Journal* as being a result of the Industrial Schools. Also, on August 13, 1845, a report on the connection between juvenile delinquency and crime was reported, attributing the changes in juvenile crime as a result of the Schools of Industry. Through such reports, the reading community was presented with positive representation of the influence of Industrial Schools in alleviating the problem and concerns of juvenile crime in Aberdeen.

However, it should be considered that those who may have taken issue with Industrial Schools, especially the families of those the school targeted, may not have been able to use the *Aberdeen Journal* as a venue to discuss their view of the role of Schools of Industry. While the schools are described as being voluntary,<sup>137</sup> the police were, nonetheless, quite involved with the efforts to try to control juvenile delinquency and trying to prevent its increase. In 1845, a

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<sup>135</sup> Graeme Morton, “Identity Out of Place,” in *A History of Everyday Life in Scotland, 1800-1900*, edited by Trevor Griffiths and Graeme Morton (Edinburgh: Edinburgh University Press, 2010), 270.

<sup>136</sup> Mahood, *Policing Gender, Class and Family*, 34-35; for example, Reverend Thomas Guthrie was influenced by William Watson and raised funds to open the Edinburgh Original Ragged School in 1847. Schools opened in other Scottish towns as well, including Ayr, Dumfries, Dundee, Glasgow, Greenock, Paisley, Perth, Stirling and Stranraer

<sup>137</sup> Thomson, *Industrial Schools*, 7.

measure was put in place that allowed the police to apprehend any child that was begging, and place them in the Industrial School.<sup>138</sup> This illustrates the way in which efforts of the police reflected the locality in which they functioned and shows the way in which policing responded to the concerns of the community. However, while reports on the work of Sheriff Watson and of the police in Aberdeen in curbing the numbers of young offenders were evident throughout the *Aberdeen Journal* during this period, there were critiques on the efficiency of the Schools of Industry published in the *Aberdeen Journal*.

On September 25, 1850 an article described a meeting held on juvenile delinquency.<sup>139</sup> Sheriff Watson began the meeting by discussing how several of the watching committee had been victims of pick-pocketing. His suggestion was to have more Industrial Schools, and more resources allotted to the ones already existing. He also requested a policeman to be placed at the Industrial Schools. However, a Mr. Rose, who was also at the meeting, queried “how many schools Sheriff Watson would be inclined to have if all his suggestions were acceded to”.<sup>140</sup> Rose’s arguments focused on Watson’s continuous requests for donations, and his desire for other reformatory efforts to be approved, such as reforming drunkards or educating prostitutes - suggestions that were met with laughter by some in attendance.<sup>141</sup> Mr. Rose also suggested that, in such efforts, funds Watson had received were being misappropriated. However, despite Mr. Rose’s criticisms, the meeting concluded with the Provost revealing that Mr. Rose had unintentionally paid a high compliment to Watson by showing all the useful schemes he had used to improve the community of Aberdeen, and that the community was indebted to him for

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<sup>138</sup> Watson, *Pauperism, Vagrancy, Crime, and Industrial Education*, 44-45.

<sup>139</sup> *Aberdeen Journal*, September 25, 1845.

<sup>140</sup> *Aberdeen Journal*, September 25, 1845.

<sup>141</sup> *Aberdeen Journal*, September 25, 1845.

reducing crime and putting many in the way of well-doing.<sup>142</sup> Perhaps not surprisingly, the requests made by Watson at the beginning of the meeting were approved.

The creation of Industrial Schools in Aberdeen shows the way in which theft committed by children was a concern of those living in Aberdeen. Discussion of the success in the prevention of juvenile crime was a frequent commentary in the *Aberdeen Journal*, making this institution a significant part of the efforts to reduce crime and improve the city of Aberdeen. The editors and journalists of the *Aberdeen Journal* included commentary on the success of William Watson and the Industrial Schools that celebrated these institutions and connected them to decline in juvenile crime. Therefore, the reporting of crime in the *Aberdeen Journal* did not only include articles on criminality, but also provided commentaries on the deterrents established within the community to prevent crime.

### Policing

As the population of Scottish towns, including Aberdeen, grew, the “necessity for the state to develop mechanisms for policing these large urban populations” developed.<sup>143</sup> In an article focused on the development of Scotland’s police force, W.G. Carson concluded that the establishment of the policing system was a response to the process of modernization, as the transition to modern society was not always peaceful.<sup>144</sup> While the police system may be seen as the natural response to modernization, the role of the police, nonetheless, evolved over time. As Knox and McKinlay describe, the police force had a role in the enforcing of moral behaviour, and as such were part of the process whereby new definitions of crime were established as some

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<sup>142</sup> *Aberdeen Journal*, September 25, 1845.

<sup>143</sup> Linda Mahood, *The Magdalenes: Prostitution in the nineteenth century* (London: Routledge, 1990), 119.

<sup>144</sup> W.G. Carson, “Policing the Periphery: the Development of Scottish Policing, 1795-1900: Part II – Policing and the Production of Social Order,” *Australian and New Zealand Journal of Criminology* 18 (March 1985): 3-4.

previously acceptable acts became criminalized.<sup>145</sup> Mahood also suggested that, as the government took responsibility for setting minimum standards, a code of new offences emerged due to advances in legislative regulation which affected the content of the law, as well as the courts and the penal system.<sup>146</sup> W.G. Carson examines the role of the police in a different way. Carson describes the initial concept of policing in Scotland as being quite broad, with a focus on policing for the public good and happiness, rather than as a response to the concern of the future ills or for a need to maintain order.<sup>147</sup> However, the nature of policing also evolved into a legitimate system of surveillance for the rapidly changing society.<sup>148</sup> Carson notes that the nature of policing also changed as the police needed to legitimize their role. In order to do so, the police took on an administrative function, as it was increasingly necessary to tabulate, record, and communicate information to other police systems in a standardized way in order to demonstrate their efficiency and to work in collaboration with the authorities.<sup>149</sup> While historians such as Knox, McKinlay, Mahood and Carson may examine different aspects of the role of the police, they each demonstrate the evolving nature of the police system in Scotland, as it moved from a decentralized system in the early nineteenth century to a more standardized institution by the end of the century.

Historians examining the Scottish police system also recognized the distinctiveness of Scotland's policing. David Barrie notes the way in which the Scottish police model, like the Scottish criminal justice system, had a distinctiveness that distinguished it from the English

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<sup>145</sup> W.W.J. Knox and A. McKinlay, "Crime, Protest and Policing in Nineteenth-Century Scotland," in *A History of Everyday Life in Scotland, 1800-1900*, ed. Trevor Griffiths and Graeme Morton (Edinburgh: Edinburgh University Press, 2010), 214.

<sup>146</sup> Mahood, *The Magdalenes*, 119.

<sup>147</sup> W.G. Carson, "Policing the Periphery: the Development of Scottish Policing, 1795-1900: Part I," *Australian and New Zealand Journal of Criminology* 17 (Dec 1984): 210.

<sup>148</sup> Carson, "Policing the Periphery: Part II," 14.

<sup>149</sup> Carson, "Policing the Periphery: Part II," 14.

model.<sup>150</sup> Indeed, in Scotland, the concept of policing was different compared to elsewhere in the United Kingdom.<sup>151</sup> In Scotland, policing involved a variety of public services, including lighting, cleaning, paving, the supply of water and sanitation, and of course, the watching and attempted control of criminal activity.<sup>152</sup> Police were not just involved in the control of crime. This was unique in that it allowed each town authority to develop their policing to reflect the needs of their community within the administration of wider police acts throughout Scotland.<sup>153</sup> Policing was, therefore, quite localized as it was not controlled by a central authority. This makes the study of individual police developments that much more necessary, as each borough had a system that developed according to the needs of the community. Barrie writes:

The value of police development in urban Scotland, however, has the potential to go beyond the narrow confines of criminal justice history. Indeed, given the range of services covered by ‘police’, it is surprising that it has not occupied a central place among historians examining wider aspects of Scottish society.<sup>154</sup>

He also suggests that the distinctive customs, practices and traits of the Scotland’s police had been held up as badges of national pride in some studies.<sup>155</sup> Barrie’s purpose in writing was to examine the extent to which the Scottish experience of policing was recognizably different from that in England, especially as the policing systems developed throughout the nineteenth century.<sup>156</sup> Some scholars suggest that, as the English and Scottish policing systems evolved, they increasing converged over the period, most notably merging with the guidelines established in London.<sup>157</sup> However, Barrie concludes that the Scottish and English systems not only

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<sup>150</sup> David Barrie, “Anglicization and Autonomy: Scottish Policing, Governance and the State, 1833 to 1885,” *Law and History Review* 30, no. 2 (2012): 449.

<sup>151</sup> Barrie, *Police in the Age of Improvement: Police Development and the Civic Tradition in Scotland, 1775-1865* (Cullompton: Willan Publishing, 2008), 3.

<sup>152</sup> Barrie, *Police in the Age of Improvement*, 7.

<sup>153</sup> Barrie, *Police in the Age of Improvement*, 3-4.

<sup>154</sup> Barrie, *Police in the Age of Improvement*, 7.

<sup>155</sup> Barrie, “Anglicization and Autonomy,” 450

<sup>156</sup> Barrie, “Anglicization and Autonomy,” 452

<sup>157</sup> Barrie, “Anglicization and Autonomy,” 450-451.



remained distinct, but because of the uniqueness of the Scottish system, a more thorough study would benefit the understanding of developments in policing throughout the nineteenth century in general.<sup>158</sup> Carson also suggests that the unique qualities of the Scottish system require a more thorough study, though not for the purpose of placing the Scottish police system within a broader context. Carson argued that because of the local decentralization and differing power balances amongst the police systems in Scotland, each individual system developed at varying rates.<sup>159</sup> Therefore, the extent of the uniqueness of the Scottish police system can only be fully understood through a detailed case-history approach.<sup>160</sup> In this way, the study of the Scottish police system is not only necessary in demonstrating Scotland's distinctiveness within the British context of policing, but also to reveal the way in which the Scottish system reflected the local and regional nature of the societies it served.

In Aberdeen, the responsibility of policing was shared by the policing commissioner and the Harbour Board.<sup>161</sup> This combined effort was responsible for policing in Aberdeen until 1862. In general, the policing in Aberdeen up until this time was quite limited in numbers, as the pay was not good and those that were involved in policing were largely untrained and functioned without much centralized control with efforts being divided.<sup>162</sup> In 1858-9 a report by the Inspector of Constabulary, conducted by Colonel Kingloch, found that the policing in Aberdeen was inefficient as there were not enough police, with a ratio of 934:1 Aberdonians to policemen.<sup>163</sup> The report criticized the development of policing in Aberdeen by targeting the

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<sup>158</sup> Barrie, "Anglicization and Autonomy," 494.

<sup>159</sup> Carson, "Policing the Periphery: Part I," 230.

<sup>160</sup> Carson, "Policing the Periphery: Part I," 230.

<sup>161</sup> Rosemary Tyzack, "'No Mean City?' The Growth of Civic Consciousness in Aberdeen with Particular Reference to the Work of the Police Commissioners," in *The City and its Worlds: Aspects of Aberdeen's History since 1794*, edited by Terry Brotherstone and Donald J. Witherington (Glasgow, Cruithne Press, 1996), 160.

<sup>162</sup> Tyzack, "'No Mean City?'" 160.

