

Hard Labour on a Hard Disk

CARMARTHEN'S REGISTER OF FELONS ON COMPUTER

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I

In 1987, in his admirable introduction in this journal to the contents of the extant Register of Felons from Carmarthen Gaol, John Owen concluded that 'the volume cries out for computer analysis'.¹ The purpose of this paper is to report that that enterprise is now under way, a process facilitated in no small measure by the support of Mr. Owen and his staff at Dyfed Archives. Our intention here is to elaborate upon the reasons why this project has been undertaken, and the difficulties which have attended it. We will also consider the potential which the transfer of the information contained in the register has for the researcher, together with the limitations which must be borne in mind in using the source.

The Register of Felons (C.R.O. Acc. 4916) is a document of considerable historical significance. Although register books of a similar nature exist for a number of nineteenth century prisons, there are features of the Carmarthen example which are, as we shall see, particularly interesting. It is, in essence, a book recording receptions into the gaol of prisoners charged with felony, i.e. with the most serious range of criminal offences. The alleged offender had his or her details recorded at the time of committal to gaol before trial and the register, printed in standard form by Shaw & Sons of London, is laid out so as to allow the entering of further personal information and details of the offence alleged and legal proceedings which ensued therefrom. The surviving register covers the years from 1844 to 1871.

The first point to be made is that the entries in the register do not represent the totality of the prison population. Another book may well have recorded the details of misdemeanants, the numerically more significant class of lesser offenders committed to the gaol and House of Correction (the same site housed both institutions and, although nominally the historical distinction was maintained, by this period it was ceasing to be properly understood). Many of the prison's most frequent inhabitants, such as the notorious Mary Ann Awberry, never committed an offence sufficiently serious to warrant appearance in the Register of Felons, but no volume of misdemeanants has been found. Similarly, other significant classes of inmate make no appearance in the volume under inspection, namely those debtors who were confined to prison for lack of funds and some soldiers who were committed (on questionable and, on at least one occasion, questioned authority²) for breach of military discipline. Reference by the Gaoler on a number of occasions to his 'Receiving Book' suggests that this may have covered all classes of offender. Certainly all receptions and discharges would also be noted in the Gaoler's Journal, in which was recorded on a daily basis a variety of information relating to the running of the prison.

This systemization and bureaucratization is significant, and the Register of Felons may be seen as representing the injection of such qualities into a penal world far removed from the localized, disorganized ragbag of gaols which John Howard had visited only 60 years before

our surviving register's first entry was made.³ To understand the change completely would necessitate a detailed study of the development of the criminal justice system in the nineteenth century which would be out of place here, but the outline of the story may be briefly given.

Although imprisonment had been used as a penalty for crime for many hundreds of years, it only attained the status of the focal point of the treatment of offenders in the nineteenth century. The eighteenth century knew of a theoretically extremely harsh criminal code, with much invocation of the death penalty on paper, which was in practice imperfectly applied. In addition to capital punishment a variant of the old medieval idea of moving on troublemakers also became important in that century and that was the penalty of transportation. But transportation was badly affected by the loss of its dumping ground, the American Colonies, after the War of Independence. Although the last convict ship sailed as late as 1867, Australia having become the substitute destination, transportation was a moribund sentence throughout the nineteenth century. Execution and exile were to be replaced as the means of dealing with those offenders whose crimes were serious and a reorganized and improved prison system was seen as the means to achieve that end. The prisons were to be the laboratories in which experiments of deterrence and reform could be undertaken: such experimentation needs, and creates, data. It is in this context, and more widely in the context of an increasingly interventionist, bureaucratic state, that the Register of Felons may be considered.

A series of nineteenth century statutes sought to impose structure and system on the gaols of England and Wales. Significant here was Peel's Gaol Act of 1823 which imposed on Keepers of Prisons and Visiting Justices a number of obligations in respect of the recording and return of information to the courts and to the Secretary of State.⁴ In 1835, the Prison Inspectorate was established⁵ and, after more legislation regulating a variety of prison affairs, the systematization was ensured by the 1877 Prisons Act which brought all prisons within central government control.⁶ From having a high degree of autonomy in the

eighteenth century, the Governors of Prisons were increasingly knitted into the fabric of state regulation. As a consequence they not only kept prisoners, they also kept records.

II

The Carmarthen Register of Felons covers an important period of penal history. Viewed on its own, it can provide fascinating information about the individuals who found themselves charged with serious offences. Taken with other evidence – trial records, newspaper reports and the extant observations by the prison doctor, chaplain and visiting justices and, in particular, the splendid and vivid Gaoler's Journal (also C.R.O. Acc. 4916) – a more complete investigation of the history of the prison is possible. As part of such an investigation, it was decided that computer manipulation of the information contained within the Register of Felons would be a worthwhile undertaking. With the financial support of the Law Department at the University of Wales, Aberystwyth and the Sir David Hughes Parry Trust, the process was begun.

