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Joseph Bouet in the Durham criminal court (c.1825–1856): picturing nineteenth century courtroom actors. Part 1: lines of enquiry

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ABSTRACT


Between c.1825–1856, a French-born artist, Joseph Bouet, made approximately sixty pencil sketches of legal actors in the courtroom at Durham; including images of judges, lawyers, and defendants. Legal imagery from this period in North East England is rare and our research (presented in two parts) is the first detailed analysis of these sketches by legal scholars. This article introduces our preliminary analysis of Bouet's sketches. We explore potential theoretical approaches and demonstrate that the images show the law in practice in a specific nineteenth century context. The value of our analysis is in revealing what the images tell us about legal institutions, the people who worked within them and the 'objects/subjects' of the law. The study makes an important contribution to socio-legal scholarship in demonstrating the value of such images as an underused source in legal historical research. The sketches are also the subject of a second article, [Part 2](#) which presents three detailed case studies. The articles can be read as separate and independent pieces, but each benefit from being read in conjunction with the other.

KEYWORDS Bouet; Durham; images; judges; defendants; sketches; legal actors; nineteenth century; court art

1. Introduction

The two Bouet volumes in Durham University Library into which over three hundred pencil portraits have been pasted present something of a conundrum.¹

In February 2020, just before the Covid-19 lockdown, we began to explore a little-known collection of images by a French-born artist, Joseph Sebastien Victor Francois Bouet (1791–1856). Bouet settled in Durham, North East

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¹Douglas Burdon, 'Joseph Bouet 1789–1856: A Revised Biography' (2010) 75 *Durham County Local History Society Journal* 21, 26.

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England, in the early nineteenth century. Two albums in Durham University Library archives contain over three hundred of Bouet's pencil sketches dated from c.1825–1856.² The drawings are pasted onto album pages in a seemingly random fashion.³ The choice of images, and the reason for their production, is unclear. A page may include a single portrait, a pair of portraits, or a collection of images. Some drawings are annotated with the identity of the sitter, but many are not.⁴ They range from sketches that appear to have been hastily drawn, others confidently drawn with a few pencil strokes, and fine portraits finished with meticulous detail. [Figure 1](#) is an example of a typical page from the albums.

Many of Bouet's drawings are of significant Durham citizens, including clergy and members of the university, but – most interestingly to us as legal historians – some are of legal actors, including judges, lawyers, and, more unusually, defendants and witnesses. These sketches provide a fascinating snapshot of the characters at the Durham Assizes in the early to mid-nineteenth century. Legal imagery from this period in the North East is relatively rare, and this collection of approximately sixty images has not been the subject of detailed study by legal scholars.⁵

This omission may be attributed, in part, to a certain reluctance to engage with visual dimensions of law, articulated by Leslie Moran: 'the complex interface between law and visual culture continues to be a marginal aspect of legal study, research and scholarship'.⁶ Further, Peter Goodrich has commented upon, 'the absence of training in the visual and artistic dimensions of legality', which may affect our ability to see and interpret 'the robes and regalia, the Latin and the elevations, the ceremony and the insignia' in the formal courtroom.⁷ And yet, overlooking the visual is often a missed opportunity.

²Joseph Bouet, *Pencil drawings of celebrities of the city of Durham, by J. Bouet (Joseph Sebastien Victor François Bouet, sometimes called Nicolas Bouet, 1791–1856, artist, of Durham City). 75 portraits, including some engravings, photographs etc.* (Durham University Library (DUL) Add MS 1300; and Add MS 17). The images are digitized at <<https://iiif.durham.ac.uk/index.html?manifest=t1mzc77sq117>> and <<https://iiif.durham.ac.uk/index.html?manifest=t2m47429915d&canvas=t2t2v23vv65s>> accessed 15 November 2022.

³On the provenance and form of the albums, see David A Cross, *The Art of Joseph Bouet (1795–1856): A Catalogue of Two Albums in Palace Green Library (Special Collections) Durham University With Reference to Other Works Located in Durham and Elsewhere* (Unpublished 2003) 2.

⁴On identification of the images, see *Appendix to bill of sale of valuable books, engravings, pictures, &c, of the late Nicholas S. Bouet, Esq., to be sold by public auction, on ... 22nd & 23rd ... of January, 1857, at 27 Old Elvet, Durham ... by John W Elliott, auctioneer, enumerating contents of scrap-book of the late Mr S Bouet* (DUL Add MS 1301); Notes identifying some of the people portrayed in the album, in random order and without numerical references to the relevant drawings (DUL Add MS 1302–1303); Notes identifying people portrayed in drawings 3–56 (DUL Add MS 1304); Notebook of identifications of people portrayed in drawings 56–135 (DUL Add MS 1305).

⁵The cataloguer of Bouet's work, David Cross, has concentrated on the sketches of clergy and university personnel: see David A Cross, *Joseph Bouet's Durham: Drawings from the Age of Reform* (Durham County Local History Society 2005).

⁶Leslie J Moran, 'Visual Justice' (2012) 8(3) *International Journal of Law in Context* 431.

⁷Peter Goodrich, 'Visiocracy. On the Futures of the Fingerpost' (2020) 2 (9) *Teoria E Critica Della Regolazione Sociale / Theory and Criticism of Social Regulation* 11, 12.



Figure 1. Example of a page from the Album of Joseph Bouet drawings (Durham University Library Add MS 1300/9- 1300/14). [Reproduced by permission of Durham University Library and Collections].

Images can relate to – and shed light upon – law’s substance and operation, its form and content. As Thomas Giddens has observed,

The law appears visually: in the layouts of judicial texts, the formatting of statutes, the gowns and costumes of judges and court staff, the uniforms of police officers, the architecture and layouts of courtrooms, the theatricality and ritual of the trial, the embodied presence of the lawyer.⁸

The potential for detailed study of the images of legal actors within the Bouet albums is significant, and we anticipate it will constitute an extensive research project.

Interesting questions arise around appropriate methodologies. For example, it is valuable to consider how these images contribute to the field of what has been termed the ‘visual turn’ within critical legal studies.⁹ We can position Bouet’s work in the context of research into the visual culture of the courtroom,¹⁰ although it is significant and striking that Bouet chose

⁸Thomas Giddens, ‘Legal Aesthetics as Visual Method’ in Naomi Creutzfeldt and others (eds) *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge 2019).

⁹See for example, Linda Mulcahy, ‘Eyes of The Law: A Visual Turn in Socio-Legal Studies’ (2017) 44 (1) *Journal of Law and Society* 111.

¹⁰For a comprehensive review of the relationship between images and the courtroom, see Judith Resnik and Dennis Curtis, *Representing Justice. Invention, Controversy, and Rights in City-States and Democratic Courtrooms* (Yale University Press 2011).

not to depict the material surroundings of the courtroom: his images focus strictly on the people. We can also position Bouet's work within the growing body of scholarship on the interface between history, law and the image.¹¹ Interactions between images and the courtroom have a long history, from the medieval to the present day;¹² for example, courtroom design and decoration is a physical expression of a society's relationship with ideals of justice,¹³ relevant to its time and place.¹⁴ As Costas Douzinas and Lynda Nead noted, 'The power of spiritual, edifying icons is celebrated in every courtroom: in the wigs, robes, and other theatrical paraphernalia of legal performance and in the images of justice that adorn our public buildings'.¹⁵ Proceedings within the courtroom too can relate to the visual: images of court proceedings 'are charged with meanings; not simply those that relate to the particular cases concerned, but those that belong to the ongoing relationship between history, law and the image'.¹⁶ There are also possibilities to engage more fully with questions of theory and methodologies, on particular historiographical schools, or alternative approaches to the interface between law and visual culture, and how art historical scholarship could facilitate analysis of Bouet's images. However, these tasks are beyond the goals of this article.