<sup>163</sup> Barrie, *Police in the Age of Improvement*, 185.

outdated organization and the inadequacy of its policing.<sup>164</sup> After the report, the police in Aberdeen moved towards being a more effective and efficient police force.<sup>165</sup>

While historians have noted that the policing in mid-century Aberdeen was not satisfactory, the *Aberdeen Journal* presents an alternative perspective to the quality of policing in Aberdeen. There are a number of articles that show the involvement of the police in the prevention of crime and the carrying out of justice. For example, on July 2, 1845, there were three articles that involved theft in Aberdeen that congratulated the work of the police in the apprehension of the criminal. For example, Adam Holding, a young boy, was apprehended by the police after he had stolen a quantity of iron for a shop's door in Carnegie's Brae. This article does not just describe the crime that was committed, but recognizes the work of the police in apprehending the thief: "A description of the depredator was given, and the police (Sergeant Gilbert and Chasser) knowing his character and haunts, pounced upon him".<sup>166</sup> In the next report, the apprehension of Thomas Bruce by the police was reported and also described the work of the police in using the descriptions provided by a witness to find Bruce: "Information was given at the Police-office of the second theft, and the former one mentioned at the same time, together with the description of a boy who had been observed loitering about the premises... was apprehended, and pleading guilty, was sentenced to thirty day's imprisonment".<sup>167</sup> In the next report, Ann Joss was described as stealing some shirts that had been out drying in the Inches in Aberdeen. She was apprehended by Sergeant Gilbert and Fortune of the Police.<sup>168</sup> Each of these reports made note of the involvement of the police as being fundamental in carrying out justice.

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<sup>164</sup> Tyzack, "“No Mean City?”" 161.

<sup>165</sup> Tyzack, "“No Mean City?”" 161.

<sup>166</sup> *Aberdeen Journal*, July 2, 1845.

<sup>167</sup> *Aberdeen Journal*, July 2, 1845.

<sup>168</sup> *Aberdeen Journal*, July 2, 1845.

In terms of reports on individual crimes, the police were well-represented in the *Aberdeen Journal* in their work and the prevention of crime and carrying out of justice.

In Shpayer-Makov's work on the relationship between the press and the public's reception of the police, she shows the role of the press in transforming the figure of the police detective. She suggested that during the Victorian period there were few occupations impacted by public opinion as the occupation of the police.<sup>169</sup> Shpayer-Makov explores the way in which the press influenced the image of the police, allowing it to gain legitimacy as an adequate and functioning institution.<sup>170</sup> By connecting the crime reports in the newspapers to the public's developing reception of the police detective, a measurable representation of the relationship between the press and societal response can be attained. As reports such as those in the *Aberdeen Journal* celebrated the efficiency of the police, the representation of the local police in the news presented a different perspective of the role of the police in comparison to records of the Inspector of Constabulary report conducted in 1858-9.

In more general articles in the *Aberdeen Journal*, the police were also being referred to for their work. For example in a letter to the editor on September 10, 1845, a writer acknowledged the way in which the police had successfully been able to interact with members of the community in order to bring about arrests. A previous article in the *Aberdeen Journal* had mentioned that the police had worked with a pawnbroker in order to apprehend a criminal.<sup>171</sup> In the letter to the editor that followed, the writer argued that this was not an extraordinary event, but that the police were making such efforts on a regular basis, which should be recognized. This was not just one act of efficiency of the police, but a regular interaction. Through such reports, the *Aberdeen Journal* functioned as a venue through which the role of the police was legitimized,

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<sup>169</sup> Shpayer-Makov, "From Menace to Celebrity," 672.

<sup>170</sup> Shpayer-Makov, "From Menace to Celebrity," 672.

<sup>171</sup> *Aberdeen Journal*, September 10, 1845.

much the same as the role that Shpayer-Makov suggests the press has in their influence over the image of the police.

### Gender

In Peter King's work on the reporting of crime and justice in London, he lists a number of approaches that would enhance the historian's understanding of crime in the news. King suggests that the gendered elements of crime reporting would provide valuable insight into the difference in the representations of crimes committed by women, and those committed by men.<sup>172</sup> In reporting crime in the *Aberdeen Journal* in 1845, there were 162 reports in which the identity and gender of the victim were left unspecified. However, in the remaining reports, the majority of the victims were identified as male, about 73%. The number of female victims that were specified numbered 91, or 26.7%. However, more of the accused were identified by gender than the victims. There were 546 accused whose gender was specified. Of the reports in which the gender was specified, 80.4% were male, while 20% were female. More often, the crime report would record the gender of the accused than the gender of the victim. This is interesting, as the number of the accused left unspecified is likely a result of cases where the culprit has not been identified. This reveals that the victim, whether male or female, was not the focus of these reports of criminality.

**Figure 9: Gender of the accused and victim in the *Aberdeen Journal*, 1845**

	Male	Female	Unspecified, unknown
Victim	250	91	162
Accused	439	107	92

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<sup>172</sup> King, "Newspaper Reporting and Attitudes to Crime", 90.

While the accused is often defined by their community, or by their individual actions outside of the community, they can also be defined by the way in which their crime fits within the accepted constructs of their gender or how far they have strayed from the hegemonic notions of gender. The study of crimes of violence, criminal law and the courts can be seen as one way to explore the gender attitudes and relationships of the past.<sup>173</sup> The study of the female criminal can provide a very different construction of femininity than the tradition portrayal of women. The examination of the female criminal is, by definition, in contrast to the traditional gendered norms. In terms of Scotland's general crime history, a significant amount of research has begun on the study of female criminality. Kilday notes the way in which Scotland's crime history has focused on female criminality and has revealed the response towards women who had betrayed the expected qualities of their sex.<sup>174</sup> There is certainly a gendered aspect to crime which plays an important role in how we regard the crimes of both sexes.<sup>175</sup>

Several historians of crime and gender have identified the study of female criminality as a way to examine women who ignored or challenged gendered norms through their actions of violence or criminal offences.<sup>176</sup> Much of the work that has been done on women and crime has focused on the types of crimes typically associated with women – specifically witchcraft and infanticide.<sup>177</sup> The crimes of infanticide and witchcraft reveal the social response to these crimes that were considered a contradiction to maternal behaviour.<sup>178</sup> While studies of women and crime often focus on specific crimes such as infanticide, it is interesting to note that reports on the

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<sup>173</sup> Emsley, *Crime and Society in England*, 293.

<sup>174</sup> Kilday, "The Barbarous North?" 389.

<sup>175</sup> Kilday and Nash. *Histories of Crime*, 6-7.

<sup>176</sup> Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Suffolk: The Royal Historical Society, The Boydell Press, 2007), 9; Yvonne Galloway Brown and Rona Ferguson, *Twisted Sisters: Women, Crime and deviance in Scotland Since 1400* (East Linton: Tuckwell, 2002), 3.

<sup>177</sup> Kilday, *Women and Violent Crime*, 17.

<sup>178</sup> Anne-Marie Kilday, "Maternal Monsters: Murdering Mothers in South-West Scotland, 1750-1815," in *Twisted Sisters: Women, Crime and deviance in Scotland Since 1400*, ed. Yvonne Galloway Brown and Rona Ferguson (East Linton: Tuckwell, 2002), 158.

crime of infanticide were the shortest on average in the typology of reports in the *Aberdeen Journal* in 1845. The limited information provided in these reports suggests that the details of the crime were not considered suitable for publication in the newspaper. This lack of detail in the reports of infanticide results in a great deal of unknown regarding the motives, methods, and response of the accused.

Reports involving female criminality in the *Aberdeen Journal* were not limited to infanticide. Crimes of theft, assault and murder committed by women were reported in the *Aberdeen Journal* and included, on average, more detail as to their motives and methods in committing crime than reports of infanticide. While some historians suggest that infanticide and witchcraft are the focus for historians of gender and crime on Scotland because they were crimes that contradicted gendered norms, the reports in the *Aberdeen Journal* reveal that, regardless of the type of crime committed, a female criminal was often described as acting outside of her gendered role. For example, on July 9, 1845, the *Aberdeen Journal* reported that a woman had stolen a man's clothing "to have a lark" and wore the clothing in public.<sup>179</sup> At the time of the publication of the report, the woman was waiting in the police court. This report was placed in the paper between a report of assault and a report of murder. The selection of this event and its placement within the context of more serious crime suggests an intentional response by the editors of the *Aberdeen Journal* in defining this event as a notable crime. The language used to describe crimes committed by women also requires some investigation. On April 2, 1845, a woman who stole a dress was described by the *Aberdeen Journal* as a "masculine" woman. On November 19, 1845, Mary Gordon, who was charged with theft, was reported in the *Aberdeen Journal* as being a "female occupying a superior position in society".<sup>180</sup> In both these reports, the

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<sup>179</sup> *Aberdeen Journal*, July 9, 1845.

<sup>180</sup> *Aberdeen Journal*, November 19, 1845.

description provided of the accused are presented to the reader as to suggest that the crime and actions of the accused were inexplicable.

Kilday also suggests that the study of women and crime can aid in the recognition of the agency and determination of Scottish women when faced with the defense of their families and the protection of their livelihoods.<sup>181</sup> Indeed, the agency of the female criminal is presented to the reader of the *Aberdeen Journal*. In some cases, the report reveals the agency of the female criminal by showing her as clever, even when apprehended by the police. For example, on July 9, 1845, the methods by which a woman picked the pocket of a passerby by managing to get her shawl tangled in the button of his coat were reported in the *Aberdeen Journal*. Her actions were reported in the *Aberdeen Journal* in a way that suggests she used her femininity to achieve her criminal ends, a sentiment that frequents reports of female thieves.

On December 31, 1845, a report on Sarah Gale was published in the *Aberdeen Journal*. Sarah Gale had been transported to Australia for her involvement in a murder. The focus of the report, however, was on Gale's success in Australia, as she had become a shopkeeper of a fashionable confectioners shop. Her success was presented as being an achievement, albeit an achievement that was spurred on by the fulfillment of the law. This report of the reformed female criminal used the success of Sarah Gale as way to illustrate the agency of a reformed criminal.

The agency of the female criminal, and their actions of criminality tended to be presented in the *Aberdeen Journal* through the placement of their actions within or outside of gendered norms. As Symonds argued, within the economy of crime, there was some level of criminal activity that was accepted within a community.<sup>182</sup> However, in the *Aberdeen Journal*, crimes of infanticide, theft, or murder, that were committed by a female were described as being a

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<sup>181</sup> Anne-Marie Kilday, "The Barbarous North?" 390, 400.

<sup>182</sup> Symonds, *Notorious Murders*, 137, 139.

contradiction to expected female behavior. As a result, it should be considered that, while the *Aberdeen Journal* focused the publication on the most severe and extraordinary crimes, the crimes that involved female criminals were given a place in the reporting of crime, not always as a result of the severity of the crime, but occasionally as a result of the reports being sensational simply because they involved a female criminal.

#### Theft and the Economy in Aberdeen

As previously discussed, the economy in Aberdeen between 1845 and 1850 was in flux. Economic decline caused by such things as speculation in railway shares resulted in concerns over how the declining economy might affect society in Aberdeen. In the *Aberdeen Journal*, commentary on the economy was often connected with concerns over crime. The lowest point in the economy of Aberdeen during this period was in 1848.<sup>183</sup> In 1845, however, commentary in the *Aberdeen Journal* suggested that the economy was prospering and having a positive impact on crime rates declining. For example, on September 10, 1845 a report discussed the decrease in imprisonment numbers since 1841. The journalist attributed this to prosperous conditions in Scotland, suggesting that as the living conditions became more stable, crime rates decreased and therefore the numbers imprisoned also decreased.

On October 29, 1845, there was a report that the decreases in crime rates were a result of increased productivity. A strong economy meant that more Aberdonians were finding work and this productivity resulted in a decrease in crime. Such reports show that crime is presented to the readers as being connected to the economy. During the year of 1845, this was seen as a positive relationship as these reports often focused on decreased crime and, therefore, a prosperous economy. For the reader of the *Aberdeen Journal*, the previously discussed reports might have

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<sup>183</sup> Tyson, "The Economy of Aberdeen," 21.



provided a sense of relief to the reader in suggesting that crime was declining. However, alongside these encouraging reports, were the reports of theft occurring within Aberdeen.

