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Infanticide in Victorian England, 1856–1878: Thirty legal cases

Monholland, Cathy Sherill, M.A.
Rice University, 1989

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INFANTICIDE IN VICTORIAN ENGLAND, 1856-1878:
THIRTY LEGAL CASES

by

CATHY S. MONHOLLAND

A THESIS SUBMITTED
IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE

MASTER OF ARTS

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May, 1989
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May 1989
ABSTRACT

Infanticide in Victorian England, 1856-1878:
Thirty Legal Cases
Cathy S. Monholland

The crime of infanticide plagued England throughout the nineteenth century, but by the 1860s it seemed to experts and laymen alike that incidences of the crime had reached crisis proportions. The publicity that newspapers gave to the problem sparked public concern; such publicity brought the crime increasingly to the attention not only of middle-class readers but also of medical, penal, judicial, and government officials. To determine whether a crisis of infanticide actually occurred in Victorian England, it is necessary to examine several areas of Victorian history—gender roles and the legal, economic, and social inequities women faced. While a profile of murdering mothers can be drawn from secondary material, this examination of infanticide draws upon primary data from the criminal records of thirty women and two men charged, tried, and convicted of the crime between 1856 and 1878. Both primary and secondary research provides new insights into contemporary fears of the problem, illuminates those characteristics that many murdering mothers and fathers shared, illustrates public reaction to their crimes, trials, and sentences, and outlines the judicial process these women and men faced when they stood before the bar of Victorian justice.
ACKNOWLEDGMENTS

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Susan Ellis, Dean James, Marilyn Levine, Tom Mackey, Trudi McNair, Phyliss Roberts, Sylvia Ross, and Glenda Tynes stood by me in my quest, and I will not forget them or their encouragement. John and Jane Inscoe deserve special accolades because their kindnesses to me have made a difficult year memorable.

Finally, I wish to dedicate this work to my mom and Carole, the two best friends anyone could have, because they always have more faith in me than I have in myself.
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INTRODUCTION

On Friday, August 5, 1988, at 3:55 P.M. in Houston, Texas, Amber Yvette Narvaiz was pronounced dead by Ben Taub Hospital officials. Amber, two months old, died of a fractured skull and internal bleeding of the brain. On August 3 Amber's twenty-one-year-old father, an apartment complex security guard, had taken his seventeen-year-old common-law wife, Amber, and Amber's fraternal twin to work with him on his night shift, an action that defied his employer's policy of not allowing an employee's family to accompany him to work. Around midnight Amber began crying because her diaper was soiled, and Isidro "Easy" Narvaiz took his daughter into a nearby bathroom to change her diaper. Frustrated by her crying and undoubtedly afraid the cries would attract unwanted attention to her presence—and that of her mother and sibling—on his job site, "Easy" Narvaiz finally slammed Amber down on a vanity countertop, fracturing her skull. Bundling Amber into a baby carrier, Narvaiz violently shook the baby when she began convulsing. This shaking led to the severe internal bleeding of the brain that ultimately killed Amber. When the child failed to revive the father roused the rest of the family and set out for Ben Taub Hospital. They became lost on the way, so it was not until 3 A.M., three hours after her injuries were inflicted, that Amber was finally admitted to the hospital. She was attached to life support systems, although she was pronounced brain
dead. Harris County [Texas] Children's Protective Services spokeswoman Judy Hay later told reporters that both Narvaiz and his wife had family histories of child abuse; and that although the other infant had been removed from the care of Mrs. Narvaiz, there was a good possibility the baby would be returned to its mother since "bonding" had already occurred. Isidro Narvaiz was charged with injury to a child causing serious bodily harm, and he was jailed in lieu of $10,000 bail. Hay concluded her remarks to reporters by observing that by August 1988, Harris County, Texas, had handled two hundred child abuse cases, twenty the week of August 1 alone, including that of little Amber. As Hay pointed out, "More people are reporting [child abuse cases], but more importantly, families are having a hard time and are under a lot of stress. They aren't prepared for the stresses of child rearing."¹

¹Houston [Texas] Post, August 6, 1988, Section 1, pp. 1A and 21A (quotations on p. 21A).
possible twenty-year sentence for the crime if she would volunteer to be sterilized. Since Baldwin has attempted suicide, once injected herself with urine, and is "obviously troubled" as well as pregnant again, Judge Jones asserted that "'she has no need for any more children'."\(^2\) The case wends its way through Indiana courts.

In January 1988 Cheryl Shahine beat her baby son Eugene to death in a case that attracted media attention throughout New York state. Lawrence Lebowitz, a reporter for The Times Herald Record of Middletown, New York, determined to find out the facts of the case. His investigation revealed Cheryl Shahine to be, at twenty-three, the mother of six children and an eighth-grade dropout who had been a prostitute since age thirteen. Because of this background, her children were taken from her and placed in foster homes. In November 1987, however, despite foster parents' warnings that Shahine was still an unfit mother, New York family court judge Elaine Slobod returned Eugene to Cheryl. Two months later he was dead. Slobod, as distressed and upset as anyone over Eugene's fate, decided to help other child abuse victims—in an unusual way, however. In July 1988 Judge Slobod opened her family court to the public in an attempt to

illuminate the flaws in both court and foster care systems. In taking this action Slobod wrote that "the public . . . must be 'informed of the crisis in our society involving child abuse and neglect and the inherent inadequacies of the system' . . . ." Since it has been calculated that in New York state a child dies of abuse or neglect every two days and since Governor Mario Cuomo recently proclaimed the 1980s the decade of the child, perhaps Judge Slobod's actions will indeed let "the public . . . see what's wrong [with the system] and get mad."³

These three cases come from three distinct parts of the United States: the South, the Midwest, and the East. All three, however, have one common denominator: a child dead at the hands of an abusive, uneducated, and/or frustrated parent. These three cases share another common denominator: the glare of local or national publicity. Parental murder of infants or toddlers seems to have become so common by 1989 that local and national newspapers and magazines focus a great deal of attention on the problem. Widespread publicity has, in fact, reached new heights. U. S. News & World Report in its June 13, 1988, issue devoted its whole cover story section to "The Child-Abuse Crisis," particularly to "Mothers on the Run" with their abused children. The Report announced

that child sexual abuse in the United States has reached such crisis proportions that a "'new underground railroad'" has been established to enable mothers and children to stay on the road and thus to evade the long arms of sexually abusive fathers and court orders giving visiting rights or custody to these fathers. Just exactly how many mothers and their children are currently 'riding the rails' is unknown, but "sociologists and children's advocates, place the number . . . in the thousands."4

On June 20, 1988, exactly one week after "The Child-Abuse Crisis" garnered national attention, Time Magazine illuminated the darkest corner of the crisis in its quest to determine "Why Mothers Kill Their Babies." This article, carried in the magazine's behavior section, cited several possible reasons behind maternal infanticide: "postpartum mental disorders," including "tremendous hormonal upheaval," appetite loss, sleeplessness, and "thoughts of suicide." Unfortunately such disturbances "are so far poorly understood," concluded author Anastasia Toufexis; thus the disturbances themselves and many women who suffer from them "go undetected." As a result, infanticide in twentieth-century America is, "sadly, . . .

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not all that rare."

Toufexis's article speaks of infanticide only in the present tense, as if the subject, and the deeds it labels, sprang full-grown from the forehead of modern American culture. She does, to be fair, throw sops to medicine when she says that physicians have "long known" the composition of the baby blues, or postpartum depression. After this reference, however, infanticide is treated as if it were the new disease of the week, to be defined, superficially probed, and then scuttled in favor of next week's discovery. The most disturbing aspect of Toufexis's article is that in it infanticide has no history; no hopes for ways of medically or morally diminishing it are proffered. The only "cures" discussed are prison sentences and legislation to permit women accused of the crime to remain in a hospital—in custody.

In the Time article the whole history of infanticide is ignored. That infanticide has been practiced by cultures the world over from time immemorial is known to millions of people—people who read the Bible, people who know the history of Spartan infants or the legend of Rome's founding by Romulus and Remus, people who read

5 Anastasia Toufexis, "Why Mothers Kill Their Babies," Time Magazine, 131 (June 20, 1988), 81-83 (first, third, fourth, and sixth quotations on p. 81; second and fifth quotations on p. 83).

6 Ibid., 81.
newspaper accounts of the medical procedure known as amniocentesis being banned in India to prevent the abortion of female fetuses. In truth, Toufexis's article exhibits that same curious cultural amnesia that Maria W. Piers decries in her 1978 work on infanticide, wherein she says that the subject "has mysteriously vanished from public consciousness" and that "the unawareness of the phenomenon that exists in our century borders on the extraordinary."  

Abuse garners its fair share of attention, but infanticide in America is, for the most part, ignored.

Ignoring infanticide will not make it go away; neither will remaining ignorant of its past and its history. Toufexis's article seems suspended, makes no references to the subject's past history, and gives no suggestions as to how society might eliminate the problem. To combat this lack of modern memory of infanticide, it will be the purpose of this work to make a contribution to the understanding of the causes of infanticide, especially in the crisis that developed in Victorian England, and to an understanding of the motives of the men and women who committed the crime in the nineteenth century and of those

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7Maria W. Piers, *Infanticide* (New York, 1978), 13 (first quotation), 75 (second quotation).

8Throughout this thesis, for purposes of consistency I will use the term "England" rather than "Britain" to denote country south of the Tweed and east of Wales as that is the phrase contemporaries used.
who commit it today. The crisis of infanticide that occurred in Victorian England especially from the 1860s can accurately be termed the precursor of the crisis that has developed in modern society; for this reason, study of the Victorian problem is illuminating in terms of the causes, effects, and remediation of infanticide within a historical context. In this subject we see not just dry and dusty historical facts and figures but a contemporary social problem that modern Americans certainly have not resolved. By delineating infanticide's Victorian past and by exploring the historical causes that gave rise to it, modern societies might regain some cultural memory and might come to realize that the perceived "crises" in child abuse and infanticide in the 1980s are not the first of these "crises" to have occurred. In examining the history of Victorian infanticide the current American crisis can be put into historical perspective. Since so many of the root causes of Victorian infanticide are extant in modern societies, including the United States, examination of these causes in their Victorian context will illuminate and explicate much of the context of modern occurrences of the crime. If Nature abhors a vacuum, so do historians.

Finally, a look at previous "crises" of infanticide will give continuity to the crime that Europeans certainly "believed to be the most frequent crime all over Europe
from the Middle Ages to about 1800."\(^9\) To achieve historical perspective on the subject, infanticide in Victorian England will be examined in depth through thirty contemporary legal cases dating from 1856 to 1878. Findings from these cases will illuminate not only certain areas of Victorian society but modern societies as well. Modern citizens would do well to remember that in many countries in previous centuries infanticide was considered such a serious social and moral problem that discussion of it "'was not limited to a few 'stormy' youths . . . but that sagacious men of every calling devoted a part of their best efforts to an intent to solve this problem'."\(^{10}\) Can we, in view of our own modern crisis, do less?

* * * * * *

The cases of all English women hanged since 1843 for willful child murder—the contemporary legal phrase applied to the crime of infanticide—have been discussed, along with those of other female murderers, by Patrick Wilson in his book *Murderess: A study of the Women executed in Britain since 1843*. However, Wilson's work is seriously flawed. His first reason for writing the book was "to resurrect a group of women who were, in the

\(^9\)Piers, 75.

opinion of judges, juries and Home Secretaries, the most evil women in Britain." However, my research would not support such an interpretation. Second, he attempted "to see these crimes against their legal, social, moral and economic backcloth." After delineating his two reasons for writing the book, however, Wilson wonders: "But why dig up these horrible females and delve into their nasty lives?" He answers his own (surely rhetorical) question: "The answer is surely that insect life on the dung-hill is still interesting to the entomologist, and that human conduct at its extreme of evil can cast light on human behaviour in general." To refute this sexist, patronizing, paternalistic, misogynistic, condescending, insensitive, and historically myopic remark one can point out that Wilson ends his introduction to the book by admitting that his "opinions are those of a lay-man, and, if they are idiosyncratic, it is entirely my own fault."¹¹ It is apparent from these remarks and from a perusal of his work that Wilson is oblivious to many of those very "legal, social, moral and economic" influences that led many women--and some men--to commit murder (child or otherwise) in the Victorian era. Furthermore, his analogy of criminal females to insects on a dung-hill is mean-

spirited and ignores the fact that dung-hill insects are preprogrammed by Nature to spend their lives there; such a comparison ignores the ramifications of social conditioning upon women (and men) who commit crimes. To compare even the worst human to a dung-hill insect is thoroughly dehumanizing, and to compare a woman to such a thing shows a contempt for women and overlooks those forces in women's lives that might make them want to kill. He gives no thought whatsoever, for example, to those economic factors in Victorian society that might have encouraged certain murderesses to decimate "their families to obtain small sums of money from burial clubs."12 Did these women want to kill for money, or were they starving and so killed for it? Did these women want to have all the children they gave birth to? Perhaps an unwanted child was easier to kill than a wanted child. Did these murderesses have job skills to market so they could earn money in a legitimate fashion? Did their husbands or lovers support them and the children they helped to create, or did these husbands and lovers abandon their wives and lovers to raise the children alone, as best they could? What social agencies or services were available to help penniless women and their children? Just exactly what made these women decimate their families for small sums of money? Wilson shows no inclination to address

12Ibid., 10.
these issues; he is too busy focusing on the "nasty" details to give more than the most superficial, glancing attention to the conditions under which these "nasty lives" occurred.

