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In the final episode of this series on our most intriguing and significant trial records, we're taking a closer look at the evidence. First, we examine pieces of courtroom evidence like a red suit seized from a LGBTQ+ space in the 1930s and the calling card that led to Oscar Wilde's downfall. Then, we explore how our trial records preserve evidence of everyday life in the past that would otherwise be lost to history.

Documents from The National Archives used in this episode: C 113/281; CRIM 1/41/6; CRIM 1/638-640; EXT 11/131; J 90/1266

If you're interested in finding out more about our trial records take a look at our [criminals, courts and prisons research guides](#). For help navigating our catalogue you can watch our [top level tips on using Discovery](#).

We also have blogs about both the seized [red suit](#) and the [calling card](#) which led to Oscar Wilde's downfall that Vicky discusses in this episode.

Listeners, we need your help to make this podcast better! We need to know a bit more about you and what themes you're interested in. You can share this information with us by visiting smartsurvey.co.uk/s/ontherecord/

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Transcript

[Intro – clips taken from the episode set to music]

Euan Roger: This is On the Record at The National Archives: uncovering the past through stories of everyday people.

I’m Euan Roger

Laura Robson-Mainwaring: And I’m Laura Robson-Mainwaring.

Euan and I are both historians at The National Archives in Kew, West London, where we research, look after, and help our audiences better understand the archives’ collections of historical government and public records.

Euan: The subject of our episode today is evidence. The actual items of courtroom evidence that survive in our collections...and a more figurative look at how our legal records are evidence of the past that would otherwise be lost to history.

Laura: A quick content warning: this episode contains references to homophobia and some language and terminology from the past which is considered offensive today.

For a virtual tour of some of our most intriguing pieces of courtroom evidence, we called up our colleague Vicky Iglkowski-Broad.

[outgoing ringing tone]

Vicky Iglkowski-Broad: I'm Vicky Iglkowski-Broad, Principal Diverse Histories Record Specialist at The National Archives. That means researching lots of hidden histories in the archive; traditionally marginalized voices like women, such as women and gender history and the history of lesbian, gay and trans people.

Laura: We usually think that the archives hold paper records of trials, but perhaps not that we hold records of the evidence themselves. So can you tell us about the types of evidence that can end up in our records?

Vicky: The National Archives collections have some really surprising items relating to trials and records. And to me, these are some of the most exciting things we have in our collections.

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So we can see things like in 1902, the first conviction that occurred because of the use of fingerprints in the trial. So in this case, there was fingerprints left on a freshly painted window sill in a burglary case. And this was used as evidence to convict the individual.

And then we have other key bits of precedent evidence, such as the first use of DNA evidence in the 1980s. So some of what we have is significant for its use in court and its precedent status.

However, we also have just really interesting, odd quirky items that end up in our collections for reasons that we wouldn't necessarily expect. So some of my favourites are things like photographs and letters. So for example, love letters between two men that were used as evidence or tickets, train tickets or entrance tickets.

Laura: What can evidence found within our records tell us about the history of trials?

Vicky: I think the evidence held in our collections can tell us a lot about the history of trials, particularly key moments and really significant trials. But also actually I think the evidence, some of the value of it is what it can tell us about things outside the trials and outside the court.

It can be really good evidence of social history, where other items don't survive the objects that we have actually become even more significant and important. So something that comes to mind for me as a specialist in diversity is some of the items we have relating to LGBTQ history. And that's partly because there doesn't tend to be a lot of material evidence relating to, for example, same-sex relationships between women or men in the past. Because it was almost dangerous to keep this evidence. It was often destroyed because they knew that this could be used against them in court.

So therefore, actually the surviving items that we do have are incredibly powerful because they're very rare examples of material LGBTQ history.

Laura: Can you tell us about a particular unique piece of evidence that you can think of?

Vicky: One of my really favourite items that I've come across that's a piece of evidence is actually a piece of clothing. And we really don't have many items of fabric or clothing within our collections that have these personal links. But this particular piece of clothing was seized as evidence in the 1930s.

And I'm going to try and describe it to you. So this is essentially a red lounge suit. So it's a kind of suit that was worn in the 1930s with wide-leg trousers, flared towards the bottom. And a short top

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with billowing sleeves, but almost it seems quite cropped. And it's got this very bohemian vibe and this red colour to it. So it's a very distinctive item anyway.

And for a long time, it was known in our collections as the pyjama suit. So, that shows the iconic imagery around it. That people knew there was this thing, but they didn't necessarily know the story behind it.