The influence that the showcasing of individual cases of crime might have on the reader was considered by Christopher Casey in his quantitative analysis of the frequency of crime reports in the news. Casey found that, in the period from 1800 to 1900, the reports of murder in *The Times* increased from nearly six hundred accounts per year to over one thousand.<sup>184</sup> This increase was even more significant when accounting for the decline in crime rates, including violent crime, which began after 1850.<sup>185</sup> From this, Casey contends that increasing prevalence of crime reports, and even the bold headlines of crime, would have impressed upon the reading public that crime was increasing.<sup>186</sup> Casey provided possible explanations for these misconceptions among Victorian society. For example, he suggests that the influence of the Marxist school of thought during the late-nineteenth century encouraged the perception that crime was increasing, “since a decreasing crime rate ran counter to the basic tenets of the Marxist class struggle”.<sup>187</sup> Casey also suggested that the misconception of a rising crime rate was a result of the increase in the numbers that composed the reading audience, arguing that the growing obsession with crime was an outcome caused by the growing, reading masses.<sup>188</sup>

The writing and organization of the journalists and editors of the *Aberdeen Journal* presented specific details of the thefts occurring locally. As Casey’s work suggests, the presentation of this information to the reader may have resulted in a growing concern over theft, and a misconception of rising crime rates. For example, in the *Aberdeen Journal* published on

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<sup>184</sup> Casey, “Common Misperceptions,” 376.

<sup>185</sup> Casey, “Common Misperceptions,” 377.

<sup>186</sup> Casey, “Common Misperceptions,” 370.

<sup>187</sup> Casey, “Common Misperceptions,” 384.

<sup>188</sup> Casey, “Common Misperceptions,” 372.

April 23, 1845, the reader would encounter ten reports of theft committed in Aberdeen. The details of the thefts are outlined in the chart below.

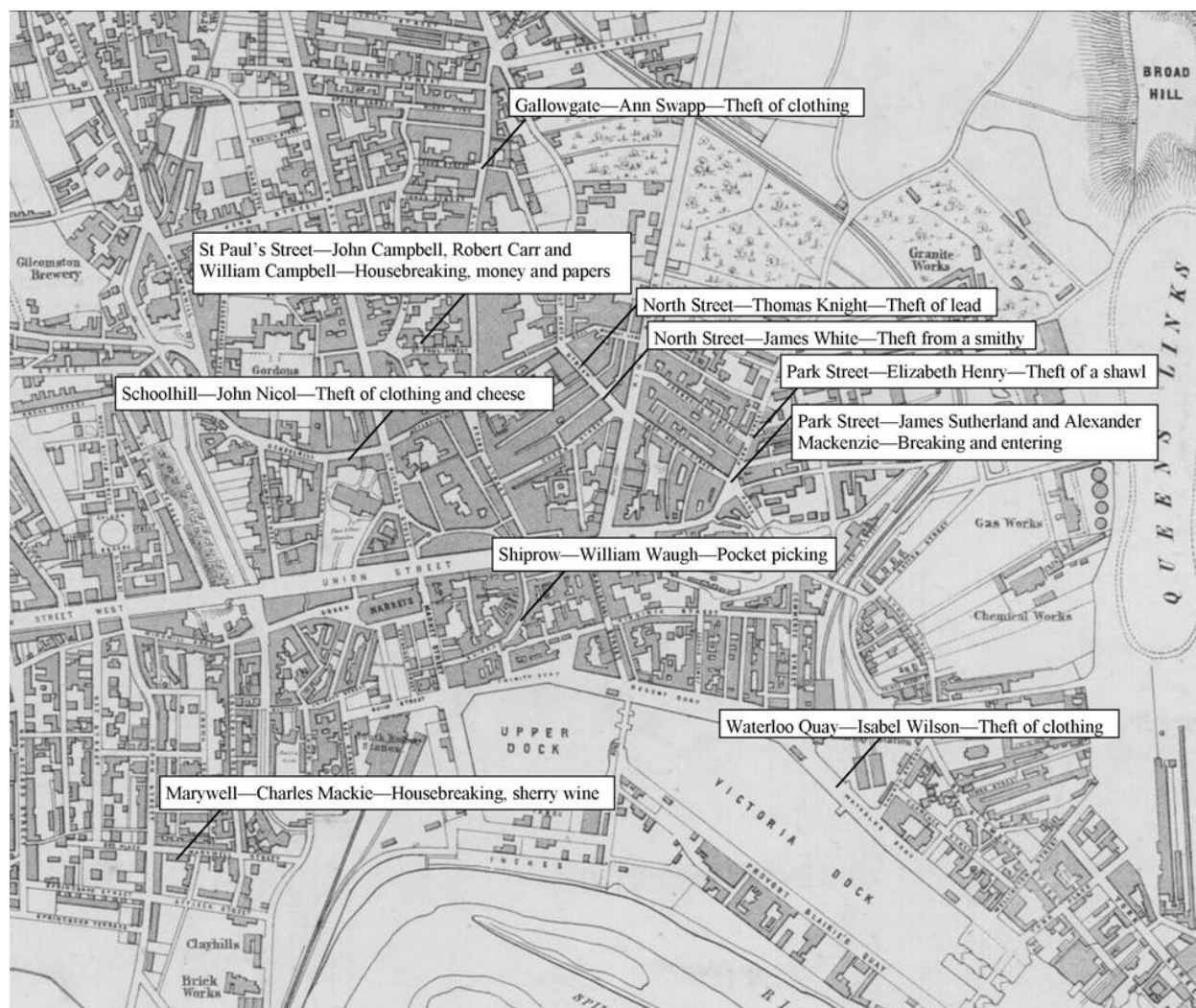
**Figure 10: Thefts committed in Aberdeen, reported in the *Aberdeen Journal*, April 23 1845**

Accused	Crime	Location	Outcome
Thomas Knight, 12-13 years old	Stole 28lbs. Of lead from the stables, had been previously convicted, habit and repute a thief, seventh time convicted	North Street, Aberdeen	transported for 7 years, because of previous convictions
Isabel Wilson, elderly	Stole articles of clothing, previously convicted, habit and repute a thief	Waterloo Quay, Aberdeen	transported for 7 yrs, 'despite age'
John Nicol, 45 years old	Pleaded guilty to stealing clothing and cheese, previous convictions, habit and repute a thief	Ross's Court, Schoolhill, Aberdeen	transported for 7 yrs
Charles Mackie, young lad	Broke into house, stole sherry wine, previous convictions	Marywell, Aberdeen	transported for 10 years, because of housebreaking
James White	Pleaded guilty to stealing from a smithy, previous conviction, habit and repute a thief, had previously been sentenced to 7 years transportation, but had escaped	North Street, Aberdeen	transported for 14 years
Ann Swapp, or Davidson	Pleaded guilty for breaking into house, stealing clothing and linens, previously convicted	Gallowgate, Aberdeen	18 months imprisonment
James Sutherland, Alexander Mackenzie	Charged with breaking into a shop, pleaded not guilty, evidence given to jury, found guilty	Park Street, Aberdeen	transported for 7 yrs
Elizabeth Henry	Charged with stealing a shawl from shop, previously convicted, pleaded not guilty, jury found her guilty	Park Street, Aberdeen	transported for 7 yrs
William Waugh	Charged with pocket picking, pleaded not guilty, found guilty	Shiprow, Aberdeen	transported for 7 yrs
John Campbell, 9 years old, Robert Carr, William Campbell	Charged with theft by housebreaking, stealing a box of money and papers, Carr and W.Campbell pleaded guilty, J.Campbell pleaded not guilty, all found guilty	St. Paul's Street, Aberdeen	transported for 7 yrs

These reports are of particular interest because they included the street names where the theft occurred. The reader of the *Aberdeen Journal*, reading the paper locally may have had a sense of the nearness of these crimes. Someone living in the center of the city would have been less than

2 kilometers away from these reported thefts. They would have been able to walk a circuit around the location of these crimes in less than an hour.

**Figure 11: Map of the thefts in Aberdeen reported in the *Aberdeen Journal*, April 23, 1845<sup>189</sup>**



<sup>189</sup> Background map reproduced from *Keith & Gibb's Map of the Cities of Aberdeen*, 1862. The information on the thefts reported in the *Aberdeen Journal* on April 23, 1845 was incorporated into this map to illustrate the location of these crimes. The reports include the street name where the crime occurred, but not the exact location on the street. Therefore, the mid-point of the street was selected in order to show the general area in which the theft occurred.

This may have suggested to the local reader that these crimes were occurring close to their home. We can only assume the affect this would have on the reader. These individual reports of theft were likely a stark contrast in comparison to the more general reports on the decline of crime. A close examination of individual reports of theft in the *Aberdeen Journal* in 1845 shows a representation of crime that is different from these more general articles discussing the decline of crime in response to a stable economy.

### Conclusion

In examining the crime reports in the *Aberdeen Journal*, the typology of crime showed predominance in the record of thefts reported in 1845, as 40.71% of the crimes reported were thefts. As the majority of thefts published in the *Aberdeen Journal* occurred in Aberdeen and Scotland in general, the reader of this newspaper would have had knowledge of the details of the thefts occurring in their community and the surrounding area. However, the *Aberdeen Journal* also published reports from outside of Scotland, and these reports tended to be on the crime of murder. This chapter shows that in selecting content for the *Aberdeen Journal*, the editors were presenting a disproportionate representation of crime to the reader. However, as the community of Aberdeen responded to concerns over crime through policing, Schools of Industry, and commentary on the notion of gendered crime, and the efforts to control the poor, notable children of the poor and female, the *Aberdeen Journal* reveals the social context in which these crimes were presented. These commentaries illustrate that the meaning of crime was constructed through the editorialization of the news in the *Aberdeen Journal*. Therefore, the newspaper provides a valuable source in the study of crime, as newspapers do not only provide a description of the crime, but also allows for the exploration of the social context in which crime was committed and made public.

### CHAPTER THREE

This chapter will provide three case studies that will further illustrate the nature of crime reportage in the *Aberdeen Journal* from 1845 to 1850. The first case study will examine the *Aberdeen Journal's* news reports on the trials of the High Court of Justiciary in Aberdeen from 1845 to 1850. By comparing the *Aberdeen Journal's* reports with court records, the role of newspapers as a source for the crime historian can be further investigated with regards to gender, policing, and juvenile crime. The second case study will examine the trial of James Burnett for the murder of his wife. This trial took place in Aberdeen in 1849, and was fully covered by the *Aberdeen Journal's* court reporters, providing an editorial commentary in response to Burnett's crime. The third case study will focus on the trial of James Robb for the rape and murder of Mary Smith. A comparison between the news reports and court records show the importance of examining the influence of the press on the reader's understanding of events. These case studies consider how the editorialization of the *Aberdeen Journal* made claims in the writing and organization in the reports, and consider how the reading community might have understood and made sense of the crimes occurring in their community through reports in the *Aberdeen Journal*.

#### The High Court of Justiciary

The High Court of Justiciary in Scotland presided over the most serious crimes in Scotland, those of murder, arson, rape and treason. However, the High Court of Justiciary also tried crimes of repeat offenders, such as those who were known 'by habit and repute' as thieves or had previous convictions. The High Court of Justiciary was based in Edinburgh; however the court travelled within three circuits to hold trials outside of Edinburgh: the west circuit, the south circuit, and the north circuit, which included Aberdeen. The High Court would travel within these circuits and hold trials in two sessions each year in the spring and the autumn.

This was the highest level in the court system in Scotland. Below this level of the court was the Sheriff Courts, which could be held with or without a jury, depending on the severity of the case being tried. However, the High Court of Justiciary was held before a jury when the trial went to proof, with two judges presiding. During the period between 1845 to 1850, there were a number of different judges who held the court in Aberdeen, with the most being Lord Cockburn, Lord Moncrieff, Lord Wood and Lord Mackenzie.