Our research is presented in two articles. The articles can be read as independent pieces, but each gains from being read in conjunction with the other. Part 2, Joseph Bouet in the Durham Criminal Court (c.1825–1856): Picturing Nineteenth Century Courtroom Actors. Part 2 Three Case Studies, comprises three illustrated case studies, exploring the social and legal context of selected subjects, to demonstrate the richness of the information we have uncovered when researching the drawings. In this Part 1, the aim is to outline and contextualize our ongoing research project, and to identify potential lines of enquiry to pursue. First, we outline the life of Joseph

¹¹On themes in studies on law and the visual, see Desmond Manderson, *Law and the Visual: Representations, Technologies, Critique* (University of Toronto Press 2018); and Anne Wagner and Richard K Sherwin (eds), *Law, Culture and Visual Studies* (Springer 2014). For an overview of studies of legal iconography, see Matthew C Mirow, 'Legal Iconography and Painting Constitutional Law' in MC Mirow and Howard M Wasserman (eds), *Painting Constitutional Law: Xavier Cortada's Images of Constitutional Rights* (Brill 2021) 10. On the image in socio-legal studies more broadly, see Mulcahy (n 9).

¹²See Resnik and Curtis (n 10).

¹³Linda Mulcahy, *Legal Architecture. Justice, Due Process and the Place of Law* (Routledge 2011) 1; and for example, Shailesh Kumar, 'Interpreting the Scales of Justice: Architecture, Symbolism and Semiotics of the Supreme Court of India' (2017) 30 *The International Journal for the Semiotics of Law* 637.

¹⁴On justice architecture and decoration in the nineteenth century, see Gaëlle Dubois and Amandine De Burchgraeve, 'Experiencing Justice in the *Cour d'assises* of Brabant (1893–1913): A Place of Education and Entertainment'; Stefan Huygebaert, 'The Judge, the Artist and the (Legal) Historian: Théophile Smekens, Pieter Van der Ouderaa, Pieter Génard and the Antwerp *cour d'assises*'; and Rahela Khorakivala, 'Depictions of Justice in the Colonial Courts of British India: The Judicial Iconography of the Bombay High Court' in Stefan Huygebaert and others (eds), *The Art of Law* (Springer 2018).

¹⁵Costas Douzinas and Lynda Nead, *Law and the Image. The Authority of Art and the Aesthetics of Law* (University of Chicago Press 1999) 9.

¹⁶Lynda Nead, 'Courtroom Sketching: Reflections on History, Law and the Image' in Michael Freeman (ed), *Law and Popular Culture* (Oxford University Press 2005) 173.

Bouet, and his work as an artist in the courtroom. We then address why Bouet's drawings of actors in the mid-nineteenth century legal world of Durham are worthy of study in the context of legal biography and legal historical research. The challenges of establishing a theoretical and methodological framework for our work are addressed, as the images are unusual examples of nineteenth century courtroom art. The potential of the images of defendants is explored, followed by a short conclusion summarizing what we have learned from our exploration of the sketches and suggestions for future directions for our research.

2. Exploring Bouet as a man and as an artist

Biographical detail is not a diversion; to analyse any artistic endeavour it is important to understand the artist in their time and place. Knowing the background of the artist is a critical step in interpreting the motivation behind making an image. Published work on Bouet has focussed on his images of landscape and buildings, or his sketches of Durham clergy and university personnel.¹⁷ Our focus is different, so in this brief summary we explore what is known about Bouet's life to provide context and background for the images of legal actors that we will consider here and in the case studies in Part 1.

2.1. Joseph Bouet

Studies by David Cross and by Douglas Burton have pieced together what we now know about the life of Joseph Bouet.¹⁸ Burdon established that Bouet, born c.1790, was the son of émigrés who fled the French revolution, and it is likely that the Bouet family travelled around Europe before settling in Scotland in the late eighteenth century. Bouet's move to Durham came in 1810, following his marriage. [Figure 2](#) is a photograph of Bouet from one of the albums.

In Durham Bouet prospered and integrated into the community. In 1826 he was collector of the Land Tax for Elvet, and six years later he was Overseer for the Poor in St Oswald's parish. He and his wife ran a school for young ladies and, in 1837, they bought a freehold property in the centre of Durham. Bouet was listed in commercial directories as a teacher of French and drawing. In 1848, when applying for naturalization, he described himself as a lecturer in French in the University of Durham.¹⁹ The 1851

¹⁷Marshall Hall, *The Artists of Northumbria: An Illustrated Dictionary of Northumberland, Newcastle Upon Tyne, Durham and North East Yorkshire Painters, Sculptors, Engravers, Stained Glass Designers, Illustrators, Caricaturists and Cartoonists Born Between 1625 and 1950* (Art Dictionaries Limited 2005) 56. Cross (n 5).

¹⁸Cross (n 3) 11; Burdon (n 1).

¹⁹Application for Naturalization Joseph Sebastien Victor Francois Bouet 1848 (TNA HO 1/27/731).

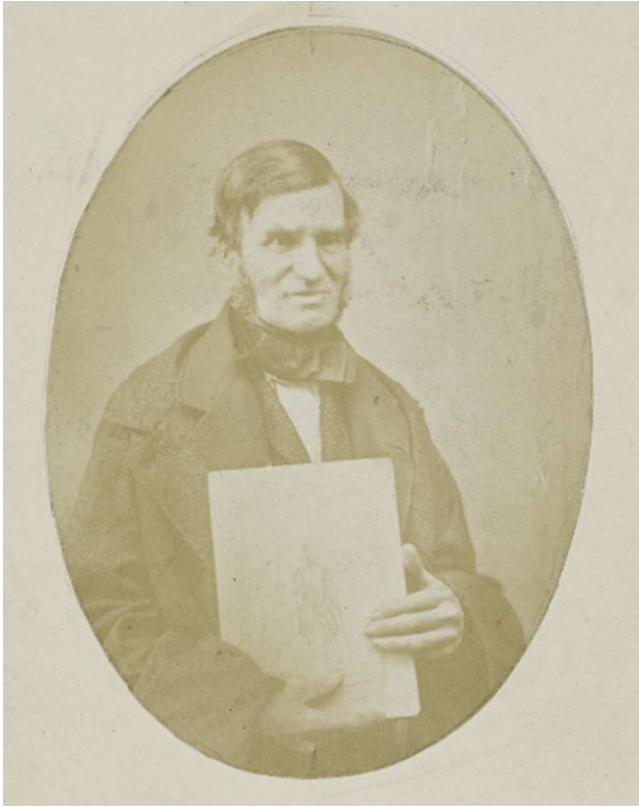


Figure 2. Unknown *Photograph of Joseph Bouet* (Durham University Library Add MS 17). [Reproduced by permission of Durham University Library and Collections].

census listed his occupation as a retired professor at Durham University, although he was likely a teacher since there is no record that he held an established Chair. He also worked as a professional artist.²⁰ The earliest description of him as an artist was in the *Durham Directory* for 1850. In the following year he reinvented himself, for reasons unknown, as Nicolas Sébastien Bouet, 'portrait painter', and was described as such in 1851 in *The Directory of the County of Durham*.²¹ Bouet died on 22 December 1856 aged 67. His obituary in a local newspaper noted his wide circle of friends, and the prominence of many of these individuals indicates his social status in Durham.²²

Given our specific focus, we questioned what motivated his courtroom sketches. Establishing associations which could explain Bouet's presence

²⁰See Cross (n 3) and (British Museum website) <<https://www.britishmuseum.org/collection/term/BIOG20420>> accessed 22 November 2022.