There is no reason to suppose that Wilson's opinion on other murdering women—those not executed but merely convicted and imprisoned—would be more benign or sympathetic. I assume from his comments that any woman accused, tried, and convicted on the capital charge of willful child murder becomes one of those unsavory, insect-like females he says his book is about. For this reason, in order to examine the crime of infanticide in Victorian England—a crime that was overwhelmingly committed by women—from a revisionist perspective, I applied Wilson's opinions to the thirty women whose crimes I have researched; although I philosophically and diametrically oppose his interpretation of both the women and their crimes, nevertheless his question—"Why dig up these horrible females and delve into their nasty lives?"—became the question around which I have organized this thesis. In resurrecting these women and their crimes I intend, unlike Wilson, to examine both in the full light of Victorian legal, social, moral, and economic conditions. Infanticide has a history that predates the nineteenth century, and that history will be briefly examined as well in order to put the Victorian problem
into perspective.

Furthermore, I write this thesis in the hope of illuminating this shadowy corner of a dark subject in women's history. Since infanticide is usually defined as "largely a woman's crime,"¹³ I wanted to investigate why so many women became child murderers. What were those legal, social, moral, and economic forces that compelled women to kill their own children? In the course of my investigations one overwhelming conclusion became inescapable—these women were as much victims of their society as their children were of them. These women were victims—of seducers, fathers, mothers, their own children, friends, strangers. While it seems easy now to condemn any woman who would willfully kill her own child by asserting that no hardship justifies child murder, it is important to remember that in nineteenth-century England no law punished the seducer of an illiterate, working-class, unmarried female domestic servant, into which category most infanticidal Victorian mothers fall. Very frequently her parents or other relatives turned their backs on her, as did friends, employers, or her own children. After being pushed inexorably to kill an unplanned illegitimate offspring—the typical victim of

infanticide—for moral, social, and economic reasons, a woman was all too easily condemned by the very ones who deserted her in her hour of need. But their stories are old, their crimes until now long forgotten. Rather than condemn them for their actions, I wish to understand why they did what they did. In attempting this I can only hope to show more magnanimity and perspective to these women than Wilson did to his subjects. And as the modern child abuse and infanticide crises indicate, historians and social scientists obviously have not examined the history of these intertwined subjects enough; otherwise incidences of the crimes would not be as prevalent as they seem to be today.

I would like to think that George Eliot would approve my appropriation of some wise words of hers from Middlemarch to describe the thirty women herein studied, for they could have been very like the ones Eliot was thinking of when she pondered those women "who lived . . . a hidden life, and rest in unvisited tombs."14 She would, I hope, agree with me when I say that no longer are these thirty resting unvisited.

14George Eliot, Middlemarch (Boston, 1956), 613.
CHAPTER 1

Historical Overview of Victorian Infanticide

On March 16, 1866, Elizabeth Duff, a twenty-four-year-old unmarried domestic servant, was tried at the Devon Spring Assizes for the "murder of her child aged 15 months."

Duff lived and worked in Devonport, England, which was part of the Greater Plymouth seaport area. Plymouth was a dock town and the site of government military installations. At some point prior to her crime Duff had come to know one of the soldiers stationed in the area. An interested observer wrote Duff's biography in a letter sent to the Home Office that pled for mercy towards Duff by the court. This letter not only gave an outline of the case but highlighted a possible motive for the crime.

She became a house servant and like all other females in time became acquainted with one of the male sex, a soldier. After the usual amount of lying and deception on the part of the man the woman succumbs, and a child is the consequence. For 18 months the poor deceived and deserted woman struggles to maintain her offspring, but it is impossible—her wages are less than the charge for maintaining it.

W. Prout, the author of this epistle, went on to castigate

\[1\text{See Appendix A, p. 249, for citations to the criminal records of all thirty-two individuals discussed in this thesis; all citations in this and subsequent chapters to defendants' files can be found in this appendix.}\]
then-current laws of bastardy in England ("Sir George, the
law of bastardy as it affects women is abominable"); the
soldier seducer ("Look at the father--he not unlikely, is
searching for fun and [pleasures?], quite safe from the
touch of the law"); and the jury and judge that heard the
case ("Perhaps the very men who tried her are fathers of
illegitimate children"). Even Mr. Justice Byles, Duff's
trial judge, admitted that "there are many extenuating
circumstances" in the case, most of them stemming from
Duff's "miserable wage" of six pounds a year; on such a
salary "board of the child [with a wet nurse] inevitably
fell into arrear, the child was thrown back on [Duff's]
hands." Once this happened Duff became unable to support
not just the child--blond-haired, blue-eyed Kate--but
herself as well; she also risked loss of her job.
Consequently Duff was heard by several witnesses to say
many times "she wished the child was dead," but even the
nurse with whom Kate had been left, Catherine Jessop,
testified at the trial that Duff "was uniformly fond of
the child. Never saw her otherwise" and that "she always
appeared affectionate when she came to see the child."
When Kate finally did disappear, suspicions were aroused
and the police called in to investigate. The discovery on
January 29, 1866, of a charred, foul-smelling, apron-
wrapped "parcel" in Duff's room by Devonport
superintendent of police John Lynn led to Duff's arrest on
willful child murder charges. Upon her arrest for the asphyxiation and burning death of Kate, Duff cried, then admitted her guilt, but not before bluntly stating her motive: "She said her wages were very small."\textsuperscript{2} Furthermore, Duff said in her statement to police that "she supposed she should be hung for it. . . . [but] It is no use crying now, I am not the first I suppose, and I will not be the last." Duff's mental state went far beyond resignation, for John Lynn testified at her trial that Duff "had told me she would not promise not to lay hands on herself."

Judith Walkowitz paints a grim picture of life in the Greater Plymouth area for women in the 1860s. Elizabeth Duff was certainly not the only underpaid house servant there, for Walkowitz asserts that during the decade "Plymouth . . . contained the most extreme cases of female destitution" and that during these years "relief roles . . . doubled, providing one indicator of the extensive destitution of women and children left to shift for themselves." Compounding the problem of miserably low female domestic servants' wages was the fact that in the city, "young single women were not permitted outdoor relief," thus "if they lived outside their families and

\textsuperscript{2}See Appendix A; all underlining in quotations cited in this thesis are in the original trial notes contained in case files.
the homes of employers, these women were in dire straits.\textsuperscript{3}

Under these circumstances it is no wonder that Duff finally admitted she was not the first single, underpaid, English female domestic servant to kill her infant child or that she predicted she would "not be the last" to take the drastic measure. In fact, the problem of infanticide in England was not confined to the Greater Plymouth area or to the 1860s. One modern historian has calculated that in England "in the nineteenth century, one fifth of all recorded homicides were infanticides." Another modern researcher says that "the earliest official statistics on infanticide showed that 76 children aged under one year were murdered in England and Wales between 1838 and 1840 (34 per cent of all murders)." Later, however, even these shocking statistics increased. According to Lionel Rose, author of one of the most complete modern studies of English infanticide, by "1864 . . . of 113,000 deaths of 0-1 year olds, 1,730 were attributed to 'violence' of which 192 were classed as 'homicides' (murder and manslaughter). . . . Thus the under-1s formed 61 per cent of all homicide victims, at a time when they constituted 2.5-3 per cent of the population." Yet another modern

\textsuperscript{3}Judith R. Walkowitz, Prostitution and Victorian society: Women, class, and the state (Cambridge, Eng., and other cities, 1986), 154 (all quotations).
expert, George Behlmer, puts the figures even higher: "From the 5,314 cases of homicide listed by the Registrar General for the period 1863-87, a grim 3,355 cases—or 63 percent—involved infants."^4

Even though these calculations appear exorbitant—some might charge inflated—they are based on figures that almost surely underrepresent the true scope of the crime. R. Sauer remarks of his calculations that they are "low for a period when the incidence of infanticide was believed to be substantial." William Burke Ryan, a contemporary expert on infanticide, urged caution in 1862: "Statistics on the subject of infanticide are in a very unsatisfactory condition . . . ." Why this "unsatisfactory" state of affairs? Because it was not until 1874 that registration of births became mandatory in England, and even then registration was easily evaded. In fact, "the Registrar General believed there was a 10 percent underestimate in the official returns of illegitimate births," but by 1870 this "underestimate" had gone "as

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high as 30 per cent." Since "infanticide is primarily an account of the fate of illegitimate babies" and since even when registered "many illegitimates were . . . registered as legitimate," the discrepancy between true figures and recorded statistics becomes obvious. Thus while all figures from the century must be carefully treated, one message nonetheless is clearly communicated by these numbers. Undetected infanticides were "believed to have been numerous" even by compilers of nineteenth-century infanticide statistics; and the figures cited—even if underrepresentative—support Behlmer's contention that "if not 'slaughtered' en masse, mid-Victorian infants clearly were more apt to be killed than [Victorians] of all other age groups combined."\

Mere numbers or statistics relate only one aspect of the story of nineteenth-century infanticide, however. As unreliable or suspect as they may be, numbers stress only the quantifiable, calculable dimension to the detriment of the human aspects of this grave social problem. The figures, incorrect though they may be, ignore the human

5R. Sauer, 81 (first quotation); William Burke Ryan, Infanticide: Its Law, Prevalence, Prevention, and History (London, 1862), 17 (second quotation); Rose, 22 (third, fourth, and sixth quotations), 10 (fifth quotation); Mary S. Hartman, Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes (New York, 1977), 5 (seventh quotation); Behlmer, 18 (eighth quotation).
problem that each statistic represents; and no matter how large the figures grew, it was the human dimension of the crime rather than the statistics alone that so horrified, appalled, and bewildered the Victorians themselves. Whether in fact the numbers of murdered babies had actually increased or not, by mid-century Victorians thought that they had; the figures previously cited indicate that there was an increase in the rate of infanticide from the 1840s to the 1860s. Regardless of the numbers, however, the discrepancy between whatever the numerical reality was and the human perception of them led Victorians to believe that the crime of infanticide had become such a "public scandal"\(^6\) by mid-century that something had to be done to curb its occurrence.

This perception on the part of the Victorians themselves of the pervasive commonness of the crime is reflected in source after contemporary source. By the 1850s the discovery of dead infants' bodies in London had become so commonplace that Mary Ann Baines, author of a mid-1860s book on infanticide, lamented the indifference of the metropolitan police to the problem: "'They think no more of finding the dead body of a child in the street than of picking up a dead cat or dog'." On December 15, \(^6\)William L. Langer, "Infanticide: A Historical Survey," *History of Childhood Quarterly*, 1 (Winter 1974), 360.
1860, William Harper wrote to the Home Secretary regarding the case of Ann Padfield, who had recently been found guilty and sentenced to death for willful child murder: "Something must be done to put a stop to this increasing crime of Infanticide but severity will never meet success. Anne Padfield's commuted punishment of penal servitude for Life--dreadful as it is to contemplate, has not prevented the slaughter of 3 more infants this week in the Paddington District." The specific details of Ann Padfield's case horrified Harper sufficiently to impel him to write to the government's top domestic official, but it is clear that Harper was horrified equally by the three subsequent infant murders. To him it seemed that one murder of a child--let alone three more--was one too many. For him it was not the number that was important but what that number represented. Obviously to Harper the death of one human infant was an irretrievable loss, so what must the loss of four have represented? A once living, breathing baby was to Harper irreducible to a mere figure, and for many contemporaries this was the crux of Victorian perceptions of the problem.  

If William Harper's perception of the problem represented a specific opinion voiced by one member of the

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7Quoted in Rose, 93 (first quotation); file of Ann Padfield, see Appendix A (second quotation); Harper spelled the name with an added "e."
English public, what was the attitude or opinion of more learned men—scientists or medical men (experts) of the day? Once again Dr. William Burke Ryan represented the broader view on infanticide that prevailed by mid-century. For reasons that will be discussed in a later chapter, "infanticide increasingly emerged in the public consciousness from the 1850s," so that by 1862, when Ryan wrote his landmark book on the subject, he was riding the crest of "the public ferment over infanticide that had been building up during the 1860s." 8 Ryan's perceptions on the prevalence of the crime of infanticide echoed those of Harper.