Whether a case was tried by the High Court of Justiciary or the Sheriff Court did not depend only on the type of crime committed. Cases were sorted by the advocates-depute and procurators-fiscal based on the severity of punishment that was being sought by the prosecution.<sup>190</sup> Since the most severe sentence that could be given by the Sheriff Court was two years imprisonment, any case that would require a more severe outcome would be passed through to the High Court.<sup>191</sup> This was most notable in the cases with repeat offenders of theft, which were often tried in the High Court despite the crime of theft being below the severity of crime traditionally tried by the High Court. If the accused had previous convictions or was known as ‘habit and repute a thief’ their case might be passed onto the High Court, as the highest sentences of the Sheriff’s Court had not been severe enough to reform or deter the criminal after their previous convictions. Another factor influencing the sorting of cases between the High Court and the Sheriff Court depended on the case load that the High Court was able to take on.<sup>192</sup> In a particularly labourious session, the High Court tended to remit some of its cases to the

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<sup>190</sup> Paul T. Riggs, “Prosecutors, Juries, Judges and Punishment in Early Nineteenth-Century Scotland,” *Journal of Scottish Historical Studies* 32 no.2 (2012):168-169. Rigg’s article establishes the influence of the sorting process carried out by the advocates-depute and procurators-fiscal, and its significance to the sentences passed during trials. He argues that as the High Court became overwhelmed by the number and severity of trials, cases would be remitted to the Sheriff’s Court. He suggests that over this period, it would seem that punishments became less severe, but argues that this is due to more cases being sent to the Sheriff’s Court where the maximum sentence was two years imprisonment, rather than an actual decrease in the severity of crimes and sentencing.

<sup>191</sup> Riggs, “Prosecutors, Juries, Judges and Punishment,” 172.

<sup>192</sup> Riggs, “Prosecutors, Juries, Judges and Punishment,” 174.

Sheriff Court. An example of this was found in the proceedings reported in the *Aberdeen Journal* for the autumn session in 1848. This session carried over from Thursday, September 28 until the following day. At the end of the second day of trials, the remaining cases were remitted to the sheriff.<sup>193</sup> In this particular session, there were twelve sentences given, ten were sentenced to transportation and two to twelve months of imprisonment. The cases remitted to the Sheriff would be given a maximum sentence of two years imprisonment. For the criminal, then, the difference between the High Court of Justiciary and the Sheriff Courts could be significant to the outcome of their trial and to the severity of the punishment.

The differences between the High Court of Justiciary and the Sheriff Court were also evident in the publication of crime in the newspaper. The sessions of the High Court were well-represented in the *Aberdeen Journal*, with the amount of space dedicated to these sessions increasing from 1845 to 1850, showing that resources were prioritized towards the business of reporting crime and sensational news. Each case that was tried was listed in the *Aberdeen Journal*, often containing details of the trial itself, and always including a description of the crime committed and the decisions of the court. However, the reports from the Sheriff Courts were not reported with such regularity.<sup>194</sup> Therefore, when a case was tried before the Sheriff Courts, it was less likely to be brought to the attention of the reading public in comparison to those cases tried before the High Court of Justiciary. The news reports from the High Court presented the most severe crimes to the reading public and these were crimes committed within their own locality.

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<sup>193</sup> *Aberdeen Journal*, October 4, 1848.

<sup>194</sup> The proceedings of the Sheriff Court in Aberdeen were reported in the *Aberdeen Journal*, however, they were not reported with the same regularity as the High Court of Justiciary. This shows that the Sheriff Court was not prioritized by the editors of the *Aberdeen Journal* and suggests that a journalist did not regularly attend the court proceedings.

The crimes that were tried by the circuit court in Aberdeen were those committed in the county of Aberdeen as well as in the surrounding counties of Banff and Kincardine. The most frequent crime that was tried by the court was the crime of theft. From 1845 until 1850, there were 161 cases of theft tried in the High Court of Justiciary in Aberdeen. These were cases of theft that involve previous convictions, or were particularly serious and required more severe sentencing than the Sheriff Court could give. For example, on September 18, 1850, Archibald Bell, a labourer who was described in the *Aberdeen Journal* as a “man of grey hairs”, was charged with theft, having stolen tools from a construction site from Ferryhill in Aberdeen. Having previous convictions, and a charge that included the additional aggravation of housebreaking, Bell was sentenced to transportation for seven years. On the same day, Angus Sutherland, a shoemaker, was also found guilty by the High Court of Justiciary in Aberdeen. Sutherland was charged with theft, having stolen a pair of trousers that were left out to bleach.

**Figure 12: Type and frequency of charges reported in the *Aberdeen Journal* of the High Court of Justiciary in Aberdeen, 1845 - 1850**

<i>Charge:</i>	<i>Cases:</i>	<i>Cases with multiple charges:</i>	<i>Total number of charges:</i>
Theft, housebreaking, robbery	152	9	161
Assault	6	11	17
Fraud, forgery	16	1	17
Infanticide	9	0	9
Murder	2	2	4
Rape	1	1	2
Other	2	0	2

He had been previously convicted, and previously sentenced to seven years transportation.

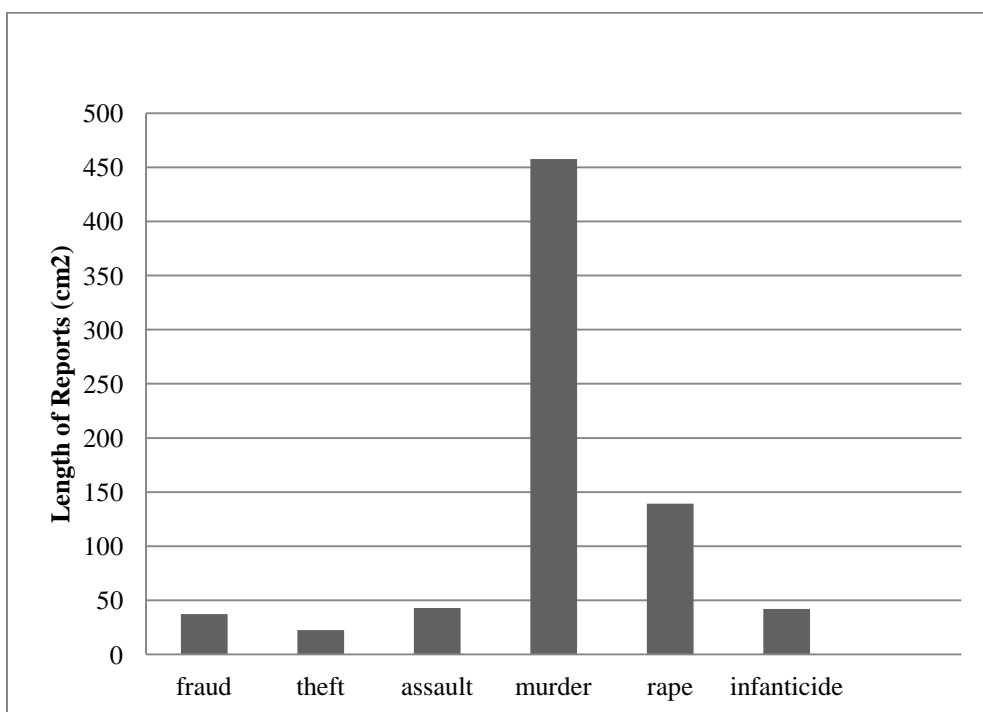
Taking his previous convictions into account, he was sentenced to transportation for life. These



cases of theft that were aggravated by additional convictions or multiple charges were the most frequent cases tried by the High Court of Justiciary in Aberdeen during this period.

Second in frequency were the crimes of fraud and of assault, each resulting in seventeen reports between 1845 and 1850. The crime of assault was most often tried in the High Court as part of a multiple charge, often for crimes that included both assault and theft. This was the case in the trial of Hannah McGrath and George Steven who attacked a man by the name of Bisset in Henderson's Court in Aberdeen and stole his pocketbook. This trial was carried out on April 12, 1850 and both Hannah McGrath and George Steven were found guilty of assault and theft and sentenced to ten years transportation.

**Figure 13: Average length of reports of the High Court of Justiciary trials in the *Aberdeen Journal*, 1845-1850**



Crimes of infanticide, involving child murder, concealment of pregnancy or exposure were brought before the High Court in Aberdeen on nine occasions between 1845 and 1850.

These cases involved a range of factors which influenced the outcome in sentencing. For example, two cases of concealment of pregnancy were dismissed for reasons that were not explained. Both cases were reported in the *Aberdeen Journal*. The first case, the trial of Margaret Goodfellow was held in the Spring Court Session of 1845. The case was abandoned and Goodfellow discharged, with the reasons for abandoning the case left unexplained in both the *Aberdeen Journal* and in the court records.<sup>195</sup> In the Spring Court of 1848, Ann Ross, who was described in the *Aberdeen Journal* as a “fatuous” looking person, was charged with child murder, and, pleading guilty, was sentenced to nine months imprisonment.<sup>196</sup> Yet, in the spring session a year later, Helen Mackie was charged with the same crime, pleaded guilty and was charged with transportation for life.<sup>197</sup> The reason for the differences in the sentencing was not explained to the reader of the *Aberdeen Journal*. The crime of infanticide, concealment of pregnancy and exposure resulted in varying sentences, from six months of imprisonment to transportation for life. However, the reports of these crimes in the *Aberdeen Journal* tended to be quite short, each report averaging just over 42 cm<sup>2</sup> of text. This amount of space did not allow much room for explanation of the intricacies of these cases.

During this period of study, there were four charges of murder in the High Court of Justiciary in Aberdeen. Two of the four murder charges led to sentences of execution, those of James Burnett and James Robb, which will be examined more thoroughly in the following sections. The crimes of murder were most thoroughly reported in the *Aberdeen Journal*, with these trials being the longest reports of the High Court of Justiciary cases during this period.

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<sup>195</sup> *Aberdeen Journal*, April 23, 1845; AD14/45/174 – *Precognition against Margaret Goodfellow for the concealment of pregnancy at Old Town, Stonehaven*

<sup>196</sup> *Aberdeen Journal*, April 19, 1848.

<sup>197</sup> *Aberdeen Journal*, May 2, 1848.