²¹Cross (n 3) 16 and Burdon (n 1); *The Directory of the County of Durham* (Hagar and Co 1851) 36.

²²'Died' *Durham County Advertiser* (Durham, 26 December 1856) 8.

in a courtroom provides context to address the images he created whilst he was there. Yet, for most of his lifetime there was no official reason for Bouet to attend and sketch in the Durham Court. His interest in law and justice may have stemmed from his experiences as the child of emigres who fled a revolution; or it might have been sparked by discussions with friends and neighbours, and meeting lawyers and notable men, as he played an active role in civic and legal life in Durham. He served on the grand jury at Durham Quarter Sessions.²³ He even attended as a witness in a burglary prosecution in 1849.²⁴ Bouet seems to have had an early interest in buildings associated with justice, sketching both Durham's old and new gaols (built in 1810 and opened in 1819).²⁵ This may have been a continuation of his interest in drawing buildings, but our research has uncovered a further explanation for Bouet's interest in proceedings in the Durham court. Bouet was a close friend of the architect Ignatius Bonomi.²⁶ In 1811, Bonomi received the commission to complete a Durham assize court.²⁷ Both men lived on Old Elvet, near to the site of the new court building. Bouet sketched Bonomi and some of his buildings.²⁸ Their friendship and interest in the law continued; Bonomi also served on the grand jury at the Durham Quarter Sessions and both were on the board of the local Penitentiary, which Bouet sketched for its rulebook.²⁹ We suggest that Bouet may have been curious to visit the courtroom his friend had designed, and while there was inspired to record images of characters appearing in the proceedings.

2.2. Exploring Bouet in an artistic context

As an artist, Joseph Bouet is known primarily as a drawing master and lithographer; he was also a painter, draughtsman, and engraver.³⁰ In addition to portraits, his prolific output includes landscapes, sketches of buildings, and

²³For example, the Durham Midsummer Quarter Sessions reported in *North and South Shields Gazette and Northumberland and Durham Advertiser* (Durham, 2 July 1852) 2.

²⁴'Durham Borough Police' *Durham Chronicle* (Durham, 9 March 1849) 4.

²⁵Joseph Bouet, *North Gate* 1824 (DC Add MS 95/4) and Joseph Bouet *North Gate* Lithograph c.1824 (British Museum 1878,0713.4711); *Gateway to the Old Gaol at Durham* printed by W Day c1821 (D/CL 23/232); *Old Gaol and Saddler Street, Durham* Wood engraving c.1821 (DU/Dur/M1 DCO Prints (T)).

²⁶Ignatius Bonomi (1787–1870): see Peter Meadows, 'Bonomi, Ignatius Richard Frederick Nemesius (1787–1870) Architect' in *Oxford Dictionary of National Biography* (Oxford 2004).

²⁷Ignatius Bonomi (attributed to) *Plan of Durham Assize Courts and Prison* (c1811), (Friends of the National Libraries). <grants.fnl.org.uk/plan-durham-assize-courts-and-prison-attributed-ignatius-bonomi-c1811> accessed 22 November 2022.

²⁸Joseph Bouet *Sketch of Ignatius Bonomi* (DUL Add MS 1300/219A).

²⁹Joseph Bouet and others, *The rules and regulations of the Durham County Penitentiary. Adopted at the General Meeting, held in the Grand Jury-Room, Durham, on the 12th day of March 1851, with the alterations and additions of the Governors, adopted at the General Meeting of the members, held on the 8th day of April, 1853.* (George Walker 1853) frontispiece.

³⁰(British Museum website) (n 20); (National Portrait Gallery Website) <<https://www.npg.org.uk/collections/search/person/mp126870/joseph-nicholas-bouet>> accessed 25 November 2022.

streets. His pencil sketches in the albums range from the hastily drawn, or semi-finished, to confident portraits finished in fine detail. Most of his characters are produced by a few strokes with delicate lines.

For our discussion, it is helpful to set Bouet's work in the albums in its contemporary context, because it is not easily categorized.³¹ His preference for the pencil sketch fits within an established artistic tradition. From the 1830s, artists and art critics debated a 'sketch-finish' conflict, between the preparatory phases of painting – the making of drawn and painted sketches and studies – and finished work. In nineteenth-century France particularly, the sketch was regarded as especially prestigious, considered a sign of genius and originality.³² Academicians and critics saw this work as an artist's personal reaction to a subject and there was prestige in working in the pencil sketch medium. Cross regarded, 'Bouet's own work, established in the French tradition and similar to the portrait drawings of Ingres, [as] a significant late manifestation of the genre' of the pencil portrait.³³ Scholars of French artist Jean-Auguste-Dominique Ingres counted over 450 extant pencil portraits.³⁴ In his portraits of individuals, Ingres focused on the person, often in meticulous detail, rather than on background or setting: a focus also evident in Bouet's sketches of legal figures. Yet whilst Bouet worked in the French tradition, it is unclear where he received his artistic training. Although often thought 'Paris-trained', it is far more likely that he trained in Scotland than in Paris, as Burdon's research established that Bouet settled in Scotland at a young age and exhibited in Edinburgh.³⁵ We find Burdon's research convincing on this question of where Bouet was trained. Given that Bouet likely trained in Scotland, the culture of portrait sketching there may offer context for Bouet's art.³⁶ However, as a French exile, he may have chosen to study with a French master, albeit in Scotland or England, which could have led to an artistic training in a 'Parisian style' or the French tradition.

Perhaps the most well-known French images of judges are by Honoré Daumier, who 'acquired a reputation as a scathing critic of lawyers and judges' from his caricatures or 'comic portraits'.³⁷ These are not life-like portraits.³⁸ Similarly, English artist George Cruikshank produced etchings of

³¹See also Cross (n 3) 8.

³²For an overview, see Nicole Myers 'The Aesthetic of the Sketch in Nineteenth Century France' in *Heilbrunn Timeline of Art History* (The Metropolitan Museum of Art 2000). See also Cross, (n 3) 11.

³³Cross (n 3) 8.

³⁴Jean-Auguste-Dominique Ingres (1780–1867).

³⁵Burdon (n 1) 21.

³⁶For example, see Archibald Skirving (British Museum) <www.britishmuseum.org/collection/term/BIOG46401> accessed 27 March 2023.

³⁷Honoré Daumier (1808–1879). Colta Ives, 'Lawyers and the Courts', in Colta Feller Ives, Margaret Stuffmann, and Martin Sonnabend, *Daumier Drawings* (The Metropolitan Museum of Art 1992) 174.

³⁸On Daumier's motivations in these artworks see Gary Watt, 'Dickens, Daumier and The Man of Law' in Ian Ward (ed), *A Cultural History of Law in the Age of Reform* (Bloomsbury Academic 2019) 147.

Heads of different types of people in connection with the law, which although more like Bouet's drawings than those of Daumier, also tend towards caricature.³⁹ There is no evidence in Bouet's drawings of a satirical or political intent.⁴⁰ Save for two images of convicted murderers reproduced in local newspapers, it appears that none of Bouet's drawings of legal actors were for public consumption or commercial gain.⁴¹ It is not clear what motivated Bouet to make his sketches of legal actors in Durham, nor does it seem he had an intended audience for the images. Cross speculated that Bouet's sketches were partly produced for his teaching.⁴² It may, of course, have been largely for his own interest or personal enjoyment, possibly to be shared with friends, a typical Victorian pastime, that Bouet chose to attend the courtroom and make his sketches.