But this item was actually seized on a raid at Holland Park Ballroom in 1932. So the venue was targeted because it was believed that men were having relationships with other men at this venue. It was used as a meeting space. And in 1932, it was an era where sex between men was criminalised. So there was a particular police raid where this item was seized. We get a description from the police at the time. And what they say is that there were 50 to 60 people in this ballroom. From their perspective, one half of the people in the room were attired in evening dress. And the other half being dressed in lounge suits. But all were male. So essentially half of the room were perceived by police to be wearing women's clothes or traditionally female clothes, and the other half male. But in the eyes of the police, they were all men.

So it's a really interesting experimentation of gender expression and sexuality at the time. And it was something that the police perceived to be a way of expressing sexual identity, as well as the clothes. So this was used against these individuals at the time.

Through the conversations of the police, we know that the men who were seen to be in dresses were termed actually "queenies," and the men in lounge suits were termed "kings." There was very much a dynamic going on there. And actually, the police themselves embrace this and they take on different roles as well during the raid as undercover police.

So this red outfit was worn by one of the kings who was at the ballroom. And so that's why it comes into our collections as a piece of evidence.

Laura: That's an amazing item, isn't it, that you just wouldn't really expect to find in a government archive. And like you say, it wouldn't have survived if it wasn't used as evidence.

Vicky: Yeah. I think it's the ultimate irony is that it does only survive because of the criminalisation. And it actually means that we have this incredible item that we wouldn't otherwise know about. But it obviously also feels quite uncomfortable that we have an item linked to the criminalisation of someone's love and sexuality in the past. Yeah, so essentially it was used against the individuals and ultimately 20 people within the venue were found to be guilty as an outcome of that trial. But it is incredible material evidence of gay culture from the 1930s.

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Laura: Yeah, it is quite surprising that it wasn't weeded out before it came to the archives as well. Because I've seen a lot of trials where they mention just like a photograph or something, and even that doesn't exist. And you might expect that to exist still, but it doesn't.

Vicky: It's very frustrating. Yeah.

We often have lists of evidence, particularly relating to raids on gay venues and places like that. And we can see lists of what was actually seized by police, sometimes photographs of individuals, sometimes things like powder puffs, all gathered as evidence at the time against these individuals. And yet, often the majority of these don't survive. We have occasional glimpses through photographs, but the majority of things don't tend to survive. So this is really unique in the way that it has, for whatever reason, ended up in our collections being part of the material evidence.

Laura: Are there any sets of records with evidence that tell us about a particularly famous or controversial case?

Vicky: A really famous case in our records, I would argue, one of our most famous records, are the records relating to Oscar Wilde and a particular item of evidence that was seized. In many ways, this singular item, I would argue, was the downfall of Oscar Wilde. So Oscar Wilde was a brilliant conversationalist and writer, but he hit his downfall. And this all centers around a particular item, a calling card. So on the 18th of February, 1895, the Marquess of Queensbury left his calling card at the Albemarle Club. And it's believed to have been endorsed with the words, 'For Oscar Wilde, posing sodomite'.

Now, the exact words are difficult to read and they are debated. So even the hall porter at the time that received the card, originally read it to say 'ponce and sodomite'. But Queensbury himself claimed that he'd written 'posing as a sodomite'. Either way, these words at the time were very controversial; the Marquess was accusing Oscar Wilde of having a relationship with his son, Lord Alfred 'Bosie' Douglas. And so this was really controversial in an era where love between men was essentially criminalised in the eyes of the law.

And the card was part of an ongoing campaign. So the Marquess had actually also tried to interrupt Wilde's new play, *The Importance of Being Earnest*.

So Wilde decided to try and prosecute for libel, and say that these claims weren't true, because the words that the Marquess of Queensbury had said on this card would potentially have created quite a scandal at the time, and created a public backlash.

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The problem was that Wilde in fact was having relationships with men at the time. And this became essentially a case against Wilde, whether the statements on the card, this calling card were true or not, were they libelous or not? Wilde ended up losing the case, and just after he left the court, a warrant for his arrest was applied for on charges of sodomy and gross indecency. So they were the charges at the time.

And so now essentially the court case that Wilde had instigated for libel had turned against him and became a criminal prosecution. And so this card was essential to all of this. This calling card that said this potentially libelous phrase then became the centre of a criminal court case. And in 1895 Wilde was convicted at the criminal court and sentenced for two years hard labour.

This was essentially the maximum sentence that could be given. So he was used as almost an example, and actually this affected the way that men having sexual relationships with other men were treated in the decades following.