**Figure 14: Charges of Murder in the High Court of Justiciary in Aberdeen, 1845-1850**

Charge	Victim / Accused	Outcome	Size of Report, <i>Aberdeen Journal</i>
April 10, 1848: Charge of mobbing, rioting and murder, charge of murder dropped during trial, replaced with culpable homicide	Victim: William Murray	Found guilty, sentences ranging from one year imprisonment to 7 years transportation	368.55 cm <sup>2</sup>
	Accused: Donald Davidson, William McDonald, John McKinnon, Colin Munro		
April 27, 1849: Charge of murder by arsenic	Victim: Margaret Burnett	Found guilty, executed in Aberdeen on May 22, 1849	1408.5 cm <sup>2</sup>
	Accused: James Burnett		
September 19, 1849: Charge of murder and rape	Victim: Mary Smith	Found guilty, executed in Aberdeen on October 16, 1849	255.15 cm <sup>2</sup>
	Accused: James Robb		
September 20, 1849: Charge of murder	Victim: Elizabeth Conlie (or Clark)	Not proven, discharged	713.475 cm <sup>2</sup>
	Accused: William Clark Janet Grey (or Thompson)		

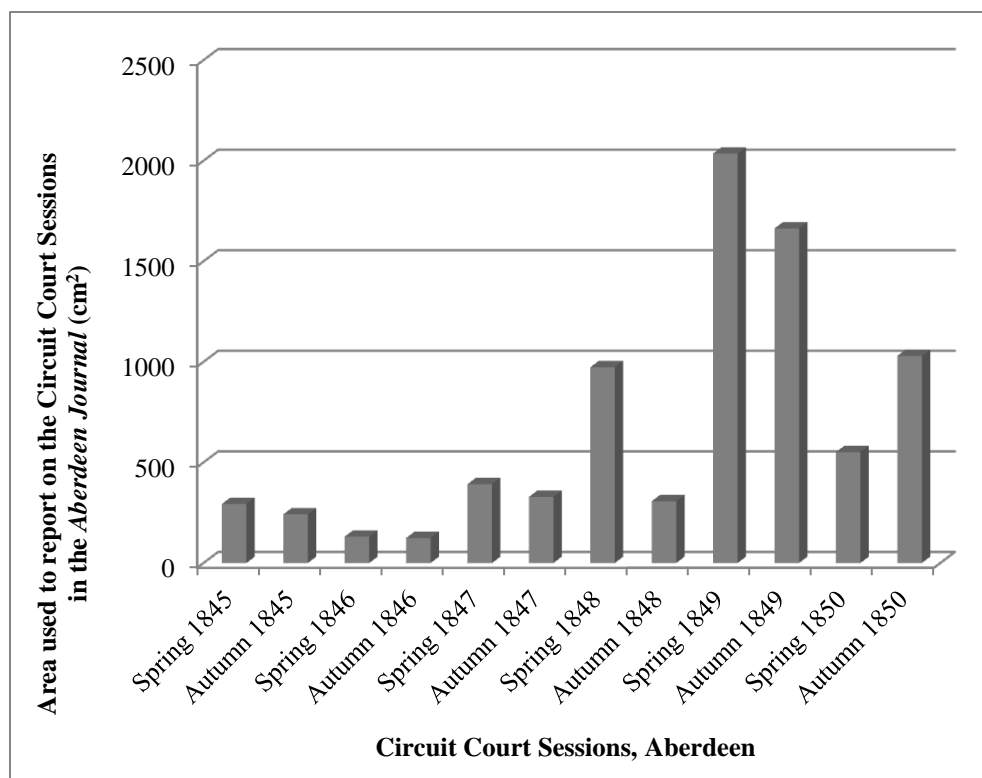
The court sessions in which these murder trials were held resulted in a surge in the amount of space provided for the coverage of these trials in the *Aberdeen Journal*.

In Esther Snell's research on *The Kentish Post*, she notes that, "the newspaper's constructed content meant that it was largely impervious to actual changes in the incidence of criminality or the social and economic phenomena that influence levels of offending".<sup>198</sup> However, in the *Aberdeen Journal* during this period, the variations in the amount of space allotted to the reports of the trials show that the constructed content of this particular newspaper was fluid. Therefore, when crimes of a serious nature occurred, space was provided. This suggests that an examination of which crimes were reported and which were omitted might also

<sup>198</sup> Snell, "Discourses of Criminality in the Eighteenth-Century Press," 24.

benefit from a study of which parts of the paper were removed in order to provide space for the reporting of serious crime.

**Figure 15: Space used in the coverage of the circuit court sessions in the *Aberdeen Journal*, 1845-1850**



However, when comparing court records to newspaper reports, it is notable that certain trials of the High Court of Justiciary were not reported by the *Aberdeen Journal*. While these trials may have been reported elsewhere,<sup>199</sup> the selectivity of the editor in including or omitting reports of crimes determined which crimes were being presented to the reader through the *Aberdeen Journal*. The question of selectivity is addressed by Rab Houston in his examination of his newspaper sources. Houston's methodology required him to know not only which crimes

<sup>199</sup> For example, broadsheets or other newspapers may have published reports on trials held by the High Court of Justiciary in Aberdeen.

were included in the newspapers, but also those that were omitted.<sup>200</sup> In order to assess this, Houston used other sources such as inquest and coroners' papers to "show how news was made by carefully extracting some cases for mention and omitting others."<sup>201</sup> Therefore, in order to understand the context of the crime reports and the way in which these representations were constructed within a specific newspaper, the authorship, format and framework of selectivity should be considered.

For example, according to the court records of the session held in Aberdeen on April 10, 1848, Andrew Thom was charged with the crime of procuring an abortion.<sup>202</sup> However, a report of this trial was not included in the *Aberdeen Journal*. As a result, this trial was not presented to the reading public. The reason for this selectivity is unknown; however, there are a number of cases that were not reported in full in the *Aberdeen Journal* which involved crimes against women, such the trial of William Reid for the rape of Margaret Slater, and the trial of Barbara Jarvies for the concealment of pregnancy.<sup>203</sup> However, for some cases, such as the charge against William Reid, the omission of a report describing the crime was a result of the non-appearance of the accused. Because William Reid did not appear before the High Court of Justiciary, he was outlawed. A consequence of his non-appearance is that the *Aberdeen Journal* did not include a report of his crime, and therefore, the reader was never presented with the details of this case.

While some of the accused, such as William Reid, were not sentenced to a punishment, 250 criminals were reported in the *Aberdeen Journal* as being found guilty and sentenced to punishment during the High Court of Justiciary in Aberdeen from 1845 to 1850.

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<sup>200</sup> Houston, "Fact, Truth, and the Limits of Sympathy," 95.

<sup>201</sup> Houston, "Fact, Truth, and the Limits of Sympathy," 95.

<sup>202</sup> *National Archives of Scotland*, JC26/1845/25.

<sup>203</sup> *National Archives of Scotland*, JC26/1845/28; *National Archives of Scotland*, JC26/1847/31.

**Figure 16: Sentencing of the cases brought before the High Court of Justiciary, Aberdeen, 1845-1850**

<b>Sentence</b>	<b>1845</b>	<b>1846</b>	<b>1847</b>	<b>1848</b>	<b>1849</b>	<b>1850</b>	<b>Total</b>
Transportation:							
<i>7 years</i>	23	7	32	14	15	21	112
<i>10 years</i>	4	3	4	6	4	9	30
<i>14 years</i>	1	0	0	2	0	5	8
<i>20 years</i>	0	0	0	0	1	0	1
<i>Life</i>	0	0	0	0	2	1	3
							<b>= 154</b>
Imprisonment:							
<i>&lt; 1 year</i>	6	5	5	7	5	3	31
<i>&gt;1 year</i>	4	2	10	10	6	3	35
							<b>= 66</b>
Execution	0	0	0	0	2	0	<b>= 2</b>
Dismissed, acquitted	2	1	1	2	1	1	<b>= 8</b>
Non-appearance, ongoing	2	0	4	8	3	3	<b>= 20</b>
<b>Totals:</b>	<b>42</b>	<b>18</b>	<b>56</b>	<b>49</b>	<b>39</b>	<b>46</b>	<b>= 250</b>

During this period, transportation was the most frequent sentence given. It is notable that longer terms of transportation (ten years to life) were on the rise during the sessions held in 1849 and 1850. In the *Aberdeen Journal*, on April 17, 1850, the remarks of the Lord Justice Clerk on the outcome of the spring session were published.<sup>204</sup> He recalled that the most serious of the cases were not from Banff or Kincardine, but from Aberdeen, and stated that it was not the fault of the police that crime had not diminished in Aberdeen, but a problem with the previous short sentences of imprisonment. He claimed that it was for this reason that most of the sentences given during this particular session were transportation.

In his work on the role of Scotland's prosecutors, juries and judges in determining the sentences of punishment in the mid-nineteenth century, Paul T. Riggs argues that the increase in longer terms of transportation sentences were the result of changes in the legal system rather than

<sup>204</sup> *Aberdeen Journal*, April 17, 1850.

a response to concerns over serious crime.<sup>205</sup> Riggs looks to the Penal Servitude Act, which placed a limit on the sentencing of transportation in Scotland. The act was put into place in 1853, and Riggs suggests that, as judges began discussing the possible restrictions on the sentencing of transportation, they responded by resorting to the use the sentence more often in the period leading up to 1853.<sup>206</sup> The increase in the reports of longer transportation sentences, as reported in the *Aberdeen Journal* could be explained in this way, illustrating the influence of legislation on the reporting of crime in the press.

While column space in the *Aberdeen Journal* was always provided for the reporting of the High Court of Justiciary trials, not all cases were included in the reports. Some reports were also limited in content, such as cases of infanticide or in the case of trials where the accused did not appear. The content of the news reports were not only determined by the space or details available, but also by the changes in legislation and through the inclusion of commentary by the editors on the nature of the proceedings. This illustrates the way in which the selection of detail in the writing of reports on the High Court of Justiciary proceedings in the *Aberdeen Journal* were determined by factors both internal and external to the editorial process.

### Reports of the Trial of James Burnett

The following sections examine two trials for murder that took place in Aberdeen in 1849. While both trials were reported in the *Aberdeen Journal*, the nature of the reports differed in terms of the frequency of reporting, the size of reports, and the response of the community through the medium of the *Aberdeen Journal*. The first trial was of James Burnett, who was a 45-year old farm-servant in Aberdeenshire. He was charged with the murder of his wife, Margaret Burnett, and was put on trial before the High Court of Justiciary in Aberdeen on April 27, 1849. The

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<sup>205</sup> Riggs, "Prosecutors, Juries, Judges and Punishment," 186.

<sup>206</sup> Riggs, "Prosecutors, Juries, Judges and Punishment," 187.

details of the trial were published in the *Aberdeen Journal* and presented information to the public regarding the criminal actions of Burnett. The trial of Burnett reveals how crime and criminality was presented to the reading public through the *Aberdeen Journal*.

Court records of the trial reveal that Burnett was charged with murdering Margaret Burnett, his wife of twenty-six years on November 1, 1848.<sup>207</sup> In the indictment, Burnett was accused of having administered arsenic to his wife by mixing it with jelly and sugar, or some other substance, “under the pretence of administering medicine.”<sup>208</sup> In Burnett’s declaration, he explains that his wife had a shock of apoplexy five years earlier, had lost use of one side of her body, and was in deteriorating health at the time of her death.<sup>209</sup> He declared that at his wife’s request, he had purchased some powders for her health and had mixed them in a bowl and given them to her the night of her death. Margaret Burnett died the next morning, and her husband had her buried in the churchyard soon after. Burnett stated in his declaration that, ten days after the death of his wife, he arranged to marry Jean Carty or Cartie, a servant at the farm where he was employed. In Burnett’s second declaration, he described his living situation, that he had been living on the farm of his employer in Protshaugh.<sup>210</sup> He continued to declare that the room in which he slept had rats, and in order to get rid of them he had asked a neighbor to purchase some arsenic for him. Shortly after Margaret was buried, her body was exhumed due to the suspicious circumstances surrounding her death. Her body was examined by a surgeon, Andrew Douglas Maclagan, and arsenic was found in his her stomach. The court records show that thirty-five individuals were included in the witness list, including the eldest of Burnett’s eight children, his daughter who was also named Margaret. The evidence brought before the courts, including the

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<sup>207</sup> *National Archives of Scotland*, JC26/1849/22, Indictment.

<sup>208</sup> *National Archives of Scotland*, JC26/1849/22, Indictment.

<sup>209</sup> *National Archives of Scotland*, JC26/1849/22, Declaration of James Burnett.

<sup>210</sup> *National Archives of Scotland*, JC26/1849/22, Second Declaration of James Burnett.



testimony from Margaret, proved a dark case against Burnett. On the day of his trial, April 27, 1849, he was found guilty of the murder of his wife. On May 22, 1849 Burnett was executed in Aberdeen.

While the court records show the details of the case, these detail were barely mentioned in the *Aberdeen Journal* before the trial. However, following the trial, the *Aberdeen Journal* published a full, transcript-style report of the proceedings of the High Court of Justiciary. The size of the report was 1408.5 cm<sup>2</sup>, the longest report to be written on the High Court of Justiciary during the period from 1845 to 1850. This report was published five days after the trial and without any notable discrepancies between the court records and the newspaper report.