Bouet was not alone in preparing sketches in courtrooms from the early to mid-nineteenth century. Preserved engravings and lithographs from pencil sketches of legal actors from this period indicate a general interest in images or portraits of such men.⁴³ Abraham Wivell, an English portrait-painter and mezzotint engraver, made portraits of the Cato Street conspirators in Clerkenwell prison, and was commissioned to draw them again during their trial at the Old Bailey in 1820. In the same year, Wivell surreptitiously attended the 'trial' of Queen Caroline in the House of Lords, and rapidly sketched many of those involved, including lawyers and witnesses.⁴⁴ The sketches were subsequently published, and Wivell established himself as a successful society portrait painter.⁴⁵ His work can be distinguished from Bouet's sketches in the albums, not least because, as Wivell worked to commission for his portraits, most were highly finished pencil-drawings, albeit on a miniature scale, in contrast to Bouet's often minimally sketched or outlined figures.

There are other rare, archived examples of courtroom sketches, some collected into albums, such as Sebastian Evans' *A Book of Sketches, including*

³⁹George Cruikshank (1792–1878). George Cruikshank, *Heads of Different Types of People in Connection with the Law. Etching by George Cruikshank after himself* (Etching 1834).

⁴⁰The handful of satirical drawings in the Bouet albums are more detailed, perhaps designed for public distribution; see Cross (n 3) 6.

⁴¹Joseph Bouet, *Sketch of William Jobling* (DUL Add MS 1300/142); 'Execution of William Jobling', *Newcastle Journal* (Newcastle, 4 August 1832) 3; Joseph Bouet, *Sketch of Jacob Frederick Ehler* (DUL Add MS 1300/136 and 1300/137); 'The execution of the Prussian Mate at Durham Yesterday' *Newcastle Journal* (Newcastle, 17 August 1839) 3.

⁴²Cross (n 3) 5.

⁴³For example, *Members of the Scottish Bench and Bar 1821* (National Galleries of Scotland) <www.nationalgalleries.org/art-and-artists/48964/members-scottish-bench-and-bar> accessed 15 August 2022.

⁴⁴See for example, (British Museum) <https://www.britishmuseum.org/collection/object/P_1868-0808-1638> accessed 30 August 2022 and <<https://www.nationalgalleries.org/art-and-artists/104750/louisa-demont-active-1814-1820-witness-trial-queen-caroline>> accessed 30 August 2022.

⁴⁵See Abraham Wivell (National Portrait Gallery) <<https://www.npg.org.uk/collections/search/person/mp07749/abraham-wivell>> accessed 30 August 2022. See also, for example, Richard Cosway (Royal Academy of Arts) <www.royalacademy.org.uk/art-artists/name/richard-cosway-ra> accessed 15 August 2022.

*members of Bench and Bar, c.1848–85.*⁴⁶ Evans was an artist, author, journalist, a student at Lincoln’s Inn in 1855 and – after 1873 – a barrister. The earliest of Bouet’s sketches pre-date those of Evans by over twenty years, but several of Evans’ pencil sketches of legal figures bear similarities to those in the Bouet albums. It is unlikely that Evans would have seen Bouet’s work. There is no record Bouet exhibited his courtroom sketches,⁴⁷ and their presentation in the albums on paper cut from other sketch- or notebooks, or drawn on scrap paper, suggests they were not displayed. Whilst the visual similarities are intriguing, there is a significant difference: Bouet was not a lawyer and had no official connection to the legal profession, making his an ‘outsider’ or external perspective.⁴⁸

Another approach to setting Bouet’s work in its artistic context is to consider the purpose of a portrait. The aim may be to capture the likeness of the subject, or a caricature may exaggerate features for comic effect. A portrait can offer much more information than simply the shape of a face or the position of the features.⁴⁹ A sketch of a judge, or a barrister in court, can reveal more than a photograph by capturing the emotional resonance of the legal proceedings. Thus, Bouet’s courtroom portraits lend themselves to many further questions. Did Bouet intend to merely capture a likeness, or were his drawings an interpretation of events? Why sketch that person? What do the sketches tell the viewer about the subject beyond their outward appearance? Did the format – a small pencil sketch – affect the result? Why did Bouet choose to capture a particular pose? Why on that date? The sketches focus on the head of the subject, usually shown in profile, sometimes with the torso, but rarely full length. Were these artistic choices, or what he could see from his position in the courtroom?

2.3. Bouet as a courtroom artist

Clues in the pictures suggest that Bouet sketched ‘law in action’, whilst in the courtroom. His pencil drawings are a fascinating form of courtroom art, featuring representations of legal actors from c.1825–1856. The images include judges, barristers, solicitors, defendants and witnesses, gaolers, a governor of Durham gaol,⁵⁰ a clerk of the peace,⁵¹ and high sheriffs.⁵² In the informality of

⁴⁶Sebastian Evans, *Book of Sketches, Including Members of Bench and Bar: Drawings by Sebastian Evans, circa 1848–85* (National Portrait Gallery) <www.npg.org.uk/collections/search/person/mp06947/sebastian-evans?role=art> accessed 27 March 2023.

⁴⁷See Douglas Burdon, *Exhibitions of Work by Joseph Bouet* (2009); and Cross (n 3) 1.

⁴⁸For this reason, we differentiate Bouet’s images from the early 20th century courtroom art of Breton Judge Cavellat (see Ruth Herz, *The Art of Justice: The Judge’s Perspective* (Hart Publishing 2012).

⁴⁹For an overview see (Tate) <www.tate.org.uk/art/art-terms/p/portrait> accessed 27 March 2023.

⁵⁰Joseph Bouet, *Sketch of Wolf* (DUL Add MS 1300/47).

⁵¹Joseph Bouet, *Sketch of J Wharton* (DUL Add MS 17/39).

⁵²Joseph Bouet, *Sketch of R H Allan, High Sheriff of Durham* (DUL Add MS 1300/6); Joseph Bouet, *Sketch of Charles John Clavering, High Sheriff of Durham 1829–1833* (DUL Add MS 1300/121); Joseph Bouet,

capturing images of those involved in legal proceedings, it is reasonable to question whether Bouet was acting as, in modern parlance, a courtroom artist, rather than a straightforward portraitist. Drawing on research relating to the practice of courtroom artists assists in analysing Bouet's courtroom sketches.

Modern-day official courtroom artists offer impressions produced from memory to illustrate events in a courtroom which cannot be televised.⁵³ The artists face significant constraints on what, where, and how they can operate. English law largely prohibits photographing or sketching in court.⁵⁴ As Lynda Nead noted, 'The [courtroom] sketch is a visual manifestation of law's oscillation between the desire to show and the need to regulate that visual display'.⁵⁵ Although recent rule changes have allowed broadcasting of legal proceedings in some courts, prohibitions remain, leaving it unclear whether live sketching will be permitted.⁵⁶ Such restrictions did not apply to Bouet, making comparisons difficult.

