

1949

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### Recommended Citation

James Langham, London's Old Bailey, 39 J. Crim. L. & Criminology 778 (1948-1949)

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## LONDON'S "OLD BAILEY"

James Langham

James Langham is a free lance journalist who has long been interested in criminal law. From 1925 until the end of 1948 he served on the staff of the British Broadcasting Corporation as a talks producer. Prior to his association with this organization Mr. Langdon had served with distinction in the British Army during the first World War as an infantry Captain, receiving the British Military Cross; in 1920 had received an appointment to a private secretaryship in Nigeria; and had become a solicitor in 1924. In his brief but informative article Mr. Langdon traces the history and present day functions of "Old Bailey".—EDITOR.

"My Lords, Ladies and Gentlemen, this Central Criminal Court has commanded for generations the admiration of lawyers from all parts of the civilized world . . ."

In these words Sir Charles Henry Collett, Lord Mayor of London, addressed a distinguished company on a great, historical occasion. It was the first of November, 1934, and many high officials of the Corporation of the City of London, including Lord Hewart of Bury, the Lord Chief Justice of England, had gathered together to celebrate the centenary of the constitution of the Central Criminal Court.

It was an impressive ceremony stamped by all the pomp and circumstances of ancient tradition. A magnificent Memorial Tablet of cast bronze, to commemorate the event, was unveiled by the Lord High Chancellor.

Let us trace the story of this great Court of Law back to its origins, and watch the way in which Justice has moved and developed throughout the ages.

There is some doubt as to the origin of the term, "Old Bailey". Some authorities have thought that it implied the *Ballium*, or outer space beyond the wall; another referred to the origin of it as Bail Hill, an eminence where the bailiff lived and held his court in the Middle Ages; but the truth may lie in the simple explanation that a bailey, or court, or street, ran in ancient times from Lud Gate to New Gate in the City of London. Here at least we are on firm ground, and to remove any misconception it should be mentioned that at no time in history has the Old Bailey been a building; it has always been a street. The traditional term is still used today by the public and court officials alike, although the Central Criminal Court is the strict title.

The present building was erected in 1907 on the site of Old Newgate Gaol. We can trace the prison back to the year 1188, and the earliest mention of a Sessions House close to the jail is in 1356 in the reign of Edward the Third. Here, the Chamberlain of the City of London held his court while the Mayor and



The Central Criminal Court of London which is known throughout the world as Old Bailey has been housed in this building for slightly over 100 years.

Justices kept their sessions in another part of the building called the Sessions Hall.

In those early days justice was naturally enough far from perfect. Advocates for example were permitted to express any personal opinion as to the guilt or innocence of a person on trial. Public executions took place, first at Tyburn (near what is now Marble Arch) and later Newgate, and occasionally criminals were hanged near the scenes of their crimes.

The centuries passed while immature methods still applied,



The illustration shows an exact replica of one of the court rooms in Old Bailey which was constructed from the British Council film "British Justice". It has long been English law that photographs may not be taken in any court whilst in session.

and meanwhile many notorious criminals saw daylight for the last time in the precincts of the Old Bailey.

But now, at the end of the eighteenth century, the wheels of justice were beginning to turn in a new and better groove. A more human attitude began to show itself. Capital punishment was abolished in all cases of forgery and burglary. The year 1837 saw the last use in the Old Bailey of the pillory where offenders had formerly been stoned by the mob. And some years later an Act was passed directing that executions should take place, not in public, but within the walls of prisons.

But what was happening to the most famous center of justice in England? The old Newgate Gaol had been rebuilt and a new Sessions House had been erected in the Old Bailey at a cost to the Corporation of ninety thousand pounds. Then came the Act of 1834 establishing the Central Criminal Court whose centenary was celebrated twelve years ago. It was an important act, for it paid a tribute to the increasing standard of English justice. It determined that the court's jurisdiction, originally embracing only London and Middlesex should be extended to parts of Essex, Surrey, and Kent; and at the same time, "offences committed on the High Seas or in other places within the jurisdiction of the Admiralty were brought within its competence."

That was over a hundred years ago. Let us examine for a moment the position as it stands today. The offences with which the Central Criminal Court deals are those which must be tried at Assizes. They are the serious crimes such as treason, murder, felonies, and misdemeanors, coming within the court's jurisdiction. The sessions, which are presided over by two or more of

His Majesty's Judges, the Recorder, and the Common Sergeant, are held once a month, the dates being fixed by the High Court Judges. Each session may last from ten days to six weeks according to the number of cases to be tried, so that in fact the court is in session throughout the greater part of the year. Four or five or even six courts may be sitting at the same time, and at the opening of each session, the Lord Mayor of London is in attendance.

During the past hundred years the administration of the criminal law in England has undergone radical changes and today, while preserving its ancient ceremonies, the Central Criminal Court has an essentially modern outlook. It stands in the forefront of all those institutions which are concerned with the protection and well-being of the people; for the purpose of punishment now is the reclamation of offenders with the object of making them decent, self-respecting members of the State.

Fairness, patience and humanity continue to increase with the increasing years, and nowhere are there to be found richer examples of these virtues than in the building which is still called the Old Bailey—without doubt the greatest criminal court in the world.