The report in the *Aberdeen Journal* included several testimonies; however, the testimonies that filled the most space in the report were those from (i) Burnett's daughter, Margaret, (ii) his neighbor, Elizabeth Slessor or MacDonald, who had purchased the arsenic on Burnett's behalf, and (iii) Jean Carty, the servant who Burnett planned to marry after the death of his wife. First, Margaret Burnett provided a witness account of her father mixing the powder and giving it to her mother. She was at her mother's side during the night and deponed that her mother had declared "I am poisoned, I am poisoned" before she died.<sup>211</sup> Next, Elizabeth Slessor described the process by which she procured arsenic for Burnett only the week before the death of Margaret. Finally, the testimony of Jean Carty was particularly suggestive of the intent of James Burnett:

Question put – Was it agreed between you and him before his wife's death that you should be married to him when she died? Witness hesitated to answer, and the question was repeated. After another pause, she replied – Yes. He had told her that if she (his wife) did not get better soon, she would not be long to the fore. This was when they spoke of marrying. He had asked her, when his wife was alive, to go away with him to live somewhere where they were not known. She refused to do that.<sup>212</sup>

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<sup>211</sup> *Aberdeen Journal*. May 2, 1849.

<sup>212</sup> *Aberdeen Journal*. May 2, 1849.

The jury found James Burnett guilty of the murder of his wife within five minutes. The report in the *Aberdeen Journal* included the summarizing statements from the presiding judge, Lord Moncrieff:

Nothing remained for them, therefore, but to perform their melancholy duty in the circumstances; and unhappily it was not in their power to pronounce any other sentence than that of death – (sensation) – and he, therefore, proposed that sentence. Cases of murder by wives and husbands were exceedingly dangerous to society... Lord Mackenzie then put on the black cap, and addressing the prisoner said – It is now my painful duty to pronounce the fearful sentence that has been proposed; and in doing so we have no option in the matter. You have been found guilty of the awful crime of the murder of you own wife. It must have been perfectly known all along to yourself that you were guilty, although you concealed and denied it. Murder has ever been a capital crime by the law of this country – and I am sorry to say that this is a bad case – it is the murder of the woman to whom you were married and who bore to you eight children. It is true she had been for years diseased and debilitated, but this only entitled her to additional care and protection on your part. It does not appear that you had any natural ferocity, or hatred towards her – but you fell into a criminal passion with another woman. This was of itself a great sin and a crime... This criminal passion induced you to devote your wife to a shocking death, and it will now devote yourself to an ignominious death.<sup>213</sup>

Following the trial, the case of James Burnett incited a response from the community, reflecting similar concerns to those raised by Lord Moncrieff. The case of James Burnett resulted in dialogue from a number of individuals in Aberdeen that focused on the relationship between crime, status, religion and community. The trial of Burnett fit within the growing sensationalism of the Victorian crime literature, and for those living in Aberdeen, it became a spectacle, being the first execution to take place in the county in nearly twenty years. The use of newspapers in this analysis must, therefore, be considered within the context of this sensational tone. By assessing the presentation of the events surrounding the trial and execution of James Burnett in the media, a sense of the way in which this story was constructed begins to emerge.

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<sup>213</sup> *Aberdeen Journal*. May 2, 1849.

For example, in William Skene's "series of papers dealing with life and character in the East-End of Aberdeen between the years 1840 and 1860,"<sup>214</sup> he reflected on the scene he witnessed at the execution of James Burnett. He attributed the sensational tone of the hanging as being caused by the fact that there were only a limited number of people alive that remembered the yearly hangings for theft and sheep-stealing.<sup>215</sup> He also noted that within an hour of the execution streets were filled with those distributing accounts of Burnett's confession and his execution.

Although people knew that the prints contained probably a tissue of falsehoods, thousands of sheets were sold. This sort of thing was always sure to take place at the sittings of the Circuit Courts, which marked a harvest season for sensation-mongers and "flying" stationers.<sup>216</sup>

Following the execution of Burnett, reports of the proceedings were published, not only at the site of the execution, but also in the *Aberdeen Journal*. The report of the execution was published on May 23, 1849, the day following the execution. It included Burnett's written confession, his final words, a description of his behavior leading up to his execution, and a letter to his 'fellow sinners'. However, the reports that were printed in the *Aberdeen Journal* after the trial added an anecdotal sentiment to its reports. The article on the execution of the Burnett was published in the *Aberdeen Journal* as follows:

Yesterday morning, James Burnett expiated the fearful crime of the murder of his wife, for which he was condemned at the last Circuit Court of Justiciary held here. The scaffold, that has not for nearly twenty years reared its gloomy shape in our streets, was erected in front of the Court-house...The awful apparatus was erected, as usual, during the night; and the clank of the carpenter's hammers sounded drearily and painfully on the ears of all in the neighbourhood, who heard the melancholy preparation, but most of all, no doubt, on those of the poor man, who lay, through the dark watches of his last night on earth, contemplating the ignominious fate that awaited him in the morning...He died almost without a struggle...the greatest order prevailed among the vast multitude

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<sup>214</sup> Skene, *East Neuk Chronicle*.

<sup>215</sup> Skene, *East Neuk Chronicle*, 28.

<sup>216</sup> Skene, *East Neuk Chronicle*, 28.

assembled; and the whole speedily dispersed to their homes, not, we hope, without serious impressions of the awful solemnity they had witnessed. Rain fell very heavily all the morning...<sup>217</sup>

The execution of James Burnett left an impression on the community of Aberdeen. This impression may not have only been the result of the public spectacle of justice, but also a result of the language used in the reports of the *Aberdeen Journal*. For example, by describing the way in which “the greatest order prevailed” and the “serious impressions of the awful solemnity” that had been witnessed, the editors and journalists created the article to establish a sense of general deterrence as it encouraged its audience to contemplate the event. In the weeks and months that followed, the *Aberdeen Journal* printed several responses to the murder of Margaret Burnett from members of the community.<sup>218</sup> Through an examination of the *Aberdeen Journal* and its publications on the trial and execution of James Burnett, the social context in which this crime occurred begins to reveal itself. While court records are the most common source used by the crime historian, newspapers can provide a prospective on the context in which crime occurs, a perspective that cannot be achieved through court records alone.

*The Scotsman* also reported on the trial<sup>219</sup> and execution<sup>220</sup> of Burnett in short articles. Differing in length in comparison to the reports in the *Aberdeen Journal*, the articles in *The Scotsman* provided a summary of the details of the trial and execution. The *Scotsman*’s report on the execution of James Burnett was taken up by newspapers in England as well. On May 25, *The Times* republished *The Scotsman*’s report on the execution. The trial was also reported in newspapers such as *The Times*, *Ipswich Journal*, *Lloyd’s Weekly Newspaper* and *Manchester*

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<sup>217</sup> *Aberdeen Journal*, May 23, 1849.

<sup>218</sup> The *Aberdeen Journal* printed responses of the community to the trial and execution of James Burnett through its ‘Letter to the Editor’ section of the paper. Also, a sermon that was preached by a local minister on the life of Burnett was printed in the *Aberdeen Journal*, inciting response in the form of letters to the editor.

<sup>219</sup> *The Scotsman*, April 28, 1849; *The Scotsman*, May 2, 1849.

<sup>220</sup> *The Scotsman*, May 23, 1849.

*Times*, each republishing the same articles on the trial. Even two months after the execution of Burnett, the story of his crime was still being presented to the reading public in the newspapers in England. For example, on July 23, 1849 *The Morning Post* published an article on the frequency of cases of poisoning by arsenic in Britain and was written as a call for changes in the legislation and selling of arsenic. The article suggested that arsenic should only be sold if it is “mixed with such substances as would render it obnoxious to the senses of sight, taste, and smell.”<sup>221</sup> The writer argued that such measures would be far more successful than legislative precautions used to control the sale of arsenic. James Burnett’s use of arsenic was then presented in this article to illustrate how legislative restrictions would not have been enough to stop Burnett’s purchase of arsenic through his neighbor. However, if the poison had been altered in taste, smell or appearance “the murderer by that circumstance would probably have been deterred, or through the disgust it provoked, his victim might have been saved.”<sup>222</sup> Through such articles, the story of James Burnett continued to spread throughout Britain following the trial and execution.

However, publications regarding Burnett were not limited to the presentation of crime by the editors of the newspaper. Rather, by examining the *Aberdeen Journal* in the months following the execution of Burnett, it becomes clear that the newspaper provided a venue for the community of Aberdeen to respond to Burnett’s crime.

In the months following the execution of Burnett, a series of *Letters to the Editor* were published in the *Aberdeen Journal*. In the *Letters to the Editor*, authors found fault with the actions of Burnett’s employer, arguing that the evil that occurred could have been avoided, had

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<sup>221</sup> *The Morning Post*, July 23, 1849.

<sup>222</sup> *The Morning Post*, July 23, 1849.

the farmer that employed Burnett treated him better and provided him with religious instruction and opportunities for reading. For example, on May 30, 1849 a *Letter to the Editor* stated:

The conclusion of the dread tragedy of last week, yet painfully exiting to the minds of your readers, especially the farmers, affords a favourable opportunity for impressing on all the urgent necessity of vigorously setting to work for the amelioration of the social condition of farm servants...Masters are too apt to forget that they have some share of responsibility as to the servants they engage – they look more to the physical than to the moral character, The absence of wholesome control renders servants liable to be led away by the insinuating and immoral habits of their fellows. Much may be done to counteract this evil influence, by the introduction of a library of good books, promotive of religious and intellectual knowledge, and by active ministerial visitation. I was not unprepared to hear that the unfortunate convict who met such an untimely end, had stated that, during the thirty-five years that he had been in service, he had never heard grace said at meals. This testimony, I fear, may be applied to the history of many hundreds of our agricultural population.<sup>223</sup>

The concern for farm servants, and their susceptibility towards immorality as a result of their work environment was also a point made in the sermon preached by Rev. S. Mackintosh, who had visited Burnett while he awaited his execution. Mackintosh preached a sermon on Burnett on May 27, 1849, segments of which were then published in the *Aberdeen Journal* on June 6, 1849.

If servants are hired, as horses are bought, merely for bodily strength – if the common laws of humanity are systematically set at defiance – then let every Christian at least wash his hands of the iniquity. Let the blame lie where it ought, with the masters.<sup>224</sup>

Another theme in these letters revolved around the identity of Aberdeenshire, with content that attempted to distinguish the community of Aberdeen apart from the actions of Burnett. Discussion on the difference between crimes committed in the city from those committed in the countryside also emerged. For the trial of James Burnett, the focus in the *Aberdeen Journal* was very much on the response of the community after Burnett's execution. It focused on his reformation of character and the way in which the crime could have been

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<sup>223</sup> *Aberdeen Journal*, May 30, 1849.

<sup>224</sup> *Aberdeen Journal*, June 6, 1849.

prevented by supports throughout the community, such as an improvement in the relationship between farmers and their servants. While the initial reports in the *Aberdeen Journal* coincided closely with the information recorded in the court documents, the reports of the execution of Burnett and the events and dialogue that followed went beyond the limits of the court records. The *Aberdeen Journal* provides information that court records cannot. These newspaper articles provide insight into the response of a community and establish a more vivid sense of the context in which this crime took place.

#### Reports of the Trial of James Robb

At the next sessions of the High Court of Justiciary in Aberdeen there was another trial for murder: that of James Robb for the murder of Mary Smith. The case of James Robb illustrates the way reports in the *Aberdeen Journal* created a representation of crime, a representation that becomes evident a comparison between the court records and the newspaper reports.