. . . turn where we may, still are we met by the evidences of a wide spread crime. In the quiet of the bedroom we raise the boxlid, and the skeletons are there. In the calm evening walk we see in the distance the suspicious-looking bundle, and the mangled infant is within. By the canal side, or in the water, we find the dead child. In the solitude of the wood we are horrified by the ghostly sight; and if we betake ourselves to the rapid rail in order to escape the pollution, we find at our journey's end that the mouldering remains of a murdered innocent have been our travelling companion; and that the odour from that unsuspected parcel too truly indicates what may be found within. 9

By 1867 public perception and government statistics

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8 Rose, 75 (first quotation); 102 (second quotation).

9 Ryan, 45-46.
both convinced the country that infanticide was—in perception and reality—such a "public scandal" that something had to be done to contain it. In that year Ryan and a group of his fellow medical men met with the British Home Secretary to discuss reasons for and ways to curb the appalling prevalence of infanticide in Victorian society. The breadth and depth of Ryan's research on the problem made him particularly suited to be a spokesman on the subject; from the late 1850s Ryan wrote extensively on infanticide. In 1856 he won the Fothergillian Gold Medal of the Medical Society of London for his essay entitled "On Infanticide in its Medico-legal Relations"; in 1858 he published another landmark essay on child murder; and in 1862 his watershed work appeared in book form.\textsuperscript{10} His right to lead this medical delegation was thus unimpeachable, and his expertise added weight and urgency to his works' cumulative conclusion: "'We cannot ignore the fact that the crime of infanticide . . . is widespread and on the increase'.\textsuperscript{11} Since the individual layman's opinion—Harper's—that the crime of infanticide was "increasing" was corroborated exactly in the opinion of a Victorian expert representing the English government, it becomes obvious that infanticide was perceived to be, by

\textsuperscript{10}Ibid., iii-iv.

\textsuperscript{11}Quoted in Langer, 361.
layman and expert alike, a growing "public scandal" of enormous proportions. In the face of such perceptions, actual figures pale. Numerical accuracy, after all, could be and was viewed metaphorically by Ryan, who saw in statistics a human "horrid tide" that threatened to inundate the country, washing the murderers and their innocent victims alike—as well as all other members of Victorian society—"guilty and blood-stained."  

Why should infanticide have so horrified and upset Victorian sensibilities? It was not simply that the intentional murder—"wilful child murder," to use the contemporary phrase—of newborns, tiny babies, toddlers, or what would now be called preschoolers was so repugnant to the Victorians, although it was repugnant to them. Even more problematical to the Victorians was the fact that infanticide was symptomatic of profound moral and social dilemmas within their society that, given their pervasiveness, the Victorians simply had to face. Yet while many persons could not or did not want to acknowledge these moral problems, a surprising number of Victorians did want the facts told, the bones uncovered, the statistics compiled and broadcast. Why? How else could Victorian society solve the several problems infanticide represented if the truth, as distasteful and

12 Ryan, iv (first quoted phrase); 6 (second quoted phrase).
embarrassing as it might be, were not told? Infanticide brought together for Victorian England in one word a nexus of cultural and moral problems the citizens and the century simply had to confront, and it is the purpose of this thesis to explore those problems in their historical context by examining the history of infanticide in England, specifically Victorian England, and illuminating the findings through thirty contemporary court cases that date from 1856 to 1878.

In looking at the historical context of infanticide, one is struck first and foremost by the legal implications of child murder. This crime had historically required the same rules of evidence as governed the murders of adults.\(^\text{13}\) The necessity of proof was reinforced by Lord Ellenborough's Act of 1803, which was in force for the remainder of the nineteenth century and which superseded several earlier acts relating to the crime, including the Stuart Act of 1624. The 1803 act required "that trials of women charged with murder of their . . . children 'shall proceed and be governed by such and the like rules of

\(^{13}\)Ryan, 2; see also Langer, 361; for a thorough explication of the legal background and ramifications of infanticide see D. Seaborne Davies's two-part article entitled "Child-Killing in English Law," Modern Law Review (December 1937), 203-23; and (March 1938), 269-87. For a more medically oriented discussion see Stanley B. Atkinson, "Life, Birth, and Live-Birth," Law Quarterly Review, XX ([LXXVIII] April 1904), 134-59.
evidence and of presumption as are by Law used and allowed to take place in respect to other trials for murder."

Sauer notes that the Ellenborough Act was "particularly important" because unlike previous laws governing infanticide, the act of 1803 put the burden of proof of deliberate murder on the Crown. Previous acts had placed the burden of proof of innocence on the mother of the dead infant. Additionally, this act created a lesser offense, concealment of birth, and "if the birth and death of a child were concealed, but there was insufficient evidence of infanticide, a woman" could be convicted for a crime that did not entail the death penalty. A concealment verdict carried a penalty of approximately two years' imprisonment; conviction on the capital charge of willful child murder brought the death penalty. In this manner it became "possible to punish infanticide without recourse to the death penalty." Judges and juries were quite lenient towards women who had been charged and found guilty of infanticide, primarily because they felt "capital punishment was far too harsh a penalty to pay when the real culprit was ... the girl's seducer." Furthermore, "public opinion in general regarded infanticide as less

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14 Davies, 214; for a lengthier discussion of the Ellenborough Act of 1803 and previous acts see Sauer, 82-83; and Rose, 70-71.

15 The legal penalty for concealment of birth was "imprisonment for up to two years." Sauer, 82.
heinous than murder of an adult"; thus most Victorians either would not or were very reluctant to convict a woman of this crime since it was punishable by death.\textsuperscript{16} In these respects the Ellenborough Act of 1803 reflected a softened attitude towards mothers who murdered their children and addressed the concerns of the public regarding the fairness of the law as it applied to infanticidal mothers. In these ways the act broke new legal ground in the fight against the crime.

In the nineteenth as in earlier centuries, however, infanticide was much more difficult to prove than most if not all cases of adult murder. One reason proof of infanticide was so difficult was that judicial opinion in the century had difficulty defining what constituted a fully born person, when breathing actually occurred during the birth process, whether separation from the mother's body by an infant body completely occurred during birth, and even more basically, that point at which an infant fetus actually became a real human being. As Davies trenchantly observed, "Judges of the nineteenth century wallowed in the troughs of difficult questions of physiology," questions that dog legal and medical experts today. Additionally, in many cases labor pains came upon

\textsuperscript{16} Sauer, 83 (first, second, and third quotations); 82-83 (fifth quotation); Langer, 360 (fourth quotation).
women in isolated circumstances, at night, during travel, or in secret, so that frequently there were no witnesses present to prove a live birth. This problem of proof, one historian asserts, is why infanticide "flourished" to conspicuously in England during the century.

A second profound problem represented by infanticide was the seeming lack of human maternal or paternal feeling on the part of the killers of children--most usually (but not always) those children's own parents. It is important to note here that it was not always the mother who murdered her infant; as will be seen in a later chapter, fathers were quite capable of murdering their illegitimate children when those children became a financial burden or otherwise obstructed men's lives. Observers of the problem wondered how a society that prided itself on its progress and "civilization," especially during an era that witnessed the unprecedented spread of humanitarianism, charitableness, and the growth of domesticity, with its concomitant concerns for animal and child welfare, could explain the fact that so many of its parents murdered their own offspring. But as Sauer notes, "Some of the leading intellectuals of the early nineteenth century took a particularly permissive view of infanticide," among them William Godwin, Francis Place, Jeremy Bentham, and Thomas

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17Davies, 208 (first quotation); Langer, 360 (second quoted word).
Malthus. All four wrote works that intimated to readers of the day that "an early death was often preferable to a life of crime." Perhaps this theory trickled down to those classes that ultimately resorted to infanticide as a way to control population that could not be financially supported. One contemporary acknowledged the root causes of infanticide when he observed that "'there can be no doubt, that a great part of the poorer classes of this country are sunk in such a frightful depth of hopelessness, misery, and utter degradation, that even mothers forget their affection for their helpless little offspring and kill them, as a butcher does his lambs, . . . and therewith lessen their pauperism and misery'." While most contemporary commentators acknowledged the roles of misery, want, and penury in the occurrences of infanticide, most nevertheless loudly bemoaned "'the great indifference displayed by parents and others . . . with regard to infant life'."¹⁸

Worse even than parental indifference to offspring were the gender role problems infanticide represented to Victorian society. This "sexual" aspect was dual in nature. First, the great majority of willful child murderers were women. How did a society that assigned to

¹⁸Sauer, 83 (first and second quotations); Langer, 365 n 24 (third quotation); 360 (fourth quotation).
women a passive, domestic, nurturing, familial role, either as mothers or as daughter/servant caretakers, begin to comprehend, let alone explain, the enormously unfeminine, nonmaternal, nonnurturing acts of these violent killer women? What was it that compelled so many "angels in the house" to become "'angel-makers'?"? Second, what does it say about the men of a society--and their relations to and with the women of that society--when so many of them seduced women and then refused both to marry the woman and to support or even to acknowledge the child? That seduction of working-class single female domestic servants was the leading cause of pregnancy among members of this group, which then led to infanticide, has been highlighted by several historians. Judith Walkowitz calls it "a double standard of sexual morality, which justified male sexual access to a class of 'fallen' women and penalized women for engaging in the same vice as men"; contemporaries like W. Prout often cited the seduction and subsequent desertion of a woman like Elizabeth Duff by a man as sufficient reason for not punishing her too severely for her act of infanticide. There is a great deal of evidence in the files upon which this thesis is based (and that will be dealt with in a later chapter) to indicate that many thoughtful Victorians were repelled by the relative immunity the law granted to seducers of such women, and this revulsion against the double standard led
to the "relatively lenient manner" in which juries, judges, and the Crown dealt with Victorian infanticidal mothers. As has been previously indicated, W. Prout and others who were concerned about the prevalence of the crime felt that "the real culprit was . . . the girl's seducer." The sexual double standard can thus be seen

19"The Angel in the House" is the title of a well-known poem by Coventry Patmore and came to represent mid-Victorian attitudes toward women. For a discussion see Walter E. Houghton, The Victorian Frame of Mind, 1830-1870 (New Haven, Conn., and London, 1978), Chap. 13. The phrase "angel-maker" is defined by Langer, 360; Walkowitz, 3 (third quotation); but see also Langer, 360, and Keith Thomas especially for a superlative explanation of "The Double Standard," Journal of the History of Ideas, XX (April 1959), 195-216. A more anthropological, feminist interpretation is contained in Sherry B. Ortner, "Is Female to Male as Nature Is to Culture?" in Michelle Zimbalist Rosaldo and Louise Lamphere, eds., Woman, Culture, and Society (Stanford, Calif., 1974), 67-87; Russell P. Dobash, R. Emerson Dobash, and Sue Gutteridge, The Imprisonment of Women (London, 1986), 96 (fourth quotation); Langer, 360 (fifth quotation). The most eloquent plea for mercy to be found in any of the thirty files upon which this thesis is based is the one that follows, which was taken from Ann [Emma] Padfield's file (see Appendix A). It highlights contemporary attitudes towards any individual woman convicted of infanticide as well as those towards seduction and abandonment. The document is unusual in that it is the only plea for mercy contained in any of the thirty files that can be unequivocally attributed to a woman author.

To Sir George Cornwall Lewis------

It is a woman who addresses you---
and a mother----one who has drunk the cup of sorrow to its very dregs, yet been preserved by a merciful Providence from an action that now condemns a fellow woman to an expiatory death. Not a mother in England, but must curse the crime com-
mittted----Not a mother, but whose
to play its part in the problem of infanticide.

What reasons can one ascertain for the chronic social problem infanticide represented? Of course on an individual basis there could be as many potential reasons for killing a child as there are potential mothers or fathers; but historically, reasons for infanticide have

heart must bleed with Compassion for the poor, young, maddened, deserted girl, awaiting her doom within a prison's walls.-------For none but a woman and a mother can know the tortures and hell—agony endured by one in her position, and that led to the committal of so deadly a crime. Deserted by the man, bound to help her in her need, ruin, misery, starvation in hideous mockery before her, the [consideration?] of her very helplessness to support the little being dependent upon her, and oh, what a crowd of bitter raging thoughts, that none but a fellow sufferer can fathom, must have burnt in her heart—to have stilled Nature's voice, and caused her to outrage woman's holiest purest love, by taking the life that God had given.

Emma Padfield has been found guilty of the crime. Her doom is death. The law awards it. But the Crown can rescind the sentence; and not a woman—not—a wife—not a mother—but will say "Thank God" for an act of Clemency towards one so young and forlorn, whilst so fearfully guilty.

"Earthly power, doth then show likest God!
When Mercy Seasons Justice!"

A Sister Woman
December 6, 1860
To Sir Geo. Cornwall Lewis--
Home Secretary
varied from culture to culture. Without fail, most modern students of the problem initially address the issue of population control—that is, infanticide is a way to control, albeit primatively, "superfluous population growth."²⁰ Infanticide and child abandonment have been practiced from time immemorial,²¹ but it has been most useful to and most employed by the people of those cultures with no knowledge of contraceptives or abortifacients. Thus infanticide has always been the one sure way to prevent starting a family or to limit existing family size.