Moreover, the work of today's courtroom artists is created with the permission of the court. We do not know whether Bouet would have had, or needed, permission to sketch in court, nor from whom this would have been sought. As far as we can establish, Bouet did not attend the Durham courtroom in an official capacity. Nor is the intention behind his images of legal actors clear. Nead's criticism, that 'courtroom art condenses major criminal trials into generic, gently anachronistic images', emphatically does not apply to the sketches in Bouet's albums.⁵⁷ Similarly, Nead identified 'a remoteness about the courtroom sketch which is a sign of the gap between the actual trial and its representation': because 'the image is made outside the sitting of the court and is not part of the legal process of the trial', the courtroom sketch 'does not infiltrate the hermetically-sealed world of the courtroom ... but maintains and strengthens the essential borderline between the inside and the outside of the legal process'.⁵⁸ Again, clearly this does not apply to how, where and when Bouet's made his sketches. We believe,

Sketch of J Bowes Esq. High Sheriff of Durham 1852 (DUL Add MS 1300/229B); Joseph Bouet, *Sketch of Frederick Aclom Milbank, Sheriff of Durham 1853* (DUL Add MS 1300/236); Joseph Bouet, *Sketch of double portrait Frederick Milbank with Baron Martin* (DUL Add MS 1300/236).

⁵³There is much debate as to whether such drawings are intended to be true likenesses, or rather whether they are drawn to convey the action and atmosphere in court. See for example discussions in 2022 around courtroom drawings of the Kardashian family in a US libel case (*Angela White (aka Blac Chyna) v Robert Kardashian et al*) and in the *Rebekah Vardy v Coleen Rooney* libel trial in the UK.

⁵⁴Criminal Justice Act 1925 s 41.

⁵⁵Nead (n 16) 173.

⁵⁶The UK Supreme Court live-streams footage of certain proceedings. From October 2013 proceedings in the Court of Appeal can be recorded and broadcast to the public. The Crown Court (Recording and Broadcasting) Order 2020 (*SI 2020/637*) permits the sentencing remarks of High Court and senior circuit judges in certain criminal cases to be filmed and broadcast.

⁵⁷Nead (n 16) 174.

⁵⁸*ibid* 181.

therefore, that he created his images not as a ‘courtroom artist’, but as ‘an artist in the courtroom’.

2.4. Bouet as ‘an artist in the courtroom’

We cannot be certain what led Bouet to produce his images of the legal world in Durham. Was it because the courtroom provided good subjects for his art, or was his interest in the legal proceedings and the process of justice and the law? There is some evidence that an interest in the social spectacle, or the drama or theatre of the law, might have appealed as much as the cases to be heard.⁵⁹ The dates on several sketches of high sheriffs show that Bouet attended the opening of the assizes.⁶⁰ We have established, for example, that he must have attended the ceremonial opening of the Summer Assizes in 1854: his sketch of Baron Crowder is dated 22 July 1854 and newspapers reported that Crowder arrived in Durham between 7 and 8pm on the evening of Saturday 22 July 1854 and was conducted to the courts, when the commission was opened.⁶¹ As for his choice of subjects, Burdon has suggested, of Bouet’s album portraits generally,

Some were perhaps preliminary sketches intended to be completed in his studio. Others may have been unsold portraits that were rejected by the sitters. An alternative explanation is that Bouet might have drawn and collected portraits as a recreation and that the quality of his drawing was dependent on whether and for how long the subject was willing to sit for him.⁶²

The apparent speed of the sketching, in the context of the action in the courtroom, supports the latter contention.

The assumption that Bouet made the sketches while physically in the courtroom at Durham leads to further questions. For example, from his images, can we establish where he sat? The Durham Crown Court was remodelled in 1870, and while the basic orientation probably remains much as it was, establishing Bouet’s vantage point is not straight-forward.⁶³ The images suggest he was on the same level as the judge which offers an indication. What might have been the practical limitations of sketching live court proceedings? Did Bouet make his sketches covertly, or overtly? At speed, or at his leisure? How many of the people Bouet sketched chose, or consented, to

⁵⁹On the ceremonies for the arrival of the judge and the opening of the assizes, see JS Cockburn, *A History of English Assizes 1558–1714* (Cambridge University Press 1972) 65; and Dick Hamilton, *Foul Bills & Dagger Money: 800 Years of Lawyers and Lawbreakers* (Professional Books 1988) 56.

⁶⁰For example, Joseph Bouet, *Sketch of J Bowes Esq, High Sheriff of Durham 1852* (DUL Add MS 1300/229B); Joseph Bouet, *Sketch of Frederick Aclom Milbank, Sheriff of Durham 1853* (DUL Add MS 1300/237).

⁶¹‘Durham Summer Assizes’ *Newcastle Courant* (Newcastle, 28 July 1854) 3.

⁶²Burton (n 1) 26.

⁶³On the 1870 revisions, see (Archiseek) <archiseek.com/2009/1870-new-assizes-courts-durham/> accessed 27 March 2023. The Court is still in daily use.

be represented? Most subjects did not ‘sit’ for him but were captured, in action, during their courtroom activities. If he sat in the public gallery, would his sketching attract attention, and who else might have been alongside him; perhaps members of a defendant’s family? We know that Bouet served on the grand jury following his naturalization in 1848: did he sketch then? Did his vantage point change? Dates and the specific viewpoints of the images will help answer some of these questions.

We can draw upon a modern example of ‘an artist in the courtroom’. Isobel Williams, who has written about what she draws whilst in the public area of the UK Supreme Court, sketches with permission, but as an interested outsider.⁶⁴ She questions how the legal process ‘looks’ and – particularly pertinent to Bouet’s practice – how a non-lawyer interprets the coded theatre on display. Applying questions posed by Williams to the work of Bouet will offer an illuminating perspective.

Having considered Bouet as an artist, and his motivations for sketching, the next section discusses the North East context of the images.

3. Bouet’s images of actors in the mid-nineteenth century legal world of Durham

An important part of our research is to explore how, or whether, Bouet’s images of legal actors can contribute to a more complete picture of the legal world of Durham and the North East of England in the early to mid-nineteenth century. Our analysis to date – and the case studies in [Part 2](#) – establish that Bouet’s sketches have the potential to be a significant resource. Legal imagery from this period in the region is rare, and Bouet’s sketches offer a valuable exception. There are approximately 43 images of judges, ten of barristers, five of solicitors, five of high sheriffs and 25 of defendants or witnesses. However, classifying the sketches is an inexact science, because not all are conveniently labelled. Judges and barristers are identifiable as such from their dress (although not all are named). Solicitors and attorneys, lacking wigs and gowns, are identifiable only if named. Some subjects are labelled as defendants or witnesses, and there are drawings we are confident represent defendants or witnesses in the courtroom, because of their stance as if in the dock, but are not labelled as such. Most of the named defendants stood trial for capital crimes; one image features a judge wearing the black cap.⁶⁵ It is understandable that almost all Bouet’s courtroom sketches are of men – women were of course excluded from the legal profession at this time – although women would be present in the Durham courtroom and

⁶⁴Isobel Williams, ‘Drawing the Line’ (2017) *Proof* 64. See also, Isobel Williams, *The Body of Law Exhibition – (The Less Textual Legal Gallery)* <tldr.legal> accessed 27 May 2022.

⁶⁵Joseph Bouet, *Sketch of Baron Parke* (DUL Add MS 1300/143).

contributing to the proceedings as defendants, or witnesses, or in the public gallery.⁶⁶ Bouet may indeed have sketched some of the women present in those capacities, but our research has not made any firm identification of the small number of sketches of women in the albums.

Looking at Bouet's images of judges and barristers, it is noticeable that there is no courtroom detail or context: the focus is on the individual. The legal professionals are drawn in official regalia, making these occupational portraits. That is an inevitable consequence of the circumstances of production: his images created in the courtroom reflect 'men at work'. There is no satirical intent evident, nor in Bouet's images of solicitors and attorneys. As Bouet has sketched these men in their professional capacity, was it as representatives of their occupation that he chose to capture their image, or was that how they consented to be represented? We have assumed that not everyone Bouet sketched would have chosen or consented to be represented – particularly the accused – but that seems unlikely for the legal professionals, especially the judges.