The trial of James Robb was quite different from the trial of James Burnett, which was reflected in the way it was handled by the *Aberdeen Journal*. The crime that was committed by James Robb was not only the crime of murder but also of rape. According to the indictment in the court records<sup>225</sup> Robb was charged with entering the house of Mary Smith on April 9<sup>th</sup> or 10<sup>th</sup> of 1849. He entered her house through her lum, or chimney, and upon entering the house, he raped Mary Smith. The violence of his attack resulted in her death. Evidence against James Robb included his staff or cane that was found the next morning at Mary Smith's house, as well as a broken button found on the premises that matched a button missing from his coat. Also, marks on the bed clothing from Mary Smith's bed showed lines from a corduroy material covered in

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<sup>225</sup> JC26/1849/85 - Trial papers relating to James Robb for the crime of murder, rape, or assault with intent to ravish at Redhill, Auchterless. Tried at High Court, Aberdeen

soot. When James Robb was found, he was wearing corduroy pants that had soot from a chimney lum on them, which seemingly resulted in the marks on the bedding.

When the case went to trial, the trial was held behind closed doors.<sup>226</sup> This makes for one of the first key differences between the handling of the Burnett and Robb trials in the newspaper. With the Burnett trial, the *Aberdeen Journal* printed a transcript-style report of the court proceedings. However, for the James Robb case, the information that was provided in the *Aberdeen Journal* was taken from the indictment, not from the actual court proceedings, which meant that not as much information was given. Certainly, the length of the report of Robb's trial was shorter. While the trial of James Burnett occupied 1408.5cm<sup>2</sup> of the *Aberdeen Journal*, the trial of James Robb took only 255cm<sup>2</sup> to report.

The *Aberdeen Journal* notes that once the evidence had been given and the jury left to decide a verdict, the court doors were opened and the public was permitted into the court. It is notable that for the entire length of the article, the information on the trial that occurred before the doors were opened measured approximately 1/3 of the space of the article, which was used to describe the statements of the indictment. The remaining 2/3 of the report was used to present information on the verdict, sentencing, and the response of the court. As a result of this division of space, it is clear that details of the trial proceedings were not available to the *Aberdeen Journal*. There were not the same first-hand accounts that were available for the Burnett trial.

When the jury returned, they came back with a guilty verdict of both murder and rape. However, they also recommend Robb to mercy in consideration of the fact that he had not intended to murder Mary Smith.<sup>227</sup> This recommendation for mercy became the aspect of the trial discussed throughout the remainder of the article, as well as in subsequent reports on James

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<sup>226</sup> *Aberdeen Journal*, September 26, 1849.

<sup>227</sup> *Aberdeen Journal*, September 26, 1849.



Robb. The report from the *Aberdeen Journal* made mention, along with this recommendation for mercy, of the argument made by Mr. Shand, the counsel for Robb, who referred to a previous case where the prisoner had not intended to murder the victim and though his actions had resulted in the death of the victim, the sentence given to the prisoner was one of transportation, not of execution.<sup>228</sup> Mr. Shand asked for the same consideration to be given to Robb. This application for a lesser sentence and the recommendation of the jury for mercy was the focus of the remainder of the article. However, despite this application, the judges, Lord Cockburn and Lord Moncrieff, sentenced James Robb to be executed on October 16, 1849.

The next reference to James Robb in the *Aberdeen Journal* was on October 10, a week before his execution. The *Aberdeen Journal* reported that a petition had been put forward to apply for a commutation of the sentence. The report ended with the fact that this petition was not accepted and that the execution would still take place.<sup>229</sup> The next report on James Robb was of his execution.<sup>230</sup> While these articles are much shorter than those that were written on James Burnett, the execution of James Robb was also reported in a different tone. While the execution of Burnett reads with a tone of sensationalism, the report on the execution of James Robb did not. It mentioned that he had taken to reading scripture and had shown an inclination to the spiritual instruction that had been provided him by the pastors that took him into their care.<sup>231</sup> It also mentioned a confession that he had written, in which he admitted his guilt to having entered Mary Smith's home with the intention of ravishing her, but while he was struggling with her she drew her last breath, and argues that it did not end in rape.<sup>232</sup> While the *Aberdeen Journal's* article on the execution of James Burnett included anecdotes of the neighbour's reaction to the

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<sup>228</sup> *Aberdeen Journal*, September 26, 1849.

<sup>229</sup> *Aberdeen Journal*, October 10, 1849.

<sup>230</sup> *Aberdeen Journal*, October 17, 1849.

<sup>231</sup> *Aberdeen Journal*, October 17, 1849.

<sup>232</sup> *Aberdeen Journal*, October 17, 1849.

sound of the hammers raising the gallows,<sup>233</sup> the report of James Robb's execution contains a more literal description of the event. Also, in contrast to the reports of James Burnett, after the execution of James Robb there was no response from the community in the *Aberdeen Journal*. It is a stark contrast to the Burnett case where letters were written to the editor and sermons preached. This may be due to the violence of the crime that was committed and also to the fact that not as many details were provided to the reader.

The difference between the reports of Burnett and Robb illustrate the role of the journalists and editors of *Aberdeen Journal*. The volume, quantity and language of the reports on Burnett show the way in which editors could create meaning for community through crime reports. However, the case of James Robb suggests that there were limits to the voice of the journalists and editor, as evident in the limited access to the details of the crime by the restricted court sessions. However, the lack of sensational tone in the reports of the execution and the lack of social commentary suggests that the editors and journalists selected a reserved stance in their representation of this crime to the reading community.

The trial of James Robb was taken up by newspapers other than the *Aberdeen Journal*. For example, *The Scotsman* reported on the trial and took details from the indictment for its information. In its report, mention was made of the recommendations of mercy from the jury and included a report on the petition that was sent out and rejected. The news of the trial of James Robb made its way to England and was included in *The Times*. *The Times* article focused on Mr. Shand's example that he gave to the court of the murder trial that resulted in a lesser sentence.<sup>234</sup> It is interesting that this was the focus, not only in the *Times*, but also in *Lloyd's Weekly*,<sup>235</sup> *The*

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<sup>233</sup> *Aberdeen Journal*, May 23, 1849.

<sup>234</sup> *The Times*, September 26, 1849.

<sup>235</sup> *Lloyd's Weekly*, September 30, 1849.

*Era*<sup>236</sup> and the *Ipswich Journal*<sup>237</sup>. The focus of these reports was not on the crime itself, though it was described in brief detail, but on the recommendation for mercy and the application for a lesser sentence. The *Derby Mercury*, however, printed a different story, a short article that only mentioned that the jury took a half hour to reach a discussion, which was a unanimous guilty verdict.<sup>238</sup> It does not mention the recommendation for mercy. An article in the *Liverpool Mercury* focused on the fact that Robb's confession stated that his crime was only an attempted rape, that rape was not actually committed and that he had not intended to murder the victim.<sup>239</sup> In the *North Wales Chronicle*, the report focused on the fact that, despite regular visits from ministers, James Robb did not take their teachings to heart.<sup>240</sup> This report is quite different than the article published in the *Aberdeen Journal* that described the ways in which Robb responded positively to the ministers' visits and was reformed in the weeks leading up to his execution.<sup>241</sup>

The spread and republication of news reports is a process that has been examined by historians. For example, historians such as Simon Devereaux, Anne-Marie Kilday and David Nash, consider the significance of the repetition, or retelling of crime stories in the news. Reports of crime were distributed within various levels of the news, whether local, national, or in papers published across the Atlantic, and these stories were often repeated verbatim in multiple papers. In his analysis of the nature of crime and the London press from 1770 to 1800, Devereaux discusses the way in which newspapers would copy stories from other papers to save the cost of hiring their own reporters.<sup>242</sup> Devereaux notes that it is not only significant that crime stories were being repetitively distributed to the public, but that this example is illustrative of the

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<sup>236</sup> *The Era*, September 30, 1849.

<sup>237</sup> *Ipswich Journal*, September 29, 1849.

<sup>238</sup> *Derby Mercury*, September 26, 1849.

<sup>239</sup> *Liverpool Mercury*, October 19, 1849.

<sup>240</sup> *North Wales Chronicle*, October 23, 1849.

<sup>241</sup> *Aberdeen Journal*, October 17, 1849.

<sup>242</sup> Simon Devereaux, "From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press, 1770-1800," *The London Journal* 32, no.1 (March 2007): 5.

competition among papers for an immediate audience.<sup>243</sup> It would be an interesting query to consider the way in which the public responded to these repeated reports. Perhaps, it is of even greater interest to consider the way in which reports were altered in various publications, such as in the case examined by Kilday and Nash in their work on the cultures of shame and morality in Britain. The story of John Le Roi and his trial for cruelty to his wife was written in conflicting ways in local and national newspapers, a variance that Kilday and Nash use to illustrate the way stories could be tailored to specific audiences, as well as the significance behind these alterations.<sup>244</sup> The comparison of representations of the same crime within different papers provides an interesting study, one that would be especially telling in a comparative analysis between different local papers. Elizabeth Foyster, in her introduction to newspaper reporting and crime, notes that this is an area that would benefit from more thorough scholarship, as a comparison to newspapers printed outside of Britain would further the understanding of the extent to which crime reports were distributed.<sup>245</sup> However, searches of several newspapers published in Canada and the United States did not reveal any reports of the trial of James Burnett or James Robb that were carried across the Atlantic.

While there are some differences between the articles on Robb that were published by the different newspaper, these articles also have some main themes that are carried throughout. However, consistencies are most common with regards to the aspects of the reports that were not included. For example, these reports barely mention Mary Smith, and very little detail is given to the actions and character of James Robb. Robb's previous character is not the focus, instead, the focus tends to be on the sentencing and the response of the court immediately following the

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<sup>243</sup> Devereaux, "From Sessions to Newspaper?" 5.

<sup>244</sup> David Nash and Anne-Marie Kilday, *Cultures of Shame: Exploring Crime and Morality in Britain, 1600-1900* (Houndmills: Palgrave Macmillan, 2010), 24.

<sup>245</sup> Foyster, "Introduction: Newspaper Reporting of Crime," 11.

sentence. It is interesting that the only outcome or interest shown in the case outside of the trial and execution was the petition.

These representations in the newspapers are made all the more significant through a close examination of the court records. The court records of James Robb include the precognition, the statements of the witnesses in preparation of the trial, statements of the evidence that was found, and the declarations of James Robb. By examining these records, a very different picture of the crime that James Robb committed begins to emerge. Court records, as a source for crime historians, are formulaic accounts of the crime and the preparations of the court for trial. As such, the court records on James Robb included detailed information on the character of Robb and his victim, his interactions with his victim Mary Smith, and the details of the crime, details that were not presented to the readers of the *Aberdeen Journal*. The following section argues that, through a comparison of the court records with the *Aberdeen Journal* reports, it is evident that a different notion of the accused, victim, and the crime was presented to the reader of the *Aberdeen Journal*, showing that, in the writing, selection and editorialization of the *Aberdeen Journal*, the journalists and editors created a notion of a criminal act that differed from the information presented in the court records.

The precognition papers for the trial included the witness statements from Jean Gammie,<sup>246</sup> a woman who was not mentioned in the reports of the *Aberdeen Journal*. Her involvement with this trial came from the fact that in February, a few months before the murder of Mary Smith, Jean Gammie was followed by James Robb on her walk home after making a delivery. She stated that Robb caught up to her and, after they walked a short way together, he pulled her to the side of the road and tried to “have connection” with her. Jean Gammie said that she threatened to scratch his face, and when he did not stop, she threatened to call for the

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<sup>246</sup> *National Archives of Scotland*, AD14/49/245

servants working the farmland beside them. James Robb then let her go. Robb's attack on Jean Gammie was not reported to the police until after the murder of Mary Smith, as Jean Gammie explained that she was not hurt and she did not wish to bring distress on Robb's parents. Subsequent statements from other witnesses, particularly those working the land near where Robb attacked Jean Gammie, confirmed her statement.<sup>247</sup> However, the witnesses added that they were walking towards Gammie and Robb because they saw that Gammie was in distress. They stated that when Robb saw them, he let Gammie go. They also added that, as Jean Gammie walked away, Robb had tried to follow her again, but they had stopped him.