Several other primary causes of infanticide can be isolated; most notable is illegitimacy, with its attached social stigma, and almost all victims of infanticide in the nineteenth century were illegitimate.²² Other primary

²⁰ Langer, 353.


²² "The story of infanticide is primarily an account of the fate of illegitimate babies," Rose, 10. For statistics from 1862 to 1900 on "Willful Murder" of infants aged one year and under see the chart on p. 424 in George K. Behmer, "Deadly Motherhood: Infanticide and Medical Opinion in Mid-
causes include economic or physical stress upon the mother or family due to unwanted or excess births; greediness, especially under the wet nurse system or the baby farming system; and especially in the Victorian era, the insurance or burial club system. Among the most common methods of committing infanticide historically have been "drowning, smothering, strangulation, burial alive, incineration, and beating." To this list Victorian women added decapitation, poisoning, hanging, starvation, stabbing, and garrotting.

Barbara Hanawalt's study of fourteenth-century English female felons is one of only a few covering the earliest English period for which evidence on infanticide can be found. In her pathbreaking work Hanawalt points up a fact that scholars of later periods confirm: the

Victorian England," Journal of the History of Medicine and Allied Sciences, XXXIV (October 1979); for the first decade covered by this thesis (1862-1871) Behlmer lists "an average annual figure of 159.4, that is, a rate of 21.3 murders per 100,000 children aged one year and under," 423; for illegitimacy statistics see Ibid., 416-17.

23 On wet nurses see Langer, 360; Rose, 49-56; and Valerie Fildes, "The English Wet-Nurse and Her Role in Infant Care 1538-1800," Medical History, 32 (April 1988), 142-73; on the baby farming system see Behlmer, Child Abuse and Moral Reform in England, Chap. 2; on burial clubs see Ibid., 120-31 ff.

medieval female felon's rarity was anomalous simply because of the few surviving statistics. Hanawalt used records from Norfolk, Yorkshire, and Northamptonshire, where "between 1300 and 1348 there was only one woman to every nine men accused of felony." In examining the types of crimes women committed Hanawalt made a surprising discovery, that "there was only one case of infanticide in 2,933 homicides reported in gaol delivery and coroners' rolls." Another researcher, using records from Nottinghamshire, likewise found that "an extensive examination of medieval legal records . . . revealed very few cases of" infanticide.25

Why this dearth of apparent incidences of infanticide in medieval England? Were women not committing the crime, or were they simply not being caught at it? Or if they were caught, were they not prosecuted for the crime? Since other societies were at this time beset with the problem of infanticide, perhaps it is unrealistic to think that the crime was not being committed in England in spite of the absence of it in the records thus far studied. However, Barbara Kellum, another historian of the problem in the medieval period, asserts that "infanticide was indeed a reality in medieval England." Lack of evidence

therefore may not indicate an absence of the crime. Criminal records for the medieval period are incomplete, with some lost or undiscovered to date and others sketchy in their survival. The difficulty of proving deliberate infanticide surely led to many medieval cases of the crime's being labeled with some other name in extant legal records. As Kellum notes, "The sin of overlaying (smothering) one's child" in an age when babies and very young children slept with their (frequently drunken) parents was just that, a sin and not a crime. One can only speculate, then, at the number of deliberate child murders that were misrepresented by the label "overlaying."26

Concomitant with these problems of proving the crime and inaccurately labeling cases of the crime in the legal records was the widely accepted belief that, especially in cases of deliberate infanticide, "women are more able to conceal their crimes than men."27 This is surely a legitimate conclusion when one considers the variety of

26 Barbara A. Kellum, "Infanticide in England in the Later Middle Ages," History of Childhood Quarterly, 1 (Winter 1974), 368 (all quotations); an elaboration of overlaying follows on p. 370; for the problem in the Victorian era see Elizabeth deG. R. Hansen, "'Overlaying' in 19th-Century England: Infant Mortality or Infanticide?" Human Ecology, 7 (December 1979), 333-52.

27 Hanawalt, 255.
domestic "accidents" that could befall innocent infants and toddlers, the multitude of opportunities for being alone with a child that a woman could contrive if she wished to kill or to injure it, and the lack of medical or legal methods, sophisticated or even barely adequate, for proving that death had not been accidental but deliberate. 28 Finally and perhaps the most important reason: "The one explanation for the lower incidence of women than men in criminal records which can be documented in both medieval and modern statistics is that the courts treated women more leniently," a treatment that was especially true in cases of poverty and infanticide. Kellum attributes to Bede the observation that "it makes a great difference whether a poor woman does it on account of the difficulty of supporting the child"--if a woman was poor her penance was to be reduced from the standard fifteen-years' penance period to only seven years' penance. If on the other hand the murderess was "a harlot" who murdered her child "for the sake of concealing her wickedness," 29 then the full penance was to be imposed. In making this distinction between the motives for infanticide--economic necessity versus immoral

28 See Kellum, 371 ff., for some of the actual "accidents" that did befall medieval children.

29 Hanawalt, 256 (first quotation); Kellum, 369 (remaining quotations).
convenience—Bede provided for future generations the rationale for treating infanticidal mothers leniently; his linking of poverty and infanticide was convenient for future students of the problem—certainly for those in the Victorian era—because from Bede's time through the nineteenth century the two problems were viewed as inextricable by those who had to deal with the crime and its perpetrators.

Even in medieval English society, however, the sexual double standard was apparent. Bede's distinction between two motives for the crime can be viewed as a double standard applied only to women. In society as a whole, however, at least from the twelfth century, "'it was the mother who was to do penance for her [infanticidal] negligence while the man was to go carefree'."\(^{30}\) One possible explanation for this attitude was that women were seen as the primary caregivers to children and were thus responsible to a greater degree than men for infant welfare. A second explanation is that the traditional view of women held them to be full of tender loving feelings toward their own offspring; if somehow a woman let her child die in an "accident," she was seen as nonnurturing, nonmaternal, and criminally negligent in her behavior. The social constructs that might be assigned to

\(^{30}\)Kellum, 370.
female behavior are many, but these two explanations are logical and would probably be two main reasons why medieval women were held solely accountable for their infants' health and well-being.

Although medieval women may have been held to higher standards of infant care than men were, Victorian leniency toward infanticidal mothers also had its roots in the medieval period. This leniency assured that fewer women were arrested, brought to trial, and convicted of the crime of infanticide. Charges of infanticide were usually brought to the presentment jury by neighbors of a woman or anyone who had suspicions that a crime had occurred—frequently members of the presentment jury were neighbors of the woman so tried. And even when women did go to trial, like their Victorian counterparts, medieval "trial juries showed a reluctance to convict" these women, so that, conversely, "indicting juries and local officials responsible for making the arrests may have been less anxious to indict women" for the crime.\(^{31}\) This is not to say that men never committed infanticide in the medieval period. However, since no specific work exists to date that deals with this question, it is impossible to speak to the incidences of infanticide that might have been committed by medieval men. As will be shown in a later

\(^{31}\) Hanawalt, 256 (both quotations).
chapter, Victorian men were tried, convicted, and executed for the crime of infanticide, although not to the extent that women were. Since men did commit the crime of infanticide in the Victorian era, it is not farfetched to suppose that they must have committed it occasionally in the medieval period as well. This is a topic that merits further research because it would enhance the overall discussion of infanticide to know what role men have played over the centuries in committing the crime. One of the problems with defining infanticide as "largely a woman's crime"\(^\text{32}\) is that it has prevented scholars from looking at historical records with an eye to detecting men's roles in the crime. Perhaps if medieval and Victorian historical records were examined to see if and how many men committed infanticide, perceptions of the problem would change and the definition of the crime as one committed mainly by women would change. If the problem of infanticide was examined as a crime that both sexes committed, motives could be compared and contrasted and our understanding of family history thus amplified. And if infanticide were looked at in this revisionist way, modern occurrences of infanticide by men could be put into

historical context.

If "few cases [of infanticide] appeared in the court files"\textsuperscript{33} before Elizabeth I's reign, during this monarch's tenure incidences of infanticide were revealed rather than concealed as they had been in the past. As P. E. H. Hair points out, "Infanticide seems to have been more frequently recorded in the Elizabethan period than in earlier times," and the reason for this may be that incidences of the crime were increasing. However, as has been shown, statistics even in a relatively late historical period like the Victorian era were viewed then as unreliable and incomplete, so a more likely reason for this increase must be that occurrences of the crime were simply being better recorded. If this possibility is accepted, a pertinent question then becomes the one Hair poses: "Why did the Middle Ages conceal infanticide, and why did Elizabethan England reveal it?"\textsuperscript{34} Hoffer and Hull offer plausible answers to this question when they discuss the "momentous social and economic upheaval" occurring in the late sixteenth century. Authorities then felt threatened by what they perceived to be "the sexual immorality and criminal tendencies" of what they perceived


\textsuperscript{34}Hair, 45 (both quotations).
to be "increasingly numerous wandering poor." In an effort to control their movements, the poor had directed at them a number of "'personal control:'" laws.35 These laws resembled those that were passed in the Victorian era, which was a period in which many middle-class and aristocratic citizens felt threatened by working-class women and men and which also witnessed the passage of social control measures. In fact, the growth of police forces in England was one result of this fear of the poor, and during the nineteenth century many working-class women and men had directed at them laws meant to control what was perceived to be their licentious, unruly behavior.36 During the Elizabethan and early Stuart periods middle-class observers and government officials became alarmed at the threat they perceived posed by "'rogues'" and "'vagabonds'," and women were subsumed into this "'rabble'." As a result, one of the social control laws passed during this period was 18 Eliz. I, c. 3 (1576); this law could be termed an early poor law since it set forth stringent conditions to be met by the parents of bastard children. As one might expect, mothers bore

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35Hoffer and Hull, 12 (first, second, and third quotations); 13 (fourth quotation).

36For a discussion of social control measures, police forces, and the working class in Victorian England see Dobash, Dobash, and Gutteridge, Chap. 5.
the brunt of official chastisement and public and personal shame and disgrace. Another law passed in 1609 (7 James, c. 4) isolated bastardy "as a 'great dishonor' and 'great charge' to the nation." An even harsher statute passed in 1624 made "concealment of the death of a newborn bastard presumptive evidence of murder." All this legislation was indicative of more government concern and intrusion in the area of public sexual morality; this factor, combined with Puritanism and the growth of a landless laboring class, led to more indictments and convictions of women for infanticide.37 From this period on infanticide as a crime left the shadows of obscurity to take its place as a major social and criminal problem in England; it began to receive its fair share of glaring notoriety that more than made up for its previous obscurity and statistical negligence.

Curiously enough, eighteenth-century England's rates of infanticide indictments dropped as rapidly as Elizabethan and Jacobean England's had risen. In identifying this trend, Hoffer and Hull cite several reasons for it. For one thing, a backlash against what was perceived to be the unduly harsh statutes just examined occurred, and magistrates prosecuted smaller and

37Hoffer and Hull, 12 (all three quoted words); 13 (for a brief outline of the laws and the fourth quotation); x (fifth quotation).
smaller numbers of women for the crime. Those women who were prosecuted benefited from juries reluctant to condemn them under the terms of the harsh legislation. "Successful defenses" against the crime were devised (among them proof of affection for the infant prior to its death and making preparations, e.g., buying linens and sewing clothes, prior to the infant's birth), and "judges gave merciful rulings" in infanticide cases. Strengthening this backlash was the slow growth of affective relationships within the family structure, which placed more and more emphasis on maternal feelings and caused judicial officials to become "more solicitous of mothers" as time went on, until by the end of the century these "great but gradual" changes had made conviction and execution of women for infanticide rare. As a result of changing societal perceptions of both the crime and the criminal in the eighteenth century, Hoffer and Hull allege that apart from the views of a few "educated" Englishmen--Addison, Defoe, and Swift--"infanticide in England was not reaching epidemic proportions." In fact, the judicial system was trying fewer and fewer women, certainly "proportional to the rise in population," and fewer and fewer women were being hanged.\textsuperscript{38} Hoffer and Hull's

\textsuperscript{38}\textit{Ibid.}, 65 (first, second, and third quotations); 66 (fourth, fifth, sixth, and seventh quotations).
contention that infanticide was not occurring in epidemic proportions is supported by R. W. Malcolmson's discovery that for the latter half of the century in Staffordshire, "indictments for infanticide . . . appear to have averaged slightly less than one per year during . . . 1743-1802; they represented approximately 25 per cent of the total indictments for murder and manslaughter in that county." 39

Ironically, Behlmer cites statistics from the 1860s that indicate that "illegitimate fertility actually fell throughout" the decade in England. In spite of these modern calculations, however, contemporary Victorians still believed that infanticide during the century, but especially in the decade of the 1860s, was "a 'national institution'." Behlmer decides that, to explain the contradiction between "the downward curve of the official illegitimacy ratios between 1850 and 1880" and public perception, either "contemporaries were wrong to posit a causal relation between bastardy and infanticide or . . . fears of proliferating child-murder were in fact illusory." 40 What all of this means is that certainly in the views of Hoffer, Hull, and Behlmer, neither eighteenth- or nineteenth-century England witnessed

39 Malcolmson, 191.

40 Behlmer, "Deadly Motherhood," 416 (first quotation); 405 (second quotation); 417 (third and fourth quotations).
anything near the "horrid tide" of infanticide that William Burke Ryan spoke of in his work. Yet contemporaries in both centuries thought that there was an epidemic under way. Men with powerful voices like Joseph Addison called infanticidal mothers "'monsters of inhumanity'"; Defoe wrote that "'not a sessions passes but we see one or more merciless mothers tried for the murder of their bastard children'"; and Thomas Coram, founder of the London Foundling Hospital, wrote that he became involved in the undertaking due to "'the shocking spectacles he had seen of innocent children who had been murdered and thrown upon dunghills'."41 Later on, the views of such well-known men as William Godwin, Jeremy Bentham, and Thomas Malthus kept the subject before the English reading public (i.e., the middle and upper classes) through their writings,42 and increasingly throughout the nineteenth century newspapers gave all aspects of infanticide cases—from discovery of bodies through lengthy accounts of court trials—extensive newspaper coverage.43 So whether there was or was not an explosion in the occurrences of infanticide is not really

41Quotations from Addison, Defoe, and Coram are cited in Malcolmson, 189-90.