The next section explores the images of judges in more detail.

3.1. *The images as examples of judicial portraiture*

Bouet's portraits of judges represent most of the images of legal professionals in the albums, whether by happenstance, or possibly he chose to concentrate on the figure who commanded the highest position in the court; he might even have hoped to win a commission for a portrait. Visual images of the judiciary have attracted much recent academic interest and research, particularly by Professor Leslie Moran.⁶⁷ If we consider Bouet's images in contrast to, and in the context of, Moran's work on the official judicial portrait, an interesting angle emerges. Bouet's images of judges portray his subjects in their professional capacity, not as private men; yet the focus is on the individual, albeit in official regalia. However, the portraits are not staged or posed, making them markedly different from the official judicial portraits which are the basis of much academic study.⁶⁸ Bouet's sketches of judges are striking in their informality and immediacy, allowing a window into the judiciary in action in the mid-nineteenth century. This can be seen in several sketches by Bouet of Sir Samuel Martin, Anglo-Irish Baron of the Exchequer

⁶⁶Linda Mulcahy, 'Watching Women: What Illustrations of Courtroom Scenes Tell us About Women and the Public Sphere in the Nineteenth Century' (2015) 42 (1) *Journal of Law and Society* 53.

⁶⁷See AHRC funded project, 'Judging Images: The Making, Management and Consumption of Judicial Images' (AHRC AH/L007290/1) and Leslie J Moran, *Law, Judges and Visual Culture* (Routledge 2020); Leslie J Moran, 'Imagining the Judge: Fragments of a Study of Judicial Portraiture' in Å. Modéer and M. Sunnqvist (eds), *Legal Staging: Visualisation – Mediatiation – Ritualisation: Legal Communication through Language, Literature, Media, Art and Architecture* (Copenhagen University Press 2012) 205.

⁶⁸For example, Leslie J Moran, 'Judging Pictures: A Case Study of Portraits of the Chief Justices Supreme Court New South Wales' (2009) 5 (3) *International Journal of Law in Context* 61.



Figure 3. Joseph Bouet, *Sketch of Baron Martin* (Durham University Library Add MS 1300/227A). [Reproduced by permission of Durham University Library and Collections].

(Figures 3–5), which are analysed in detail in a case study in Part 2 alongside other images of Martin (Figures 6–7).

Imagery plays a key role in the presentation of the authority of a judge and in establishing the legitimacy of the institution. Yet, Bouet’s images are unusual and difficult to categorize, making them worthy of further study. He rejects a standard image of the stern, sober, larger than-life judge looking down at the defendant from a raised bench, in the omnipotent ‘god-like’ tradition. Unlike Daumier, or Cruikshank, Bouet’s images of judges are not political. They depict judges fulfilling their day-to-day function. If we assume Bouet sketched with judicial approval, did the judges choose to be sketched in this way? This insight into a less formal dimension of their character can shed light on their outlook and approach. In this way, Bouet’s ‘informal’ images lead us to think about the functions of judicial



Figure 4. Joseph Bouet, *Sketch of Baron Martin and Frederick Aclom Milbank* (Durham University Library Add MS 1300/236). [Reproduced by permission of Durham University Library and Collections].

portraiture, and the making and consumption of judicial images, beyond carefully posed official depictions.

3.2. Bouet's images in the context of legal biography

Beyond his images of judges, Bouet's pictures of other legal professionals offer further scope for research. For example, how do the images of barristers and solicitors compare to contemporaneous images of legal figures in England? How do images of legal professionals compare to their contemporary reputations?⁶⁹ What do they reveal about those who practised on the Northern Circuit?⁷⁰ Who was briefed for which crimes? And with what outcomes? Understanding the everyday working of the law in a provincial assize court can be enhanced by knowing more about the lawyers who

⁶⁹See Patrick Polden, 'Judging Judges' in Anthony Musson and Chantal Stebbings (eds), *Making Legal History* (Cambridge University Press 2012) 53.

⁷⁰Durham was part of the Northern Circuit until 1876; thereafter it joined the North-Eastern Circuit.



Figure 5. Joseph Bouet, *Sketch of Baron Martin* (Durham University Library Add MS 1300/238). [Reproduced by permission of Durham University Library and Collections].

represented clients, who spoke in court, and presented the cases, and the men who judged.

As Wilfrid Prest has explained,

If we want to understand the somewhat arcane specialised world of the law, and its impact – both for good or bad – on the social community, past and present, looking more closely at the lives of the individuals who inhabit it seems an obvious way to proceed.⁷¹

Images can add a layer to the study of legal biography. Indeed, David Sugarman has criticized Gwynedd Parry for not recognizing the importance of paintings, artefacts and objects in his examination of the worth of legal

⁷¹Wilfrid Prest, 'History and Biography, Legal and Otherwise' (2011) 32 *Adelaide Law Review* 185, 203.

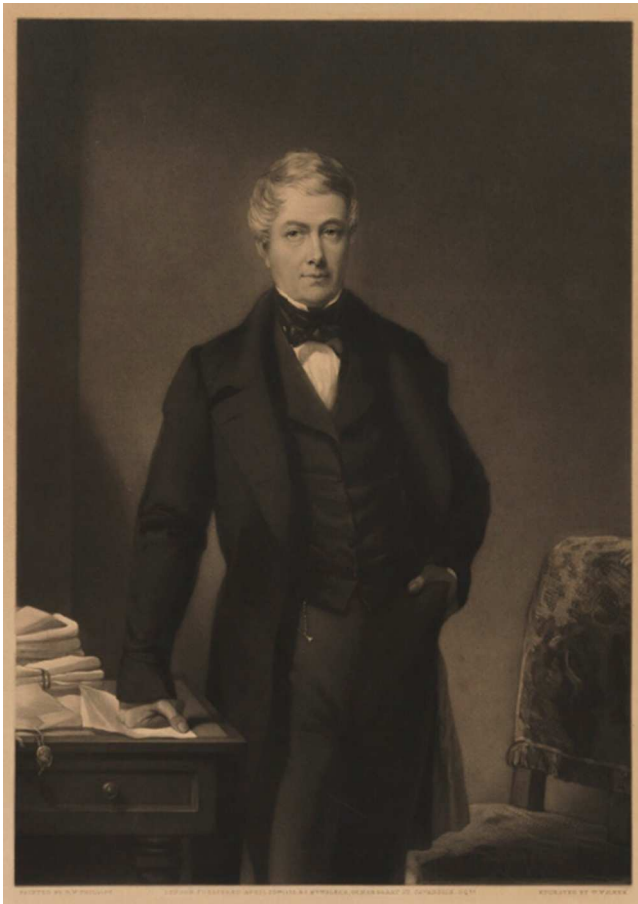


Figure 6. Henry Wyndham Phillips, *Sir Samuel Martin* (William Walker Mezzotint, NPG D38289 1853). © National Portrait Gallery, London.

biography.⁷² How a legal actor chooses to present him or herself, in contrast with found or less mediated images adds to the story of a life. Moran explains that there are three ‘biographical dimensions’ to judicial portraiture: the picture itself, the social context of the painting of the portrait and thirdly the ‘meaning’ of the portrait.⁷³ These three facets could be used to analyse the Bouet portraits. Although Moran’s study concentrates upon formal judicial portraiture, a similar approach can provide a structure for interpreting the images of other legal actors.

⁷²David Sugarman, ‘From Legal Biography to Legal Life Writing: Broadening Conceptions of Legal History and Socio-legal Scholarship’ (2015) 42 (1) *Journal of Law and Society* 11.