And so a really tiny piece of evidence has become one of our most famous documents and was the centre of a scandalous court case that attracted public interest for quite some time and led to Wilde, not only being sentenced to prison, but actually also then spending the remainder of his life, once he was released, in Paris living under a false name. And so he died in 1900 and his career had essentially completely ended by that point. And it was the ruin of his career and indeed his marriage as well.

Laura: So, Vicky, can we draw a line from Oscar Wilde's infamous calling card to the red suit? The two stories have a lot in common.

Vicky: I think it's really interesting looking at the Wilde trial and what happens at that moment in time. It forces even more of an underground community. And so spaces like the ballroom that we hear where the lounge suit was seized really come out I think of the way that LGBT lives were suppressed by precedent such as the Wilde trial. Again, there's almost a positive and negative from that. It's horrible that people's lives were pushed underground, but actually it does lead to this development of amazing hidden spaces that we wouldn't necessarily think of in the 1930s relating to gay men's lives, for example.

So really out of the Wilde trial, I think you do eventually get these spaces that were formed for people to create their own links and places to socialise.

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Euan: This is the 17th episode of On the Record at The National Archives. In every episode, we've shared stories that our records specialists and historians have researched from our collections.

In this mini-series on trial records, we've focused a bit more on another role that myself, Laura, and the other staff you've heard from play: helping members of the public do their own research and tell stories from our collection. In fact, one of the goals of this podcast is to help you, the listener, better understand what records we hold and how you can access and use those records.

Laura: So for the rest of this episode, we're going to shift our attention to two big questions. First, how can members of the public use the evidence in our legal collections to investigate the past? And secondly, how do legal records serve as evidence of more than just crimes and the claims of civil lawsuits?

For help with these queries, we turned to our colleague Amanda Bevan.

[outgoing ringing tone]

Euan: Hey Amanda. Would you introduce yourself and tell us what you do?

Amanda Bevan: I have the title of Head of Legal Records at the National Archives. I've worked at the National Archives now for nearly 40 years, starting out as a postgraduate researcher, and then in about 1983, moving into the role of an archivist. It's been a fantastic place to work, it's always so interesting, there's something new every day. I would say a large part of my time has been spent either in directly advising the public, or writing things which will help them with their research, or improving our catalogue descriptions so they can actually find what they want to find.

Euan: So I think people often think one of two things about collections like The National Archives. Either that they're these huge repositories of documents that only experts can decipher, or that everything is perfectly organised and searchable. Can you tell me about the process of investigation in the archive?

Amanda: Well, that's a really interesting question, and I do remember the first time I arrived at an archive and was absolutely terrified. I think things have changed since then, and we try to make the archives as welcoming as possible. We know that a lot of people want to come in and look for individual people, and the best way to do that is to just try a search in our online catalogue. We've got an immense online catalogue called Discovery, and it's got about 32 million descriptions in it. So you can just put a name in the search engine and see what comes up. You might get something, or nothing, or you may get so many things that you decided that this is just not

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possible. But we have lots of filters, and you can use the filters to work out what your subject matter might be.

But if you know a bit more than just a name, it's always worth going and looking at our research guides. There's about 300 research guides telling people how they can investigate. Maybe somebody who served in the army, or in the Navy, or how they can look up, in our case, lawsuits, and find out if any of the people that they're interested in were involved in litigation or in criminal trials. There's lots of ways in.

I think one of the things that you must always be aware of is that our catalogue doesn't actually contain descriptions of all our documents. It contains 32 million descriptions, which is a lot, but some of those descriptions might cover a single sheet of paper in some detail, and some of them might cover a box of papers in almost no detail at all. We do have descriptions like 'A to B', or '1772 to 1773', which are not really very helpful.

So to some extent, that explains the other half of my work, which is improving descriptions in the catalogue so you can find things more easily. But I would say, if you want to come to The National Archives, or investigate the archives, there's three things to look for: written advice, the research guides, trying a search yourself, and if neither of those are actually showing up for what you want, we do run an enquiry service. So always try to ask if you can't find it yourself.

Laura: Speaking of enquiry service, we also called up Nigel Taylor, one of Amanda's colleagues in the legal records department. Nigel spends a good deal of his work day helping people navigate our legal records by email or in person when our building is open to visitors.

Euan: I asked Nigel to tell us more about how both amateur and professional historians use the trial records in our collection to answer questions about the past.

[outgoing ringing tone]

Nigel Taylor: Depending on what your interest is, you're going to have a different approach. Obviously, family historians are looking to source names and trying to get a context of family members, whether that be military history, or it might be, again, a court case that an ancestor was involved with.