42Sauer, 83.

important. What mattered to contemporaries was that it seemed that an epidemic of the crime was underway, since they were bombarded with news and reports of it from all sides. As a result, public panic over the crime set in, and public purview of infanticide through a combination of "jurisprudential, religious, economic, and social forces" amounted almost to hysteria. The crisis point was reached in the 1860s, when Ryan and all sorts of other experts decreed that their society "'out Herods Herod'" in the murder of its infant population. After a brief examination of the factors that made Victorian women especially seem to turn to infanticide with such perceived frequency, thirty legal cases from the period from 1856 to 1878 will be examined to see how these larger societal forces impacted upon real women.

As shown by W. Prout's eloquent plea on behalf of Elizabeth Duff and by the equally fervent but anonymous feminine plea found in Ann Padfield's file, contemporary Victorians were acutely aware of the existence of a sexual double standard in their era. As the evidence from the medieval period indicates, this double standard was not new nor its application to women's behavior innovative; nonetheless many Victorians seemed to feel its existence most keenly, and as a result their dislike of the double

44Hoffer and Hull, 3 (first quotation); Behlmer, "Deadly Motherhood," 403 (second quotation).
standard led them to extend mercy to women accused and convicted of infanticide. As evidence contained in a later chapter will show, many juries used as a basis for recommending mercy to a convicted woman the facts that the father of a child would have nothing to do with it or the mother after the child was born and that he did not proffer the financial, emotional, or paternal support the woman might reasonably have expected. Such cavalier, irresponsible behavior on the part of the putative fathers of illegitimate murdered babies rankled not only many middle-class commentators on the crime but the trial judges as well. Since the existence of a sexual double standard played a great part in the existence of illegitimate babies that ended by being murdered by their mothers, and since this same double standard was known and disliked by those who were responsible for bringing murdering mothers to justice, a brief examination of this topic is seminal to the discussion of Victorian infanticide.

Keith Thomas's essay entitled "The Double Standard" not only relates the history of the idea itself but touches upon several of the issues relating to sex that impinge upon infanticide. First among these is that historically male sexuality has been acknowledged and condoned while female chastity has been demanded. And in order to "gratify the former without sacrificing the
latter," prostitution was a necessary evil to the Victorians. As Judith Walkowitz has demonstrated, Thomas's explanation of Victorian prostitution is correct. But even more important is Thomas's specific definition of the double standard: it "was but an aspect of a whole code of social conduct for women which was in turn based entirely upon their place in society in relation to men"; the code further defined women "as incomplete in themselves and as existing primarily for the sake of men." Additionally, "their [primary] function was to cater to the needs of men."\textsuperscript{45} From the point of view of this socially constructed definition, all women seem to have been considered fair game for men's lustful inclinations, but in the Victorian scheme of things working-class girls and women faced special danger. Why? Because "the upper classes felt perfectly free to exploit sexually girls who were at their mercy," so much so that "at least nine out of ten girls in trouble were domestic servants."\textsuperscript{46} Thus it was that "servants . . . figure[d] so frequently as

\textsuperscript{45}Thomas, 197 (first quotation); 213 (second and third quotations).

\textsuperscript{46}Langer, 357, citing testimony in 1871 by Mr. Cooper, secretary of the Society for the Rescue of Young Women and Children, before a parliamentary committee; Cooper further explained that "'in many instances the fathers of their children are their masters, or their masters' sons, or their masters' relatives, or their masters' visitors'."
unmarried mothers, since throughout the nineteenth century domestic service was far and away the predominant form of employment for women in Victorian England. Unfortunately these facts and figures only validate the melancholy assessment of Rose that "the story of infanticide is primarily an account of the fate of illegitimate babies."

The main reason for this increase in illegitimacy is not necessarily that immoral or unchaste behavior among Victorian women was on the rise. A more logical reason is that the New Poor Law of 1834 mandated changes in the ways illegitimate babies were both accounted and provided for, further absolving fathers from responsibility. While the bastardy clauses of the New Poor Law proved extremely unpopular, before they were superseded in 1872 by the Bastardy Laws Amendment Act they brought about profound changes that produced long-lasting effects on the century's and the society's perceptions of illegitimate births. The first major change brought about by the new law was that a baby was to be supported not by its father.

47Rose, 15, 19 (quotation); he also notes that the 1911 census pointed up that "servants were responsible for 46 per cent of all illegitimate births," 19; this figure may represent a decrease in the percentage over decades in the nineteenth century. See also Behlmer, "Deadly Motherhood," 419-22, for further discussion of infanticide among female domestic servants as perceived by the Victorian public.
but by the parish into which it had been born, until the age of sixteen. What actually happened was that an expectant mother was frequently harassed from parish to parish so that some other parish would bear the financial responsibility of providing for the child. Second, and a change that illuminated much of the familial treatment given to mothers of illegitimate babies, was the clause that made the mother the parent primarily responsible for the financial care of the child. Under previous provisions of the poor law the father of the child was chargeable through affiliation orders for its support. But proof of having fathered a child, based as it had to be mainly upon a woman's word—and with that woman frequently perceived as lewd and unchaste—was difficult, and many putative fathers left their parishes or otherwise disappeared rather than support their children. Women were not so mobile; they could not disappear as easily from parishes or family networks, nor could they, ostensibly, divest themselves as easily of the infants in question. Why would they want to? That would be unnatural, nonmaternal. Furthermore, the cost of seeing an affiliation order through the proper legal channels was prohibitive for many destitute women; the cost of initiating such an action (which many may not have even known about) could be many times the amount a woman might hope to get from her child's father, so such an action was
often viewed as not worth the expense or effort. The bastardy clauses of the New Poor Law also made the woman's family, especially her parents, liable for the upkeep of the infant. They would be forced to provide food, shelter, and clothing to both mother and child, or else the two would go without either. Thus the New Poor Law refused the mothers of illegitimate children outdoor relief, and the only form of help available to them became either their own families or the workhouse. But the dislike of the workhouse among working-class women and girls (no doubt among men as well) was a commonplace during the era and well-known by contemporaries, for in the file of Agnes Pattinson one anonymous memorialist states why Agnes spent the shortest length of time possible there: "She with that repugnance to workhouse hospitality which is ever the characteristic of the most destitute or lowly Briton, ventured once more in the world."48

Finally and perhaps worst of all, New Poor Law legislators "proposed to exempt the putative father from all legal responsibility for the maintenance of the child"; their reason for this move was that, in their view, "'all punishment of the supposed father is useless'." Several reasons for this attitude can be

48File of Agnes Pattinson; see Appendix A.
deduced. Men charged with fatherhood by perceived immoral women were looked upon as victims by many Victorian men, and these men became reluctant to put putative fathers at the mercy of such women. 49 Furthermore, as has been mentioned, men charged with fatherhood frequently disappeared, making attempts to enforce affiliation orders against them useless, or they were so poor themselves that an affiliation order contributed nothing toward the support of the mother and child. There was also a fear that if an affiliation order was presented and enforced, a marriage might ensue; if the man was as poverty-stricken as the mother of his child must have been (to rely upon an affiliation order initially), then any other children born of such a union would be thrown back upon the parish for support, and Victorian parish and governmental officials certainly did not want that to happen. 50

At the time of its passage many critics of the New Poor Law railed against it on the ground that it would foster an increase in incidences of infanticide. "Constantly, in the 1834 debates on the proposal to make the mother solely responsible for the maintenance of her


50Ibid., 106 ff., for discussion of these fears.
illegitimate child, the fear was expressed that the consequence would be to increase the rate of infanticide, an offence . . . 'already too rife among us'." Other critics felt the bastardy clauses of this law were "'a measure of great injustice and revolting to humanity'" and would lead to a "'great increase of the crime of infanticide in various parts of the Country'." The two major complaints voiced by all critics was that the clauses placed too much of the burden of support for her child on the mother and blocked ways for the parish to recoup its expenses in providing for mother or child in the workhouse by making it so difficult to force a father to support his child. Over and over in the case files consulted for this thesis are comments from contemporaries like Prout, the commentator in Duff's case, who charged that "the law of bastardy as it affects women is abominable"; from Ann Padfield's file comes William Harper's comments that "nothing but an alteration in the law [of bastardy] . . . will avail" to decrease instances of infanticide.\(^{51}\)

\(^{51}\)Ivy Pinchbeck and Margaret Hewitt, *Children in English Society. Volume II: From the Eighteenth Century to the Children Act 1948* (London and Toronto, 1973), 596-97 (first quotation); Henriquees, 115 (second and third quotations); file of Elizabeth Duff (fourth quotation); file of Ann Padfield (fifth quotation).
1834, it was enacted. For the twenty-year period covered by this thesis it was the law that governed the thirty women herein studied who were tried for the crime of infanticide. In these bastardy clauses the sexual double standard was legalized and legitimised by the Victorian legislative process and government officials. Ironically, however, in placing the entire burden of sexual conduct and its frequent results on the women and in excusing the sexual profligacy of many Victorian men, the stage was set for a strong popular backlash against these clauses by a public that perceived the law as too harsh on women. This public backlash manifested itself in many ways—letters to the editors of newspapers, letters to Home Office officials, memorials to the Crown, all on behalf of women charged and usually convicted of the crime of infanticide. Furthermore, in this backlash lay the elements that certainly from 1834 to 1872 caused juries and judges to deal with infanticidal women leniently; public manifestations of displeasure over the bastardy clauses kept up a steady pressure on Her Majesty's government to revise them. Until that happened, however, the thirty women studied herein—and the rest of the women charged with infanticide during the era—were at the mercy of a society that castigated them as immoral, lewd, and loose and yet legally enforced a sexual double standard that led to the sexual vulnerability of one class of Victorian
girls and women.

Sexual vulnerability in women was mirrored by another, equally debilitating vulnerability—economic vulnerability. Besides domestic work, the other main areas of female employment in the nineteenth century were "factory work, needlework, agricultural work and domestic industries, such as lacemaking." These were historically the lowest paid jobs in society, since they were considered "women's work" and were also the types of work that women could do without offering men much economic competition. Add to this the fact that "working women were predominantly single or widowed," which frequently meant that they had no extended familial safety net upon which to fall in times of unemployment, ill health, or pregnancy, and the plight of "the unsupported woman"52 in Victorian England becomes apparent. It is not surprising, in the face of the bastardy clauses of the New Poor Law, that even when a pregnant girl or woman did have a family, that family more often than not refused to acknowledge her or to help in any way with her illegitimate child. Life for working-class families was always a struggle, and my research indicates that even during the best of times often a girl had originally been asked to leave home because she was perceived to be a financial burden on the

52 Rose, 15 (first and second quotations); 17 (third quotation).
family or because her wages--frequently from a job found outside her home or parish--were needed to help maintain the family. In this instance it is understandable but regrettable nevertheless that that struggling family would view the girl's bastard child as an unsupportable burden and so refuse to help support it.

Women's wages, like women's work, could not compete in nineteenth-century England with those of men, so the prevailing attitude was that single working women's salaries could not equal those of men, even if there were children or other dependents to be supported by the women. Then, as many do today, Victorians perceived women's salaries to be supplemental to those of the male head of household, even if in fact there was no man to support the single woman. After all, prevailing social attitudes placed the woman in the home--not the workplace--and her proper status was to be married, not single, even though in the middle of the nineteenth century "roughly half the women [born in England and Scotland] in the prime of life were unsupported by a husband!" The fact that Victorian men married either very late or not at all is rarely mentioned when the problem of redundant working women is discussed in contemporary accounts. As a result, "for the poor female servant who could not afford to lose her job, much less feed another mouth, . . . infanticide might have
seemed a matter of survival."$^{53}$ As will be shown through the cases to be examined, infanticide not only "seemed" like a matter of survival, for many of the thirty women it was the only way to survive economically.