The computerization of the register involved the creation of a database. A DTK laptop computer was used together with the database function of Microsoft's *Works for Windows* software. Before the information could be entered on to the computer, a record format with specified headings or 'fields' had to be designed. This was a relatively straightforward process because of the layout of the register: it has standard grids which were filled in for each prisoner and every box in the grids has a heading specifying the details to be entered. It was not difficult, therefore, to transfer these headings from the page on to the record format of the database.

However, because the keepers of the register did not record information about prisoners in as rigid a way as the register was printed, it was not possible simply to reproduce the register exactly on computer. Most of the original headings from the register's grids have been retained as field names in the record format, but there are some differences. For example, the register itself gives

the names of felons but does not otherwise record their gender. When the database comes to be used to analyse the felons, it will clearly be important to be able to compare the differing patterns in both the criminal behaviour of men and women and in their treatment by the judicial system. Therefore, a gender field was added to the record format. Similarly, because many of the entries in the latter part of the register are accompanied by photographs of the felons, it was necessary to have a field in which the presence or absence of such photographs could be recorded.

The computerized record format was designed to be as similar as possible to the design of the register as was consistent with reproducing the information in a form which the computer could manipulate. The personal details of each of the 1448 prisoners in the register have been entered on to the database under the categories of name, gender, age, stature, complexion, place of birth, last residence, marital status, number of children, state of instruction, profession and whether or not a photograph exists. It should, though, be remembered that in the register not every piece of information is recorded for every prisoner.

As well as recording personal details, the register also shows the progress of the prisoners through the judicial system. This information has been entered on to the database under the categories of: the time of committal; the names of those committing the prisoner; whether a further examination occurred and, if so, when; the offence for which the prisoner is committed; the time tried; the court where tried; the name of the judge or chairman; the sentence; whether hard labour was employed; whether the prisoner had been in custody before and the date of discharge. The register also has a much used category, retained in the database, entitled 'general remarks' which can contain either personal information or details of the judicial process.

Once the record format had been designed, the process of entering the information began. It was at this point that the tension between the rigidity of the grid layout of the register and the more flexible way in which it was sometimes filled in became apparent. For example, in the register some heights are recorded very precisely, down

to the nearest eighth of an inch, whereas others are given as 'about 5'4"'. In order to use the database to discover, say, the average height of female prisoners, numerical values only have to have been inserted into the height field. Therefore, references to approximations in the measurement of heights had to be ignored when entering information. Although the database makes the calculation of averages easy, it cannot take account of the imprecisions of the authors of the entries in the register.

Another problem which emerged during the inputting of the information on to the computer was the near illegibility of some of the entries in the register. This was caused by several factors including bad handwriting, fading ink and the failure of the English authors to render Welsh place names either successfully or consistently, even in their own anglicized versions. As a result, working out the entries for 'where born' and 'last residence' caused the most difficulties. It was almost always possible to be certain from which county, at least, the prisoners came, although individual place names were sometimes harder to identify.

Clues to the method of compiling the register became evident during the computerization process. It is common for several different hands to appear in the record for any one prisoner, suggesting that different members of the staff of the prison may have been responsible for keeping particular sections of the register. It also seems likely, because of some mistakes which are apparently transcription errors, that the initial details about prisoners were taken down on committal in some other record and later copied up into the register.

Clear attempts emerged in the register to determine whether the prisoners had been in gaol before, either at Carmarthen or elsewhere. As well as the index of names, which cites the prisoners' reference numbers, and a box in the grid headed 'whether in custody before', the compilers of the register also recorded aliases, included cross references and later added photographs to try to keep track of re-offenders. All of this information has been included in the computer database.

1867

Time Committed	NAME	Age	Stature	Complexion	Where Sent
1867 April 13	David Lewis	 38	5-11	Dusky	Albany
Committed by C. C. Robinson Esq.	Further Examination	OFFENCE	Time Trial	Trial by	
			1867 April 13		1867 Albany
1867 April 13	William Lewis	 40	5-4	Flesh	Albany
Committed by A. T. Blood Esq.	Further Examination	OFFENCE	Time Trial	Trial by	
			1867 April 13		1867 Albany
1867 April 13	Thomas Lewis alias Jarvis	 17	5-7	Flesh	Albany
Committed by A. T. Blood Esq.	Further Examination	OFFENCE	Time Trial	Trial by	
			1867 April 13		1867 Albany
1867 April 24	Patrick Smith	 27	5-4	Flesh	Albany
Committed by W. H. Rice Esq.	Further Examination	OFFENCE	Time Trial	Trial by	
			1867 July 5		1867 Albany
1867 April 13	Thomas Robinson	 23	5-6	Flesh	Albany
Committed by A. T. Blood Esq.	Further Examination	OFFENCE	Time Trial	Trial by	
1867 May 21	James Scott	 23	5-6	Flesh	Albany
Committed by W. H. Rice Esq.	Further Examination	OFFENCE	Time Trial	Trial by	

Register of Felons. Part of entry for 1867.