⁷³Leslie J Moran, ‘Every Picture Tells a Story’; Picturing Judicial Biography’, [2014] *Legal Information Management* 27.



Figure 7. Carte de visite portrait of The Hon Baron Martin (The London Stereoscopic & Photographic Company).

Bouet's images offer a new dimension to shed light on the people portrayed, offering exciting opportunities in the context of legal historical research.

3.3. Exploring Bouet's images in legal historical research

Legal historians have perhaps been more comfortable with words than pictures – images, where included, often feature as illustrations and adjuncts to blocks of text or slides, or to support conclusions reached by using

other evidence – but there is a strong argument that images in a specific legal historical context deserve more academic attention.⁷⁴ Images can support written evidence, but images are important sources in and of themselves. If treated seriously as evidence – as much as literature or documents in an archive – images can pose new questions and provide new answers.⁷⁵ When discussing images, rather than text, it is equally important to consider context and function, although this may be challenging. Analysis of Bouet's sketches of legal actors is an important contribution to work on the use and importance of images in legal historical research. We demonstrate this in detail in three case studies in [Part 2](#).

The sketches present images of everyday court life, but the lives of the individuals depicted are not ordinary, if only by virtue of their being in the courtroom. Through his sketches, we can examine not only Bouet's interactions with nineteenth century legal processes but those of his 'sitters' too. Significantly he chose to represent a broad spectrum of those involved in the legal process. As Linda Mulcahy and David Sugarman noted, 'the bulk of legal biographies produced have focused on charting the lives of the elite; most often white, male, heterosexual judges and barristers'.⁷⁶ Bouet's sketches include these people but also individuals who do not fit these categories, offering a rare opportunity to shift the focus from the 'legal' lives of lawyers and judges.

However, the images of lay participants in the Durham justice process pose problems of identification. Research in this area involves an exercise in detection.⁷⁷ From those we have been able to identify, we estimate that Bouet's images include circa sixteen defendants and 2 witnesses. We have worked on the assumption that Bouet's sketches were intended to capture the likeness of his 'sitter'.⁷⁸ But, what motivated his selection of defendants? Were they interesting subjects, selected for their artistic potential, or was it their crime that caught his attention? Was it compassion, or simply human

⁷⁴On the visual and legal history, see Carolin Behrmann, 'Law, Visual Studies, and Image History' in Simon Stern and others (eds), *The Oxford Handbook of Law and Humanities* (Oxford University Press 2020) 39; Anthony Musson, 'Visualising Legal History: The Courts and Legal Profession in Image', in David Ibbotson and others (eds), *English Legal History and its Sources Essays in Honour of Sir John Baker* (Cambridge University Press 2019) 203. On potential difficulties in employing visual sources in legal history, see Anthony Musson, 'Visual Sources' in Anthony Musson and Chantal Stebbings (eds), *Making Legal History* (Cambridge University Press 2012) 264.

⁷⁵On the image in the production of knowledge about law, see Linda Mulcahy, 'Sociology of Legal Images' in Jiří Příbáň (ed), *Research Handbook on the Sociology of Law* (Edward Elgar Publishing 2020) 203. On images as historical evidence more generally see Peter Burke, *Eyewitnessing: The Uses of Images as Historical Evidence* (Reaktion 2019).

⁷⁶Linda Mulcahy and David Sugarman, 'Introduction: Legal Life Writing and Marginalized Subjects and Sources' (2015) 42 (1) *Journal of Law and Society* 1.

⁷⁷Digitized newspapers are an invaluable source. We would like to explore the Durham Assize files in the National Archives in Kew, but this location undoubtedly presents significant practical (and economic) difficulties to academics based in the North East of England.

⁷⁸Our reasons for this assumption are explored in Case Study 1 in [Part 2](#).

interest? Or a combination of these possibilities? What do the sketches reveal of those who appeared in the dock in Durham? And for what crimes?

The images of mid-nineteenth century defendants are a particularly unusual set of images which encourage us to focus on the otherwise anonymous people in society who become the 'objects/subjects' of law.

4. Images of criminals in nineteenth century England

Portraiture has been used throughout history, 'to show the power, importance, virtue, beauty, wealth, taste, learning or other qualities of the sitter'.⁷⁹ Nineteenth century portraits of English lawyers and judges feature, not surprisingly, white men from the upper or upper-middle class. However, Bouet also sketched the often-overlooked individuals at the trial – the defendants. As Bouet likely made these sketches for his personal consumption, his 'sitters' were probably unaware of becoming his subjects. Their stance suggests that they were drawn as they stood in the dock, the rail appearing in some portraits. In analysing these images, we can draw on research into later convict photographs, such as the studies by Linda Mulcahy of suffragettes⁸⁰ and Peter Doyle's work on Australian police mugshots.⁸¹ However, Bouet's images differ in one crucial respect from these 'official' images of convicts. As Mulcahy noted, 'In the customs of the photographic portraiture of the mid-late nineteenth century, it was generally expected that mugshots should be frontal images, showing head and shoulders *with no facial expression*'.⁸² [our italics] Bouet's sketches go beyond that goal of early mugshots: his sketches are nuanced, capturing his interpretation of the emotional resonance of the legal proceedings. Through these albums, we can see and share Bouet's non-verbal responses to his experience of attending the Durham courtroom. Bouet does not offer images of a 'criminal other' – these are sympathetic, realistic representations, not caricatured, grotesque or stereotyped. Convicted thieves, sentenced to be transported, are differentiated from images of the great and the good only by their location in the dock. William Jobling, the last man to be gibbeted in the North East, is presented without judgement, standing tall with matinee idol good looks.⁸³

⁷⁹'Portrait', (Tate) <www.tate.org.uk/art/art-terms/p/portrait>accessed 15 August 2022.

⁸⁰Linda Mulcahy, 'Docile Suffragettes? Resistance to Police Photography and the Possibility of Object-Subject Transformation' (2015) 23 (1) *Feminist Legal Studies* 79.

⁸¹Peter Doyle, *Crooks Like Us* (Historic Houses Trust of New South Wales 2016); Peter Doyle, *City of shadows: Sydney police photographs, 1912–1948*. (Historic Houses Trust of New South Wales 2005); Peter Doyle, 'Public Eye, Private Eye: Sydney Police Mug Shots, 1912–1930' (2005) 2(3) *Scan: Journal of Media Arts Culture* (np).

⁸²Mulcahy (n 81) 85.

⁸³Joseph Bouet, *Sketch of William Jobling* (n 41).

Bouet's sketches direct the viewer's attention to the face of his subject – each portrait focuses on individuality. The images offer evidence of the criminal body, an area which has seen increasing academic interest.⁸⁴ He shows the clothing of the ordinary man and woman, and their physical response to the ordeal of a criminal trial, in many cases facing a capital charge. His images, drawn directly from life, enable us to stand 'face-to-face' with the criminal subjects depicted. These are not merely images of people, but of events. In effect, Bouet records acts of eye witnessing. The sketches are made contemporaneously with, and depict a specific point in, trial proceedings. As such, Bouet's images can be analysed as 'external' legal history, revealing the law in practice, and legal institutions at work in a specific nineteenth century context.⁸⁵ Through these unusual sketches, we can address the visual under-representation of marginalized subjects in law, such as condemned men and transported convicts, and more generally the homogeneity of legal portraiture which, as Moran noted, reflects the historical and contemporary prominence of middle and upper class white men.⁸⁶ Through the sketches, we can adopt a 'bottom-up' approach to legal history, rather than 'top-down'.⁸⁷ As Costas Douzinas and Lynda Nead noted,

Coming to the law, being subjected to the law, is about seeing, about images and imagining, about having the image of the law implanted on the soul. We can only know the law through its representatives and their images – more or less terrifying – their robes, fur or silk, their pates and wigs, their noses and gavels.⁸⁸

In and through Bouet's sketches we can see both sides of the trial experience: not only that of the judge or lawyer as law's representative, but also that of law's subject, the defendant on trial.