The next chapter profiles generally those traits and factors that characterized an infanticidal mother in Victorian England. Briefly, a murdering mother was usually unmarried, relatively young, uneducated, subservient, and bereft of familial or workplace support; in the absence of such support networks she frequently felt she had no one to turn to for help. The man who had impregnated her--often her master, sometimes a coworker, occasionally her own father--wanted nothing to do with her. She was an embarrassment to him, a reminder to him of his own weakness and lust; and in the case of masters, she was beneath him on the social ladder so marriage was out of the question. Thus legally, socially, and morally she was held to be solely responsible for her problem. All too often such a murdering mother was an orphan or a half-orphan, or her mother had warned her against the consequences of an unwanted pregnancy and then turned her

$^{53}$Rose, 17 (first quotation); Hoffer and Hull, 115 (second quotation). See Behlmer, "Deadly Motherhood," 418 and 420, for additional evidence that for women with illegitimate children, "respectable employment [was] virtually closed to them," 418. Under these circumstances concealment of pregnancy and birth and infanticide are better understood.
back on her daughter when the calamity struck. Under these circumstances it is not surprising that so many young women—and older women as well—chose the most viable route out of trouble—or so it must have seemed to them at the time. Sadly enough in Victorian England, "if a girl became pregnant, she was left to shift for herself."\(^\text{54}\)

In her shame, fear, and desperation, in her solitude, helplessness, and destitution, such a woman's thoughts turned to infanticide as the only course out of her predicament.\(^\text{55}\) There were some male contemporaries who did not feel that any woman would turn to the criminal act of infanticide as a way to obtain economic relief. "'We believe that in no civilised country, and scarcely in any barbarous country, has such a thing ever been heard of as a mother's killing her child in order to save the

\(^\text{54}\) Langer, 357.

\(^\text{55}\) For working-class Victorian women and girls neither abortion nor contraception were realistic alternatives to infanticide. Abortion was "condemned by Christianity" and "was . . . feared by some of even the most desperate women" because it was "a painful and dangerous procedure" that would "probably do grave harm" to them—as would abortifacients. Sauer, 81 (first quotation); 88 (second quotation); 83 (third and fourth quotations). Contraception during the two decades here under review was neither widespread nor reliable; only "from the late 1870s" was there "an increased interest in contraception" and only "from the 1890s" did "working-class women . . . [become] more determined to limit family size." Rose, 6. In the mid-nineteenth century and for the women studied in this thesis, poverty and ignorance were the two main factors that mitigated against the use of contraception.
expense of feeding it'." Another male assumed that no "female 'left to herself, from maternal feelings, and natural timidity, would . . . make the hazardous attempt to destroy her offspring'." The following chapter will test these contemporary masculine assumptions.

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56Cited in Behlmer, "Deadly Motherhood," 418 (first and second quotations); and Rose, 17 (second quotation; Rose cites a slightly altered version of this quotation).
CHAPTER 2

A Profile of Victorian Infanticidal Women

In order to sketch a general profile of Victorian murdering mothers it is first necessary to define the overall percentage of criminal activity committed by women in nineteenth-century England. George Rudé, in his examination (based upon five-year samples from 1805 to 1850) of criminals and victims in London (Middlesex) and the counties of Sussex and Gloucestershire from 1800 to 1850, compiles statistics that are suggestive for other counties and for the latter half of the century as well. Women as a whole comprised 11.1 percent of all indicted prisoners in Sussex for the fifty-year period; 20 percent for Gloucestershire (including both quarter sessions and assizes); and 22.3 percent for the urban London area. The crime for which the greatest percentage—83 percent—of women in all three counties was indicted was larceny.\(^1\) The two other most common crimes are burglary and assault, both of which by legal definition are associated with violence.\(^2\) Somewhere in the remaining 17 percent of criminal activity by women fall those women who committed

\(^1\) George Rudé, *Criminal and Victim: Crime and Society in Early Nineteenth-Century England* (Oxford, 1985), contains a chart with these and other pertinent statistics on "Female crime and criminality in the three counties," 63.

\(^2\) Ibid., 10.
infanticide. For that crime Rudé calculates that 2.1 percent of criminal women in Sussex were indicted for infanticide but only 1 percent in Gloucestershire (in both quarter sessions and assizes) and .04 percent in Middlesex. He estimates there were about two thousand prisoners tried at quarter sessions in Sussex during that time; additionally, he calculates that about one thousand prisoners were tried at assizes. At quarter sessions 88.9 percent of indicted prisoners were males and 11.1 percent were females. At assizes female prisoners comprised less than 5 percent of all prisoners tried. Rudé figures that "the proportion of male 'criminals' to females was something in the order of 12 to 1." Female criminal activity from 1800 to 1850 in Sussex was negligible when compared to that of men, and even when women were indicted it was usually for a crime that did not involve violence. Rudé asserts that indictments on infanticide charges "were extremely rare," and even when they did occur "such cases generally ended . . . in an acquittal or discharge." Thus the contention of Hoffer and Hull that there was no epidemic of infanticide in either eighteenth- or nineteenth-century England is supported by Rudé's data.

Those women who were convicted for the crime of

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3Ibid., 63.
4Ibid., 41.
5Ibid., 62.
infanticide made up a very small proportion of criminal women convicted in England, and thus these women constitute a very small group of female convicts in the country as a whole.

Did these women share any similar traits or characteristics that might be said to identify the group they belonged to? As Rudé asks, "Was there such a thing as a distinctly female type of crime?" To this question Mary Hartman would answer that infanticide was "largely a woman's crime," while Rudé himself calls infanticide "as peculiar to women as rape [was] to men."\(^6\) Thus if infanticide was perceived by the Victorians as a crime by and large committed by women, what sort of woman may have been said to have committed the crime?

Many infanticidal women did share some specific traits.\(^7\) One predominant characteristic was that she was a member of the working class. Criminals in general, Rudé asserts, in the first half of the century were "overwhelmingly . . . from the labouring or working classes"; and Russell P. Dobash, R. Emerson Dobash, and

\(^6\)Ibid., 41 (first quotation); 62 (third quotation); Mary Hartman, Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes (New York, 1977), 5.

\(^7\)The following profile is based upon a combination of secondary literature and my study of the criminal files of thirty women convicted of infanticide and willful child murder between 1856 and 1878.
Sue Gutteridge confirm this finding specifically for females during the entire century when they state that "women sent to prison were overwhelmingly from working-class backgrounds." Since the story of infanticide is essentially the story of illegitimate babies, the connection between class and the crime of infanticide is important. Alan Macfarlane, one of several historians of bastardy in English history, notes that "bastardy was a phenomenon mainly connected with the lowest, or at least the lower, part of pre-industrial society." There are obvious reasons for the prevalence of bastardy among the lower classes, and Peter Laslett, another prominent scholar on bastardy, summarizes several: First, "normative regulations are always less respected in the lower classes than they are in the higher." Laslett here discusses marriage and the usual social sanction against pregnancy out of wedlock. In his view "poverty, powerlessness, [and] marginality" together contrived to prevent the lower class from following the established, middle- and upper-class values that usually ruled Victorian society. He posits that since members of the


lower class during the century received so little from the upper classes, there was no compelling reason for working-class citizens to follow the dictates of their social superiors. Particularly in sexual and matrimonial matters, the "irksome discipline" of restraint the upper classes tried to impose on the morals and habits of the lower classes meant nothing, so they did not obey the discipline or accept the values imposed upon them from above.\textsuperscript{10}

Second was the fact that members of the lower classes simply did not know how to avoid pregnancy. As Laslett puts it, "The poor have been and still are the worst instructed, not only in the content of sexual regulation but in the . . . . consequences of their own actions," especially regarding sexual intercourse and procreation. Obviously lack of information regarding birth control led to higher incidences of pregnancy and bastard-bearing; this ignorance along with normlessness Laslett highlights in his explanation of why the lower classes bore the most bastards.\textsuperscript{11}

Yet a third reason why bastard-bearing was prevalent in the lower classes is what can be described as learned behavior. As Laslett sees it, if a child is born into a

\textsuperscript{10}Peter Laslett, "The bastardy prone sub-society," \textit{ibid.}, 226 (all three quotations).

\textsuperscript{11}Ibid.
family that has a history of "sexual nonconformism," he or she is more likely to become a candidate for sexual irregularity than is someone born into a family wherein sexual irregularity has no place. Thus "precedent, example and personal influence"\textsuperscript{12} among family members could cause bastard-bearing to occur from one generation to the next. Several women among the thirty studied in fact were the children of illegitimate mothers who in turn murdered their own illegitimate offspring.

Since lower- and working-class members comprised the large majority of criminals in the nineteenth century, and since three scholars of female criminality in Victorian England support the contention that female convicts were overwhelmingly lower-class in origin, logic would suggest that infanticidal women were also largely from the lower class. With these factors in mind, it is no surprise that servant women were far and away the largest perpetrators of infanticide in Victorian England. Working-class women who went into domestic service were sexually vulnerable to many male acquaintances, superiors, and coworkers. Thus it is not surprising that the second chief characteristic of the infanticidal woman is that she was a domestic servant and the mother of an illegitimate child. But there are two categories of this servant class, and every infanticidal mother of the thirty women studied falls into

\textsuperscript{12}\textit{Ibid.}, 221 (both quotations).
one or the other of these two categories. A woman, especially a domestic servant, who gave birth to one illegitimate child only (usually her first child) was called a sparrow or a singleton; a woman servant who had a succession of bastards either by one man or several men was called a repeater.

By far the overwhelming majority of women who committed infanticide during the century were single, but a small group of them were also either widowed or married, in which case the woman was usually pregnant by someone other than her husband. Karla Oosterveen, Richard M. Smith, and Susan Steward in their study of bastardy and family reconstruction made the discovery that not all women who gave birth to illegitimate babies were single, although they were usually domestic servants. Their records indicated that several wives in Banbury bore bastards while their husbands were still alive. Usually when an illegitimate pregnancy occurred it occurred after the wife had been deserted by her husband and thus was in distress and so had taken up with another man. The research by Oosterveen, Smith, and Steward also showed that widows frequently had bastard children. In these cases, not surprisingly, the "women were widowed young, their marriages had usually lasted less than ten years,
[and] they almost all had young families."13 In the cases of married but deserted women and widows, motive for infanticide becomes apparent; if such a woman became pregnant and bore a bastard that was not her husband's, she had reason to get rid of it. If a widow became pregnant, very likely she would have no way to support both the illegitimate infant and any legitimate children she may have had. Evidence from these thirty cases supports the assertion that both married but deserted and widowed women turned to infanticide to eliminate either an unexplainable or an unsupportable illegitimate infant. Men who were the fathers of these illegitimate children usually did not want to support them financially, and the woman had no recourse, if she were married to someone else or if she were widowed, to make the father support the bastard. It is not surprising to learn that throughout the history of infanticide the youngest child of a woman was always the prime candidate for murder if the woman had other, older, and legitimate children. More time, expense, and effort had already been invested in those older children, and that they had survived the dangers of childhood diseases was a factor in their favor. In the case of married but deserted or widowed women, the

youngest, illegitimate child often represented a source of shame that her other children did not or was a drain on already strained or nonexistent material sources, so again the illegitimate child became the object of infanticide.

Not surprisingly, married but deserted or widowed women who bore bastards and then murdered them were slightly older than the singletons who committed the same crime. Especially in the case of widows who had been married fewer than ten years, one might expect them to be older than the average singleton. It is one thing for a woman to kill a child during her own youth of eighteen or twenty, and many judges and juries viewed extreme youth as a mitigating factor in these cases. However, infanticide by a woman who was twenty-five or thirty or even older became something else entirely; women of this age bracket did not enjoy the benevolence of judicial officials because those officials thought women of more maturity should know better than to commit infanticide. As a rule generally, women prisoners were younger than men prisoners, according to Rudé; his sample showed that out of 457 women whose ages were recorded, 33.19 percent were in their teens, 38.30 percent were in their 20s, and 16.38 percent were in their 30s to mid-40s. There were only thirteen unknowns in his sample.14 However, my records show a higher percentage of older women. Only 4 of the 30

14Rudé, 46n.
women were in their teens (13 percent); 15 (50 percent) were in their 20s, with most in their late 20s; and 7 were in their 30s, with the bulk in their late 30s. Two women were in their 40s (6 percent), the older being 43 and the younger 40.