Euan: And these legal records are just full of names, aren't they?

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Nigel: It does vary between different types of courts, we always say that the Court of Chancery, they are very rich with names because you do have a lot of depositions, witness statements. So you're getting a lot of involvement of people who were not necessarily named as parties to the action.

Especially if they're involved with estates, maybe the will of someone that is disputed, you'll get all the relations involved. So you can get a full family history within the court records itself of one case.

Euan: So you can build a story from that core bit of legal information, you can actually tell a much bigger story sometimes, can you?

Nigel: Sometimes you can get a sense of what jobs certain individuals were doing, especially if it's a dispute over a business, for example, you might have a part of the evidence, or a part of the exhibits, might be accounts of a business.

So you're getting a lot of detail of how a life was lived in terms of businesses or in terms of people living in a house for example, you might have an inventory of all the goods in each room. So it gives you a snapshot of your family, how they were living in a particular time.

Euan: And can you trace people through those documents, and trace their stories throughout multiple documents?

Nigel: You can sometimes. I mean, sometimes these court cases can go on 30, 40, 50 more years. So you're seeing how the different generations are picking up the case, because they're still fighting.

Laura: So the subject of this episode is evidence, as in the evidence presented at trials. But as Vicky and Nigel both showed in their examples, our legal records don't just tell us what happened in a specific courtroom at a specific time or the details of a legal dispute; they also preserve—directly and indirectly—evidence of the past.

And that brings us back to our conversation with Amanda.

Euan: Amanda, can you talk more about how police records, trial records, and the rest of the legal collections preserve more than meets the eye?

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Amanda: I think for a long time legal records were only really used by people who were interested in 'the law', the history of the law. Increasingly they became used by social historians who were interested in the history of multiple aspects of society and the past, and as they're becoming more and better cataloged, they're being used by family historians, or biographers, or by people who are looking for a specific kind of subject.

I think one of the things that we need to realise is that records of litigation, whether it's criminal litigation or civil litigation, often involve people bringing in lots of written evidence into court. And that can be either, the statements that they make to the court, or they can be documents that they bring in to prove a point. And quite often more documents are brought in than are necessary, and they just hang around. A lot of people never bother to collect them again afterwards, which always astounds me.

So we have either what people are saying themselves about their own case, or things that they're bringing in in support of it, and in both of these things, they are like testimonies from the past. But when the people are giving either direct evidence themselves, or they're introducing letters or accounts or something like that, they're speaking from their own society. They know what they're talking about, they don't bother with the background, but they include peripheral details, which are important...more particularly important to us.

So they might say, for example, that a particular murder took place at the old stone cross, and that old stone cross isn't there any longer, but we can learn from it that this might've been a religious pilgrimage site, or it might've been something which marked a boundary. So you can get some really quite technical things like that. And you can also get lots of ideas about how people thought about things.

I think the easiest way to describe this kind of peripheral information that you get, is to think if sometimes you're watching television and you come across a film from the 1950s, old black and white film, maybe a B movie, and you look at it and you think, oh, I don't know, the plot's a bit daft, or look at their clothes. And then you look at the background and you realise, because it's a cheap movie, they didn't build sets, they used what they had. And so you can see directly what a living room in the 1950s might look like, or a corner shop, or what a 1950s estate might look like when very few cars were around. And the film wasn't made with that intention, but that's what it's giving you, it's giving you a view into a past society that you wouldn't otherwise have.

From these kind of small things, you can go on and on to fairly grand themes. You can look at how, for example, the role of women has changed over time. Until the 1880s, women's lives and property were very constrained by being under their husband's control, and that's something that

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you can see playing out over centuries. But you can also find some really intimate and particular evidence as well.

One of my favorite examples is a case from the 1860s where there was a house party in Scotland, and a young man with an eye for an English heiress gave her a book entitled God's Offer of Salvation, which doesn't sound very seductive, but in it he'd written, 'To my wee wifey', And that was enough. The fact that she had accepted a book, which addressed her as his wife, was enough for that to count as a marriage in Scotland. You see, this is not something that we would expect.

But what goes beyond this is that the case went to court in England, where that wasn't seen as a proper marriage, and this young lady produced really, really detailed statements about how he tried to convince her that premarital sex was the norm in Scottish society. She described how he came into her bedroom, how the fire was lit because it was cold, but how he said 'it still wasn't warm enough and could he get into bed with her?' They both seem to have been quite innocent because as far as I can see nothing much happened, but it's absolutely extraordinary to get that kind of evidence.

Euan: That's really interesting.

So, Amanda, you have spent 40 years working with the records in this archive, which is pretty amazing.