A further exciting avenue for our research is to identify the defendants in Bouet's sketches and research their life courses. A single image from Bouet's albums can act as a catalyst for detailed studies of nineteenth century legal history. In identifying and researching the outcomes for individual subjects,

⁸⁴On the living criminal body, see Diana Miranda and Helena Machado, 'Photographing Prisoners: The Unworthy, Unpleasant and Unchanging Criminal Body' (2019) 19 (5) *Criminology & Criminal Justice* 591; Owen Davies and Francesca Matteoni, *Executing Magic in the Modern Era, Criminal Bodies and the Gallows in Popular Medicine* (Palgrave Macmillan 2017) 11.

⁸⁵On 'external' legal histories see David Ibbetson, 'What is Legal History a History Of?' (2003) 6 *Law and History Current Legal Issues* 33; Stuart Banner, 'Review of *Legal History, Inside and Out*, by Christopher Tomlins' (2011) 68 (4) *The William and Mary Quarterly* 725. On the distinction between internal and external legal history, see Robert W Gordon, 'Introduction: J. Willard Hurst and the Common Law Tradition in American Legal Historiography' (1975) 10 *Law and Society Review* 9.

⁸⁶Leslie J Moran, 'Judicial Bodies as Sexual Bodies: A Tale of Two Portraits' (2008) 29 (1) *Australian Feminist Law Journal* 91, 94.

⁸⁷On 'bottom-up' and 'top-down' methodologies see, Geoff Eley, *A Crooked Line: From Cultural History to the History of Society* (University of Michigan Press 2005); Peter N Stearns, 'Social History Present and Future' (2003) 37 *Journal of Social History* 1.

⁸⁸Douzinas and Nead (n 15) 58.



Figure 8. Joseph Bouet, *Sketch of Joseph Wooler* (Durham University Library Add MS 1300/243). [Reproduced by permission of Durham University Library and Collections].

we can reveal the impact of the law and the legal process upon the individual [Figure 8](#).⁸⁹

This ‘personalised’ approach is a popular avenue for the public consumption of crime histories, seen for example in television programmes such as *Murder Mystery & My Family* and *Murder Maps* and being the subject of the Royal Historical Society’s Colin Matthew lecture in Public Understanding of History, in November 2021.⁹⁰

The sketches are an important resource in other respects. For example, there are few surviving images of transported convicts. Tasmania and Western Australia were the only colonies receiving new convicts when

⁸⁹(As an example, see case study 2 in [Part 2: Figure 8](#)).

⁹⁰Ludmilla Jordanova, *Portraits, Biographies and Public History* (Gresham College Lectures) <www.gresham.ac.uk/lectures-and-events/portraits-biographies> accessed 21 February 2022; Ludmilla Jordanova, ‘Portraiture, Biography and Public Histories’ (2022) 32 *Transactions of the RHS* 159.

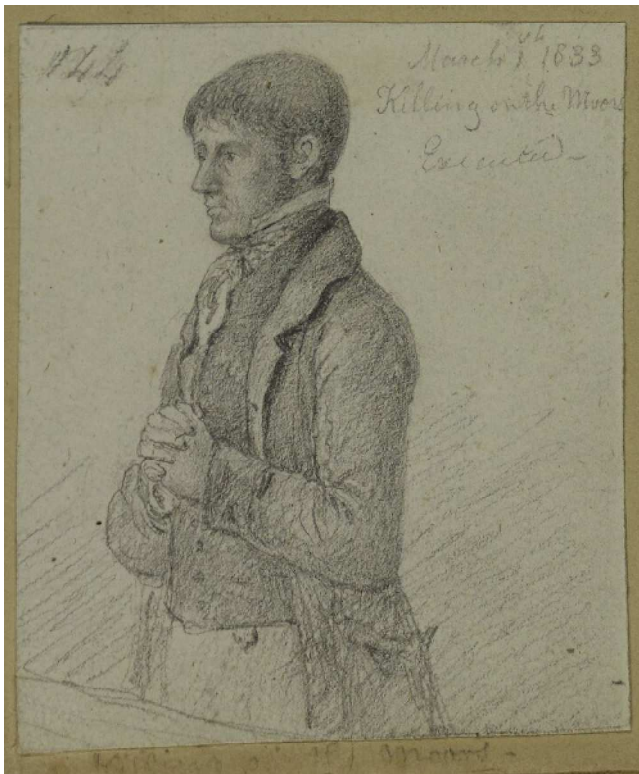


Figure 9. Joseph Bouet, *Sketch of John Price* (Durham University Library Add MS 1300/144). [Reproduced by permission of Durham University Library and Collections].

photography was available. Photographic records of prisoners were not common until the 1860s. Bouet's images of felons may be our best opportunity to gaze upon the faces of marginalized subjects, such as transported convicts, from the first half of the nineteenth century. One such example is the subject of our final case study in [Part 2](#) (see [Figure 9](#)).

5. Conclusion

We do not know why Joseph Bouet decided to sketch characters in the Durham courtroom, nor what – if anything – Bouet intended these images to achieve. We cannot know his motivation or aims and whether he had in mind commercial ambitions, or whether the sketches were simply for private entertainment. It is significant that Bouet was not a lawyer nor a legal actor, nor a court artist, as we might understand that term today. Notably, he was creating the images – at least at first – as an artist and an interested outsider. However, we are fortunate that he has left a unique and valuable resource for socio-legal and criminological historical research.

Whilst we face many choices in how to focus our research, the challenge is worthwhile: there is much evidence to be uncovered in and from the images, which are unique socio-legal documents. A study of such drawings makes an important contribution to legal historical and socio-legal scholarship. Bouet's images of legal actors in the Durham courtroom can be analysed as 'external' legal history, revealing the law in practice. The sketches capture both the ordinary and the extraordinary: from the everyday work of a provincial court to the features of judge and defendant as a death sentence is pronounced. The albums are of significance due to the breadth of legal actors Bouet sketched: judges and lawyers, gaolers and sheriffs, and, perhaps more significantly because of their novelty, witnesses and defendants – offering a broad picture to inform our understanding of the nineteenth century legal world.

Researching Bouet's sketches of legal actors in the albums is an extensive project, which will enable us to interrogate more closely the use and importance of images to legal historical research and to explore what this cache of pictures can add to the literature on images of judges and justice in North East England and further afield. Part of our ongoing research is to establish what other images survive of nineteenth century judges, lawyers, and defendants, in the north east and in England more broadly. A further task will be to analyse how Bouet's images fit into that body of work. We will also attempt to identify the men and women Bouet sketched, to recover the stories within the two albums: some well-known and others presently lost. Our problem (a nice one to have) is the sheer quantity of images. A further challenge is that, as the work is unusual, it may prove difficult to establish a concrete theoretical or methodological framework. We can address the images in their legal, historical and/or art-historical contexts – each offering different theoretical and methodological possibilities.

In [Part 2](#) of this article, we present three case studies which expand upon aspects of this article and demonstrate the potential of the images as a resource by applying a further theoretical and methodological approach to the sketches of legal actors in Bouet's albums.

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A note on the Figures

The images we use in our analysis appear in both Parts 1 and 2 as Figures 1 to 9. Images 3-9 form the basis of the case studies in Part 2.

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