Another distinction that can be made between women indicted and convicted on the charge of infanticide are those who were the mothers of the children they murdered and those who were not. Among the thirty women here under review the overwhelming majority of infanticidal women were the mothers of the children they killed, but nevertheless a distinct number of women who were not the mothers of children were indicted and tried on infanticide charges. Among these thirty, four women who were not the mothers of the children they murdered were convicted on infanticide charges, and they comprise 13 percent of the thirty cases tried. For women tried for infanticide who were not the mothers of the children they murdered, the chances of being executed for the crime were excellent. Of the four non-mothers among the thirty who were tried for the crime, two were executed, one was a pauper criminal lunatic and spent her life in prison and lunatic asylums, and the fourth's fate is not given in her file, although she escaped hanging only by being found pregnant by a jury of matrons. Thus judges and juries viewed quite harshly those women who killed children that were not
their own, and they imposed the maximum sentence—hanging—without mercy unless extremely mitigating circumstances (e.g., insanity or pregnancy) could be proved. The two men tried and found guilty of infanticide among these cases were both fathers of the children they either killed or caused someone else to kill, and both were hanged, again indicating that judges and juries viewed harshly the crime when committed by men, even though they might have been the fathers of the children they killed.

Another common characteristic exhibited by infanticidal mothers was the extreme mobility of their lives. Laslett confirms "that young unmarried persons were highly mobile in traditional English society," and this is true for women as well as for men. No fewer than fifteen (50 percent) of the thirty women studied herein murdered their infants on journeys either away from their workplaces or going to visit family members. Since "a servant [who] had a settlement in a village where she had served for a year . . . could not be forced out of that village if she threatened to produce a bastard," poor law officers could not harry such a woman from parish to parish to evade paying relief to her for her child. As the "perpetual footlooseness" of the English working

15Laslett, 219 (first quotation); 235 (second quotation).

16Ibid., 235.
class, especially among servants, is well-known to historians, it is important to speculate on the reasons why the mother of an infant or toddler might travel with such small children. Evidence from these files indicates that in some cases the woman was going to visit family members and taking her child with her so the family could view it, perhaps for the first time. During the journey she ran out of money or had other children with her and the youngest became a liability to her. Desperation might be less a factor in this scenario than temporary anger, directed at the illegitimate child, which went unrestrained by members of her home community, who were not with her on the journey. Other files indicate that sometimes, when a girl or woman had had an illegitimate infant and kept the fact hidden from her employer, once the employer found out the truth the woman lost her position and had either to take her infant with her while she looked for work or had to return home to family for help. Some other women traveled with companions while job-hunting and bore children during the journeys. Other women were overtaken by labor pains traveling alone; since all were lower-class and ill-educated, some panicked during or immediately after birth and either through ignorance or fear accidentally or deliberately murdered their infants. There is always the possibility that women took journeys with the premeditated idea of killing their
unwanted or unsupportable child during travel away from people they knew and familiar places, but juries usually took pains to ascertain if a murder had truly been premeditated/planned. In fact, juries went out of their way in recommending mercy for the women who had been traveling when their infants were killed by saying that the crime was unpremeditated or was a spur-of-the-moment thing brought about by the rigors of travel. One of the youngest women among the thirty, seventeen-year-old Jane Revill, killed her infant after two days of wandering, without food, having been evicted from the workhouse and rebuffed by her parents; the child's nonstop crying drove an already distraught young girl to distraction, and in order to stop the infant's crying—attributed to hunger by the jury—she killed it. Economic distress and the dislocation caused by it might also be a factor in the extreme mobility of the English working class. If wages were low or job difficult to find, a worker surely must have spent much time on the road searching for work or higher wages. This would apply especially to domestic servants who were ill-paid or who were always on the lookout for a better job. Thus the evidence from these files supports Laslett's contention that turnover rates among the population, but most especially among servants, was well established in the nineteenth century.

Ironically, such footlooseness among the working-
class population of Victorian England led to another common characteristic among infanticidal women—this characteristic is called "social isolation" by modern sociologists, but this characteristic was well established in Victorian times and was especially evident in these files. In Victorian examples of "social isolation" the young servant woman or even the older working-class woman who committed infanticide was separated from family members—if she had family at all—and others who might have performed a "guardian" function by watching over her behavior and advising her to take or not to take certain actions. This lack of parenting or guardianship, which sociologists Robert Fiala and Gary LaFree also call surveillance, allows for an increase in child abuse and, for our purposes, infanticide. There are examples of young women in these files being asked to leave home to go to work to supplement family income or to relieve their family of their economic upkeep; usually such a young woman was sent out of her village or parish to where a suitable job could be found, and frequently she was then away from home for the first time. Unable to assert herself, perhaps unwilling to, such a woman would not be likely to risk either losing her job or enduring her family's wrath by resisting sexual advances, especially if they came from her employer or one of his circle. Several women were either orphans or half orphans. Even when one
or both parents were alive, statements in the files indicated that the mother especially had not set a good example to her daughter, usually because the mother was perceived as lewd or immoral by having had illegitimate children herself. This lack of parenting or having a parent who set a "bad" example by her own behavior lessened the ties of family that were so important to Victorians and also reinforces Laslett's contention that sexual nonconformism was something that might be handed down from mother to daughter, from father to son. Here again is Laslett's "precedence, example and personal influence" as represented by the parents. Thus social isolation could be a two-edged sword; by being lower-class and thus already more susceptible to nonconformism both sexual and marital, these women stood outside the pale of middle-class society. On the other hand, some of them had what were invariably labeled "respectable" working-class parents who were horrified at their daughter's pregnancy and rejected her as a result of it, thus reinforcing the woman's social isolation. Social isolation can thus be read as separation from family and any positive influences it might have exerted upon a servant's behavior, or it can be seen as a family's rejection of a girl or woman who violated for whatever reason that family's own "respectable" standards.

Lack of effective surveillance increases the
likelihood and possibilities for increased child abuse and infanticide; isolation further "increases social and economic stress between caregivers and their children" because it "reduces alternative childcare resources and emergency economic support." In other words, had female domestic servants and other women who became pregnant out of wedlock had a safety net of family or outdoor relief to turn to, they would not have turned to infanticide as a way to rid themselves of unwanted, unsupportable children. If child abuse increases in the absence of parents or other caring individuals to supervise, advise, or consult with—or simply to take care of the child for a short while to give the mother a respite from its crying and care—it is reasonable to assume that both abuse and infanticide would be reduced "as contact with family members, peers, and representatives of religious, civic, and governmental groups"\textsuperscript{17} increased. Unfortunately such contact did not always occur in the Victorian era, and Fiala and LaFree charge it is not happening today, with corresponding rises in modern incidences of child abuse and child homicide.

The final characteristic exhibited by most if not all the infanticidal women—almost all the infanticidal mothers—is economic stress. As the case of Elizabeth

\textsuperscript{17}Robert Fiala and Gary LaFree, "Cross-National Determinants of Child Homicide," \textit{American Sociological Review}, 53 (June 1988), 435 (all three quotations).
Duff in Chapter 1 graphically illustrated, she certainly was one Victorian mother that killed her infant because she could not afford its upkeep. While Fiala and LaFree are speaking of today's infanticide problem when they assert "that it is the economic stress associated with the societal status of women that most effectively explains child homicide," evidence from a majority of these cases would support the same contention if they had made it about Victorian England. Their findings also support historians' contentions "that child abuse is more common in lower- than upper-income households" and that "the most common social-structural explanation of child abuse is that it results from stress caused by economic hardships associated with inequality, poverty, and unemployment."\(^{18}\) Then as now women were the primary caregivers to children, and when working-class, male-headed families had difficulties providing for children,\(^{19}\) one can imagine the difficulties faced by single women burdened with one illegitimate child (sparrows or singletons) or more than one child (only the youngest of whom was illegitimate) in the cases of widowed or deserted married women. For mothers who were forced into the

\(^{18}\)Ibid., 432 (first quotation); 433 (second and third quotations).

\(^{19}\)See the many examples of poverty-stricken fathers stealing to support their families given in Rude, 81 ff.
workplace "out of economic necessity and receive[d] little childcare or household support," infanticide might seem the only viable option to ridding themselves of unsupportable burdens. Then as now "women are generally concentrated in low-paying/low-prestige jobs," and for working mothers who are the sole economic providers for their families, the reasons and opportunities for child abuse and infanticide increase proportionally according to low pay and lack of support systems.\textsuperscript{20} In the Victorian era women were paid less than men for jobs; being a domestic servant was hard, backbreaking, unprestigious labor at best. Thus in a society that limited job opportunities and wages for the bulk of its working women (to reduce economic competition with men)--which was the very group having illegitimate babies--it is no wonder that infanticide occasionally occurred, while it is also no wonder that middle-class observers perceived the numbers to be so epidemic even as the incidence was actually quite low in absolute terms. Any society that economically represses its working mothers while at the same time limiting their opportunities for child care or household help sets itself up for increased incidences of child abuse and homicide. If "economic inequality and [child] homicide rates" are linked today, they certainly were during the nineteenth century, and for this reason I

\textsuperscript{20}Fiala and LaFree, 434 (both quotations).
have borrowed Rudé's phrase "survival crime,"--which he applied to people who committed any type of crime out of economic necessity--and applied it to the act of infanticide by economically distressed Victorian mothers. Briefly, Rudé gives several examples of what he calls survival crime, but the definition that most suits my purpose is when he cites "prisoners' own experience of poverty as an inducement to crime." As shall be shown, nearly all infanticidal mothers cited poverty, misery, want, starvation, or other forms of deprivation as the chief motive behind their crimes of infanticide. Since in the Victorian era "crimes of violence were the exception rather than the rule,"21 one can only imagine the extremes to which these mothers were pressed to stab, strangle, decapitate, poison, or otherwise murder their infants.

A coherent profile of a typical murdering mother was a working-class female employed as a domestic servant, almost always underpaid, often away from home for the first time, but if not then otherwise isolated socially from parents or other responsible individuals who could monitor her behavior towards her child and help provide brief respites from its care. Frequently this mother

21Fiala and LaFree, 433 (first quotation); Rudé, 78 (second quotation); he calls the other two main types of crime acquisitive (theft) crime and protest crime, 78; 81 (third quotation); 10 (fourth quotation).
traveled, and many took journeys—ostensibly to see relatives, to look for work, to return home after the loss of a job—during the course of which the infant was killed. Many of these murdering mothers were married but deserted women (who often had had families by that husband) or widows who had young, legitimate families by their dead husbands. Upon becoming pregnant, such women could not expect their common-law husbands or lovers to support the illegitimate child, nor on their own meager salaries could they support all their children; especially if a widow or deserted wife had other children, the illegitimate child became an intolerable financial burden and infanticide seemed the only way out from under that burden.22 In the cases of younger, unmarried women, lack

22 George K. Behlmer, Child Abuse and Moral Reform in England, 1870–1908 (Stanford, Calif., 1982), discusses why neither adoption nor the workhouse were considered viable alternatives to infanticide by mothers of illegitimate children during the period under study. As he notes, "Adoption . . . was unknown under English common law until 1926" (p. 17n); in workhouses illegitimate children frequently suffered from "malnourishment and disease," the "'pauper taint'," and the possibility of being "'boarded out'" among foster parents (p. 202)—none of which were acceptable to the mothers, who themselves had such a profound dislike of the workhouses. The cost of hiring a baby minder for an illegitimate child was frequently prohibitive to a mother earning a salary insufficient for her own needs; Behlmer quotes a £5 premium for such a service on p. 26. Elizabeth Duff earned only £5 a year in her servant job; if such costs and salaries are representative of what most of these mothers had to pay for the service and earned on their jobs, baby minders were financially prohibitive.
of familial support or social services and the inability to earn a living wage led to infanticide. In all such cases infanticide was a survival crime and was accepted as such by juries in trials. Thus like today, during the Victorian era "high levels of female labor-force participation, coupled with low levels of female status and welfare spending, result[ed] in high child-homicide rates."23 But to support all these contentions and to illustrate the disparate elements of this composite profile, specific examples from the thirty cases of women convicted of infanticide from 1856 to 1878 will be examined to see just exactly if—or how—they fit the profile just established.

The thirty legal cases upon which this thesis is based are located in the Public Record Office, London, England. These files hold the deliberations of the Home Office over whether to commute the death sentences of these women convicted of infanticide and what lesser sentence to reduce it to. While there are thirty case files examined herein, there are actually thirty-two individuals included among the files. Two files, those of Ann Barry and Cecilia Baker, also represent the legal records of the two men in this group charged with killing—willfully murdering—their own illegitimate children.

23 Fiala and LaFree, 438.
All thirty-two criminals were found guilty of the charge and sentenced to be hanged, but that verdict was only carried out on five criminals (three women and both men). However, one of the women, Leah Raynor,\(^{24}\) was actually found guilty of manslaughter, although she had been charged with willful child murder. Because she was charged with murder she remains in my data. I was surprised to find the two men's records (Edwin Bailey and Richard Hale) included in the records of Ann Barry and Cecilia Baker.

The term "infanticide" was defined by Mr. Justice Keating, the trial judge in Ann Hawkins's case: "Infanticide (confining the term to newly born children)"; the term child murder, on the other hand, is defined in a petition sent to Queen Victoria that requested clemency for Margaret Hannah: "the ordinary case of child murder where the crime is committed after an interval of time [presumably after birth] and with premeditation." Since the children involved in these thirty cases ranged in age from "newly born" (although the term technically in use today for this crime is neonaticide) to approximately seven years, the phrase "willful child murder," which is the generic Victorian term for the crime, is sometimes more appropriate for my purposes and thus is used.