The court records and statement of Jean Gammie added to the known character of James Robb. However, the reader of the *Aberdeen Journal* would not have known of this account through the reporting of the paper. That is not to say that Robb's character was not known to those living in Aberdeen. For example, Robb's attack on Jean Gammie was known by Robb's next victim, Mary Smith. One of the first precognitions in the court records is from George Wilson, a neighbor. He mentioned that Robb had left Aberdeen, but had recently returned and had not had a good character since.<sup>248</sup> He also mentioned that since Robb had returned home, Smith had occasionally spoken to Wilson about him. She had mentioned to him that she was afraid that Robb would interfere with her. Wilson stated that Mary was more in the way in speaking to him about Robb after the attack of Jean Gammie. Even though Smith didn't state the particulars of why she did not like Robb, she expressed herself as though she dreaded him.<sup>249</sup>

Mary Smith did not only mention her fear of Robb to George Wilson, but also to her sister, Mrs. Fraser. Her sister describes Mary as being 62 years old at the time of her death and

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<sup>247</sup> *National Archives of Scotland*, AD14/49/245

<sup>248</sup> *National Archives of Scotland*, AD14/49/245

<sup>249</sup> *National Archives of Scotland*, AD14/49/245.

she describes a conversation that she had with her sister before she was murdered.<sup>250</sup> Mary told her that James Robb was accused of attacking a woman, and that Mary said he came to her occasionally to light his pipe when he was walking by her house. Mary told her sister that on one occasion Robb had called at her house and had remarked to her that she had no window. But he looked at the lum and said that anyone could come down there. These conversations that Mary Smith had with her neighbor and sister show the reality of this case. While the reports of the newspapers represented the rape and murder as being an impulsive act, the evidence that was presented in the precognitions show that Robb was known in the community as a man of poor character, that he was known to attack women and that Mary Smith had been afraid of him. It also shows that he gave some thought as to how he could enter Mary Smith's home. These were details that were not included in the *Aberdeen Journal* reports. Any reader whose source for information on this case was from the newspaper alone was met with a very different description of the case than anyone who was part of the same community as Robb, Gammie, and Mary Smith. The focus of the *Aberdeen Journal* on the recommendation of mercy and the attempts of Mr. Shand for a lesser sentence may have altered the way in which the reader understood the character of James Robb and the crime he committed.

In the court records, the details of Robb's crime against Mary Smith were clearly described. In the descriptions of the crime provided in the precognitions, the grounds for the jury to recommend mercy after hearing this information seem inexplicable. While the jury felt that there should be some leniency in the sentencing of James Robb, the judge presiding over this court session, Lord Cockburn, was greatly affected by this recommendation for mercy from the jury. Lord Cockburn reflected on the trial in a publication on his experiences as a circuit court

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<sup>250</sup> *National Archives of Scotland*, AD14/49/245.

judge.<sup>251</sup> He noted first, that the autumn circuit court sessions were unique; though there were not more trials than usual, the cases before the court were of particularly worse description than was common.<sup>252</sup> In his reflections, Cockburn described Robb as a “known reprobate” and Mary Smith as “a quiet woman... who lived by herself in a lonely house by the wayside.”<sup>253</sup> His reflections are as follows:

It is difficult to drive the horrors of that scene out of one’s imagination. The solitary old woman in the solitary house, the descent though the chimney, the beastly attack, the death struggle, - all that was going on within this lonely room, amidst silent fields, and under a still, dark sky. It is a fragment of hell, which it is both difficult to endure and to quit.

Yet a jury, though clear of both crimes, *recommended the brute to mercy!*  
Because he did not *intend* to commit the murder!<sup>254</sup>

Cockburn’s response to the trial seems a natural response to the information brought forward in the precognitions. However, the plea for mercy and the petition for a lesser sentence shows a disconnect between the information in the court records and the information presented in the *Aberdeen Journal*. This case study of James Robb provides an analysis on the way reports in the *Aberdeen Journal* created a representation of the crime, which, through a comparison to court records, shows the disconnect between the constructed reports of the newspaper and the formulaic accounts of the court documents.

### Conclusion

These case studies provide a perspective on the benefits of examining crime reports through the lens of court records. Court records provide information that is necessary to the crime historian’s understanding of the details of the case. In considering the High Court of Justiciary reports in the

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<sup>251</sup> Henry T. Cockburn, *Circuit Journeys by the Late Lord Cockburn* (Edinburgh: David Douglas, 1888).

<sup>252</sup> Cockburn, *Circuit Journeys by the Late Lord Cockburn*, 358.

<sup>253</sup> Cockburn, *Circuit Journeys by the Late Lord Cockburn*, 358.

<sup>254</sup> Cockburn, *Circuit Journeys by the Late Lord Cockburn*, 358-359.



*Aberdeen Journal*, the court records show which cases were omitted from the newspaper record and provide information on the occurrence and typology of crime tried before the High Court in Aberdeen. In the trial of James Burnett, the comparison between court records and newspaper reports reveal that, initially, reporters wrote articles that were consistent with the court records. However, once the case went beyond the trial, the news reports on the execution and community response to the crime developed a sensational tone. This suggests that the use of newspapers can provide insight into the social context, an area where the formulaic accounts of court documents are limited. Finally, the representation of the James Robb case in the *Aberdeen Journal* shows the influence of the editorial process. The news reports were limited by the nature of the court proceeding which restricted the details available for the reports. However, the lack of sensational tone in the description of the execution and in the lack of content on the character of Robb suggests that the editorialization of these reports resulted in an intentionally constructed representation of crime to the public. The use of both court records and newspaper reports, therefore, is necessary to recognize the process by which crime was presented to the public through the *Aberdeen Journal*.

## CONCLUSION

This thesis began with a quote from the *Aberdeen Journal* that “the most interesting reading imaginable is a file of old newspapers. It brings up the very age with all its bustle and every-day affairs”.<sup>255</sup> However, this thesis argues that newspapers do more than create an image of the past. Newspapers reveal the way in which reports were constructed in their representation of information to the reading audience. Therefore, newspapers provide a source for examining the context in which the crimes occurred, as well as a context for the way in which crime was presented to, and understood by, the reading audience. Newspaper did more than publicize crime; they created meaning and made claims through the editorial process. In this way, the examination of newspapers is required to establish a sense of how crime was presented to the reading community.

The examination of the reports of crime in the *Aberdeen Journal* in 1845 provides an exploration of how crime was presented to the reader. The length and language of crime reports show that the *Aberdeen Journal*, though focused on advertisements and agriculture, gave some priority to the publication of crime news. Priority was also given to reports of the High Court of Justiciary from 1845 to 1850. These reports exposed the nature of the reporting of the most serious crimes tried in Aberdeen. By examining the reporting of the trials, it is evident that the reporting of crime was a priority for the editors of the *Aberdeen Journal*. However, understanding the nature of the reports of these trials is enhanced by a comparison to the court records, revealing which trials were included and which were not. While the majority of cases tried in the High Court of Justiciary were reported in the *Aberdeen Journal*, the cases tried in the lesser courts were not reported with the same regularity. As a result, the reading audience in Aberdeen was presented with reports on the most serious crimes within their community. The

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<sup>255</sup> *Aberdeen Journal*, June 11, 1845

reports in the *Aberdeen Journal* on James Burnett provides a record of the response of the community, a response that is recorded in the newspapers, providing information that court records alone cannot. By examining the news reports of cases like James Robb, the representation of crime in the newspapers reveals the difference between the presentation of crime in the press and the record of crime in the court records through the construction of the news report through the editorial process.

This research explores the function of crime reportage in the presentation of criminality to the reading public. As newspapers provided the early-Victorian reader with their main source for information on crime news, newspapers have become a source by which crime historians have come to consider the social context in which crimes were understood by the society to which they were presented. The use of newspapers enhanced the study of crime, and when used in conjunction with court records, can provide a perspective of the social meaning of criminal activity. In the study of Scotland's crime history, a study of the function of newspapers in the presentation of crime to the reading audience will add to the growing field of the history of crime in Scotland.

#### Next Steps in the Study of Crime Reportage

This study considers the best methods for the study of newspapers as a source for crime history. As the project concludes, the recognition of possible next steps in the methods for studying the presentation of crime in the Scottish press is beneficial.

While the use of quantitative methods has already been highlighted as an efficient method, Simon Devereaux, in his work on the nature of crime, and the London press, suggests that rather than counting the total number of crime reports within a newspaper, it would be more

appropriate to measure the length of the reports.<sup>256</sup> By measuring the space taken up by crime reporting, a better gauge is given of the proportion of crime to other articles in the paper. While this thesis examines the length of reports in the *Aberdeen Journal*, a study of the changes in the length of crime reports in Scotland over a longer period would allow for potential research on the changes in the reporting of crime in the Scottish press.

In his research on the representation of crime news in the London press, King argues for a more thorough investigation of the agendas held by different newspapers, stating that it is only by understanding the framework by which newspaper content was negotiated that the influence of the newspaper can be fully realized.<sup>257</sup> In this way, future study of crime reportage in Scotland would be enhanced by an examination of the differences in the reporting of a variety in papers. By examining the alternative publications of crime in a wider scope of papers, a more thorough study of the politics of the paper, as well as the decisions made in the editorial process of selectivity, would provide a broader scope of the presentation of crime in the Scottish press.

Lindsay Farmer, in her study of the role of notable trials in the history of crime, recognizes that the history of crime reporting tends to focus on the lives of criminals.<sup>258</sup> As such, the changes in the way trials have been represented have been neglected by historians.<sup>259</sup> As newspapers became a source for sensational news, the spectacle of the trial was enhanced by the spectacle of the printed report. The use of trial records in comparison to the reports of trials in the newspaper would, therefore, provide an interesting study of the extent to which the representation of the trial process changed over this period.

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<sup>256</sup> Devereaux, "From Sessions to Newspaper?" 7.

<sup>257</sup> King, "Newspaper Reporting and Attitudes to Crime", 91.

<sup>258</sup> Lindsay Farmer, "'With all the Impressiveness and Substantial Value of Truth': Notable Trials and Criminal Justice, 1750-1930." *Law and Humanities*, 1, no.1 (2007): 61.

<sup>259</sup> Farmer, "With all the Impressiveness and Substantial Value of Truth," 61.

Finally, Elizabeth Foyster notes perhaps the most important consideration needed for the social historian endeavoring to examine the representation of crime in the news:

If we can detect from these studies an aspect of fundamental significance ripe for further discussion in future research, however, it must surely reside in the degree to which the newspapers merely reinforced, or acted to influence or even altered public opinion about crime and justice.<sup>260</sup>

The need for extensive discussion on the ways in which newspapers can be used to examine the effect of crime reporting on the reader is a necessary step required to further this area of study.

This thesis explores the value of the newspaper in the work of the crime historian. Through an examination of the *Aberdeen Journal* from 1845 to 1850, the influence of the press in the construction of the meaning of crime and the representation of crime to the reading community has emerged. In this study, criminal activity was not placed outside of the community in which it occurred or was made public; rather, crime was recognized as an integral aspect of daily life as encountered by the reader of the Scottish press. In order to study criminality within the social context, newspapers become an invaluable source for the crime historian. In this way, this examination of the function of newspapers in the presentation of crime adds to the growing field of the history of crime in Scotland.

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AD14/49/245 - Precognition against James Robb for the crime of murder, rape, or assault with intent to ravish at Redhill, Auchterless

AD14/49/256 - Precognition against James Burnett for the crime of murder at Tyrie, Aberdeenshire

JC8 – High Court Minute Books Series E

JC26/1845 – JC26/1850 – Catalogue of trial papers

JC26/1849/22 - Trial papers relating to James Burnett for the crime of murder at Tyrie, Aberdeenshire. Tried at High Court, Aberdeen

JC26/1849/85 - Trial papers relating to James Robb for the crime of murder, rape, or assault with intent to ravish at Redhill, Auchterless. Tried at High Court, Aberdeen.

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