III

The benefits of the manipulation of the information thus collected are manifold and obvious. Simple operations will provide, for example, the average age of a male or female committed for felony, but more sophisticated investigation will enable more illuminating profiles of, for example, age, gender and height to be established. The geographical origins of the offenders can also be explored to see how many of those committed to the gaol for felony were 'local' and how many were 'outsiders'. Previous criminal history may be examined to see the extent of recidivism in the criminal population, whilst an examination of the disposition of offenders at trial will indicate both the relative difficulty of securing convictions for different offences and the nature of the sentences imposed. There is no doubt that the process will be an enormous advance in the retrieval and explanation of the information collated by successive Governors of Carmarthen Gaol.

Yet optimism must be tempered by realism. We have indicated that certain practical difficulties inhere in the process of reclamation of information, but there is also a major theoretical one. For bureaucratic record is not the same as truth and the information recorded in the register under each individual entry should be regarded with a certain degree of scepticism. That degree is not a constant one for, *prima facie*, it would seem that the details entered relating to some prisoners (local *causes célèbres*) may be more reliable than others (the itinerant vagrant). If, as we have seen, a prisoner's height may be but imperfectly recorded, we may speculate as to what greater imperfections there may be in the official enrolment of information which might be difficult to retrieve from sources other than the prisoner and which he or she might have a vested interest in suppressing. So, for example, a prisoner would be understandably reluctant to admit to a string of previous convictions which might directly influence the sentence for the offence for which he was presently committed. Similarly, a criminal of ill repute from Cardiff might be well advised to offer, say, Liverpool as his last residence in order to confuse the authorities. Clearly, the individual inaccuracies will be compounded when a profile of groups of offenders is sought.

The problem which becomes obvious from consideration of such matters is one of the limits of bureaucratized control. Even at the end of the period covered by the Carmarthen register, the move to establish a national prison system was proving more successful than that to produce a national prisoner with a fixed identity around which penal particulars might be assembled. It is at this point that a remarkable development in the register needs to be addressed, namely the gradual incorporation of photographic evidence.

Governor George Stephens was not the first person to photograph criminals, not even the first in Wales, as the reproduction of a daguerreotype image of Joseph Jacquier of the murderers Sullivan and Murphy in the 'Monmouthshire Merlin' in 1850⁷ makes clear. Nor was he the first prison governor to use the new technology in a systematic way, that honour usually being claimed for, and by, Governor Gardner of Bristol.⁸ But Stephens, after his first photograph of James Jones the Llanllwni weaver sentenced to hang on March 18th, 1858,⁹ realized the potential of trying to fix the image of the criminal, and with it his identity. The Register is testament to the use of false identity by a number of inmates, such as John Phillips, no. 1076, previously imprisoned at Carmarthen as George Flynn, no. 463, at Montgomery as John Hanley, at Merioneth as John Stannion and also in Swansea and Gloucester. Photography never quite worked as a method of solving the problem of the false identity, but Governor Stephens had shown initiative and imagination in his approach. The images recorded by him, some amusing, some distressing, make the Carmarthen Register a rich treasure.

The information contained in the Register may not be entirely accurate and its entry on to computer has been attended by some difficulties, both practical and theoretical. On one level such problems as the legibility of a particular name have to be overcome, on another the whole question of what represents historical "truth" needs to be confronted. Nonetheless the exercise has created the potential for significant findings relating to crime and the criminal justice system in nineteenth century Carmarthenshire now that the analysis of the information is about to commence.

NOTES

1. J. Owen, "Crime in Victorian Carmarthenshire: The Evidence of the Felons' Register" (1987) 23 *Carmarthenshire Antiquary*, p. 66 to p. 70.
2. See Gaoler's Journal 22nd October 1845. Some soldiers (11 in total) do appear in the Register of Felons, see for example numbers 59, 60, 100, 101, 145, but all are remanded on serious charges.
3. For Howard's observations ("The Gaol offensive ...") on Carmarthen's gaols, both County and Borough, see *The State of the Prisons* (1777, Warrington), pp. 467-469. Borough prisoners were to be housed in the County Gaol following the consolidation of the two institutions in May 1847.
4. 4 *Geo. IV c.64*.
5. By Prison Act 1835 (5 & 6 *Will. IV c.38*).
6. Prison Act 1877 (40 & 41 *Vic. c.21*). For these developments see, e.g., C. Harding, B. Hines, R. W. Ireland and P. Rawlings, *Imprisonment in England and Wales: A Conclusive History* (London, 1985), chapters 5 and 6.
7. 20 April 1850, on which see Bernard V. and Pauline F. Heathcote, "The Custodial Photograph" in K. Collins ed. *Shadow and Substance* (Michigan, 1990), pp. 115-116.
8. See Gardner's evidence to the Select Committee on Prison Discipline, 1863, at para. 3583.
9. No. 708, for details of the trial see *Carmarthen Journal*, 19 March 1858.

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