Why do you think these records that you work with are important...the legal records, but also The National Archives' collections generally...what makes them worth preserving, maintaining, researching, and making accessible?

Amanda: Oh, that's a difficult question to answer, isn't it? I think if you think our understanding of the past is valuable, then our understanding of the past can be infinitely expanded by these records, particularly by the legal records that I've spent so long on. There is so much which is undiscovered, unexplored. It might have a very brief description, but it doesn't really tell you much more about it than that.

But once you go past the description and look at the documents, then you have so much more to discover. I mean, for example, we have a set of exhibits relating to a court case, and I'm not even sure what the court case is, but what we have is a description which says that these are letters from 1712 to 1721 to a James Phipps at Cape Coast Castle from his father. Now that sounds just like a family history type thing. But Cape Coast Castle is one of the major slave trading forts in West Africa. So we have here somebody, a young man, who was receiving family letters, and he is a slave trader. He's living out there for at least 11 years, so we have 11 years' worth of letters talking to a slave trader.

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What did the family think about this? What do they understand by his work? Do they think it's a good thing? Do they think it's a bad thing? We don't know. What we do know is that we have these letters, and they might tell us something which we really don't know and now we're looking at it in a different way.

Laura: Our legal records at The National Archives span from the 12th century all the way up through the 1990s. That's a lot of evidence. But our records only scratch the surface of everything that went on in Britain in the last 900 years.

New records are being added to our collection all the time, so to wrap up this episode, we wanted to spend a few minutes considering the future of the past with Nigel.

Euan: Nigel, when will records from 2021 become part of our collection that people can access to learn more about this year in history? Or I guess, another way to ask is when will records from 2021 become historical evidence for the future?

Nigel: Well, some of the records of 2021 will become historical evidence straight away. And that's where they were records that were put into the public domain straight away after being published, for example a public inquiry.

Other records, there is a 20 year rule whereby records that reach the 20 year limit, they're supposed to come through to us.

Euan: And that's a new rule, isn't it? So it used to be a 30 year rule, but in 2013 the rules was changed and the government started the process to shift to a 20 year handover. That means a bit of catching up to do, so right now we're releasing two years' worth of government files each year until we close the gap. And obviously, not everything can be kept, so there's a process to decide what's worth preserving.

Laura: And if anyone is curious about how that's all decided, the criteria is up on our website.

Nigel Also we have to bear in mind that a lot of records, especially modern legal records are closed. This is to protect individuals, especially children, innocent parties to a case who are giving evidence who wouldn't expect their details about their life to be made public. So you might have a 80, 90 year, 100 year closure for a lot of the court records.

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Euan: And what challenges for the care and conservation of the evidence of today, what challenges does that pose for The National Archives?

Nigel: The main challenge at the moment now is that a lot of the records are what they call digital born. They are created as electronic records with the email, databases, and websites. And that is a challenge to preserve those, and the decision to what to preserve. Because you're constantly having to think about migrating to computer systems that can read these particular records.

So there is a process of archiving websites that we have that people can search snapshots of websites that were taken maybe every month or every year. So you can see what was happening in governments at a certain snapshot in time.

Euan: So people in 20 years' time, researchers might be examining emails as evidence in the same way that they might examine an 18th century Chancery roll?

Nigel: Yes, that's very much so.

Euan: What would be lost if everything stored at The National Archives, digital and physical, disappeared tomorrow?

Nigel: You rely on those records for history. You also rely on it in terms of using it, or governments using it, to try to avoid making the same mistakes. So going back on different crises, pandemics, whatever, to see how governments operated in the past. If all those records went then that back knowledge would go and you'd almost be starting from fresh.

Euan: So would you say that the National Archives is essentially the memory of the nation, the memory bank?

Nigel: That's very apt. Yes, it is very much the memory bank of the nation. And without it, yes, it would leave us very much poorer.

[Musical transition]

Laura: Thanks for listening to On the Record, a production of The National Archives at Kew. If you want to start doing your own exploration and research in our collection, you can start by visiting nationalarchives.gov.uk. At the top of our homepage you'll see links to help you follow Amanda's advice and search the catalogue, browse specific collections, or even ask one of our record specialists like Vicky, Nigel, or Amanda for help.

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Euan: To find out more about the documents discussed in this episode, the history behind them, and The National Archives, follow the link from the episode description in your podcast listening app or visit nationalarchives.gov.uk.

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Laura: Thank you to all the experts who contributed to this episode. This episode was written, edited, and produced by Hannah Hethmon for Better Lemon Creative Audio.

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