\(^{24}\)For Leah Raynor's file and all subsequent references to the thirty case histories in this chapter, see Appendix A, p. 249.
extensively throughout this work.

The thirty-two individuals upon whose files this thesis is based were tried for the capital crime of child murder during roughly a twenty-year period—from 1856 to 1878. Of this number only one woman was pardoned. Of these thirty-one, Edwin Bailey and Richard Hale, fathers of the children they killed, were executed, as were Ann Barry (not the infant's mother, Barry was Bailey's servant and cohort in killing his illegitimate baby), Mary Ann Cotton, and Selina Wadge. Cotton was the stepmother—not the mother—of seven-year-old Charles Edward Cotton; although she was committed by the magistrates of Bishop Auckland on four separate charges of poisoning her stepchildren, she was only tried for Charles's death. Of the thirty women, Selina Wadge was the only mother of a child to be convicted of willful child murder and actually hanged for the crime. Except for the two fathers, Wadge was the only parent killed by the state for her child's murder. In this case she is an anomaly, but everything about her case is anomalous and unlike any other case in this record group. Wadge can thus be seen as a true case by herself, and while she fit the profile in many respects of a Victorian infanticidal mother, the fact that she was executed while the other convicted mothers spent varying sentences in jail makes her unique among these cases. Wadge will be discussed—as will the reasons for her
execution—at greater length in the next chapter.

A profile of the thirty murdering mothers must begin with a look at their socioeconomic status. Of the thirty women under consideration, over one-third—eleven25—are clearly called "servants" or "domestic servants" in their files. And if the lone woman labeled a "charwoman" is added to the figure, it inches ever closer to one-half the total. One "laborer"26 was to be found—nothing more was elaborated. Maria Tarrant and Sophia Usher were "needlewomen"; Leah Raynor was a factory operative. Ellen Welsh was a bleachfield worker, which was someone who worked in the flax field preparing for the flax harvest or actually harvesting the fiber—a menial job. Four of the women were listed in their files as "unemployed," and internal but unstated evidence indicated that a fifth woman was probably unemployed.27 Cecilia Baker was employed, but her occupation was not given. For six women no occupational information of any kind was given. Lydia

25 The eleven women are Lucy Buxton, Elizabeth Duff, Charlotte Elliott, Elizabeth Griffin, Margaret Hannah, Ann Hawkins, Ann [Emma] Padfield, Agnes Pattinson, Mary Prout, Jane Revill [sometimes Reavill in her file], and Selina Wadge.

26 The "charwoman" was Nancy Armfield; the "laborer" was Elizabeth Daunton.

27 The four known unemployed women were Elizabeth Benyon [also Binyon], Christiana Edmunds, Maria Jewers [also Jewer and Jure in her file], and Alice Wilson. The fifth woman likely unemployed was Emily Dimmer.
Venables, a widow who lived with cabinetmaker Alfred Chatterton, probably should be classified as "unemployed," but until further evidence is revealed, she has been classified as occupation unknown. Ann Barry was a "servant/charwoman," while Lucy Lowe was a "cook/servant." Thus all those women for whom evidence is available fell easily within the servant or laboring class. Of those for whom no employment information was given, it is conceivable that some or all may have been seasonal or part-time laborers and were simply unemployed at the time their crimes and trials occurred. Some may or may not have been prostitutes; however, no comments of any kind from judges, juries, witnesses, friends, acquaintances, or former employers of any of the women even vaguely hinted that the women pursued that vocation, and it is reasonable to suppose that someone would have brought it to the court's attention if any one of them had been involved in prostitution. There is always the possibility that the women were given the benefit of the doubt in this matter by judicial officials, but there would have been no reason for Home Office officials to have done so. Thus none of the thirty women seem to have been engaged in prostitution as a vocation; certainly nothing in any file indicated

28 Those six women for whom no occupational information is available are Mary Ann Cotton, Emily Dimmer, Jane Grey, Christiana Morgan, Elizabeth Ellen Trevett, and Lydia Venables.
that any woman followed that line of work, even on an irregular basis.

Not surprisingly, the parents of those women for whom job information was available held equally lowly occupations. Upward mobility or the quest for a better life for their children seems not to have been achieved—if hoped for at all—among this class of English men and women. Most files remain silent on the jobs held by these women's parents, yet a few files were surprisingly informative. Lucy Buxton's mother was at one time a shoplifter and did time in the Lincoln County Gaol for it. Mary Prout's father was a collier, and both Christiana Morgan's and Maria Tarrant's fathers were laborers. The father of Ellen Welsh was a blacksmith. Finally, the father of Christiana Edmunds held the highest status occupation of anyone here investigated; he was an architect at Margate, and his wife claimed he had been the architect for "Trinity Church, the Lighthouse, and many other public buildings." However, the fact that Mr. Edmunds died a lunatic at the Peckham Lunatic Asylum in 1847 (twenty-five years before his daughter's crime in 1872) balances out, if it does not totally negate, the superior occupational status he held in comparison to other of these women's fathers.

29Quoted in The Times, January 17, 1872, column 2, in file of Christiana Edmunds.
The extreme mobility that characterized so much of the English working class is also evident in the lives of exactly half the women in this study. Fully fifteen women took journeys shortly after the births of their illegitimate children and used the occasion to kill the children. There are specific reasons given by the women for having taken their journeys, among which the two most common were to visit relatives or to search for the child's father. Maria Tarrant journeyed to visit her two-year-old legitimate son and her mother-in-law and on the way killed her illegitimate child. Both Ann Padfield and Lucy Lowe left their employers' abodes to go to their sisters' homes, where they said they planned to let the sisters raise their children. Mary Prout went to visit her grandmother Ann and on the trip had to cross a wide field, in the middle of which was an abandoned coal pit; into this pit Prout threw her child, where it was later found dead. Alice Wilson left the workhouse on a Friday and on her way to visit her mother killed her infant; when Alice showed up at her mother's home without the child, a neighbor's suspicions were raised, and Alice confessed her crime. Emily Dimmer left her mother's home, where both her mother and brothers had harassed her continuously since the birth of her illegitimate child. She ostensibly was on her way to give the child to a nurse for care but killed the child on the journey. Both Nancy Armfield and
Jane Grey left their lodgings to take journeys, supposedly to find their infants' fathers. Armfield left her sister's home in or near Manchester to go to Scotland to find her child's father or to leave it with its father's mother; Grey journeyed to Newcastle for the same purpose. Both infants were killed before their fathers were found. Several women took journeys for which no motives were clearly established; among them were Elizabeth Griffin, Sophia Usher, Selina Wadge, and Agnes Pattinson. All four used the travel opportunity to murder their children.

Two women, both of whom at the ages of sixteen and seventeen were among the youngest of the women, traveled for different reasons from those of the other women. Both these young women had been turned out of their parents' homes and had nowhere to go. Both "wandered" about for at least two days, each with crying infants and no funds with which to provide for the infants or for themselves. Jane Revill had been turned out of the workhouse in which her child had been born (no reason is given in the file for this action) and was then rebuffed by her parents. Elizabeth Benyon was turned out of her father's home—he was her infant's father as well—when he took up with another woman; Benyon "wandered about in a state of great destitution" for two days and, worn out from hunger and her crying infant, killed it. Margaret Hannah, unlike either Benyon or Revill, left her employer's home when her
labor pains began and attempted to make it to her parents' home ("some small distance" from Hannah's workplace); she was overcome with labor between the two places and gave birth alone on a deserted plantation; always subject to "hysterical affections," Hannah was in an even more "excitable state of mind" after the birth. In this state she killed her child.

Since half the women in this study took journeys during which they murdered their infants, it is logical to suppose they took the journeys specifically for that purpose—to provide themselves with cover for their homicidal acts. Several seem not to have traveled far from home, while others traveled to Scotland or equally far distances from their homes or workplaces ostensibly to search for fathers or to visit relatives. It is conceivable that other women besides Revill and Benyon did not intend necessarily to kill their children during their travelings but only committed the foul acts when they could no longer stand the crying of their infants or were so hungry and tired themselves they may not have been in their right minds when they murdered the children. Perhaps travel was an indication of their level of desperation—logical since they had both been unceremoniously, even cruelly, put outdoors by their parents—in which case traveling was a symptom of their problem, not an alibi.
The social isolation that sociologists Robert Fiala and Gary LaFree single out as one of four main characteristics of modern murdering mothers is abundantly apparent in a majority of these Victorian cases. As noted earlier, social isolation as applied to homicidal mothers denotes primarily separation from parents, siblings, or other family members who could observe or supervise a mother's interaction with her child and intrude into or alter the mother's abusive behavior toward that child; obviously, however, it can also apply to the lack of such surveillance of a woman's behavior by her friends, coworkers, employers, and workhouse officials or even her child's putative father. Such supervision or surveillance could be instrumental in preventing maternal child abuse through advice on how to rear a child; how to maintain it in terms of diet, sleep, and dress; or how to quiet its crying. Such assistance might have acted as brief periods of rest and relaxation for the mother to help her better handle the stresses of a crying, demanding baby. Since working-class women were ill-educated in matters of birth control and reproductive functions, they were probably equally ignorant about childrearing techniques. If these murdering women had had mothers, aunts, grandmothers, female friends, or workhouse supervisors readily available to give them information or to watch their children occasionally, perhaps child murder would have seemed less
attractive to them.

As it was, many women had few, if any, sources to contact for relief or support in their childrearing, and thus child murder may have seemed the most viable way to escape their children's demands. At this point it is interesting to speculate that those fifteen women who took journeys, during which they killed their children, may have done so to escape the surveillance they might have felt would have followed them had they killed their children on their home ground. On a journey there would likely have been fewer familiar faces to watch--and perhaps to censure--abusive behavior. That not all these women took journeys to kill their children may mean that those women who killed their children at home did not feel threatened by surveillance or were not afraid enough of being observed and apprehended for child murder. Perhaps they felt no one would care what they did to their child or would not care enough to report their actions to authorities. Some may have felt they were too lucky or too careful in their plans to get caught. While these speculations may seem contradictory in light of my earlier remarks on social isolation--that these women needed more surveillance to keep them from murdering their babies but traveled to escape such surveillance, these possibilities must be considered. One final interpretation might be given to travel--it can be seen as one indication of the
extreme frustration and desperation these women felt, and the journeys they undertook simply exacerbated already life-threatening situations. In this scenario during their travels the women snapped and killed their infants, but they did not undertake the journeys in order to kill their babies undetected. At any rate, a journey would represent a chance to be isolated from known faces and surroundings and to be anonymous enough to afford some possibility of committing a crime undetected.

Social isolation in the sense that Fiala and LaFree use it includes the separation from nuclear family members or even extended family networks. An examination of the family networks of these women needs to be undertaken to see if and how the women were in fact socially isolated. One major factor to remember, however, is that even if women were found to have family members they may not have lived with them at the time of their crimes or they may have been absent from the environment of home or workplace when they committed infanticide.

Family reconstruction is difficult with these files because the information in them is often very incomplete. The most complete file in terms of familial networks is that of Maria Tarrant. Tarrant was married to a man named James Tarrant, but a memorial in her file states that she was "induced from her husband by a man who takes her away and lives with her in adultery." This man was surnamed
Herbert. In December 1855 Maria gave birth to Herbert's son. This event complicated her life as she already had a legitimate two-year-old son who lived in Cheddeleworth with her husband's mother. Unknown events caused Maria Tarrant to return to Cheddeleworth from Berkshire; in Cheddeleworth lived not only her mother-in-law but her own mother and her father Thomas. Proof that her mother was alive at the time of her crime exists in the form of a letter written by Maria to her mother on July 10, 1856, and sent from Reading Gaol.\textsuperscript{30} Afraid to appear at Cheddeleworth with the "offspring of her crime" before her own parents and her mother-in-law, Tarrant killed the three-month-old illegitimate boy on Boxford Common before entering the village. Thus in this case it is possible to reconstruct a good part of Maria's own family, a part of her husband's family, and the family she and James Tarrant had established as well. Since she had to journey to Cheddeleworth, however, one must assume she did not live or work there; thus it is not unreasonable to suppose her pregnancy and crime occurred in social isolation away from familial influence.

Social isolation can also be defined as having family but being estranged from them. The most common form of social isolation, this estrangement is well illustrated by

\textsuperscript{30}This letter began "Dear mother see what I am brought to in not obeying my Father & Mother . . . ." File of Maria Tarrant.
events in Agnes Pattinson's life. She had been sent before the age of twelve to be a servant at a farmhouse in a neighboring village. Even though her parents had asked her to leave because they could not afford her upkeep, Agnes's departure from home at such a youthful time took away her "last vestige of moral protection, viz. that of her parents." Thus the Victorians were well aware of the "surveillance" function parents fulfilled for their children, because the implication here seems to be that, removed from her parents' watchful protection, Agnes would have no one to watch over her or to supervise her moral growth or behavior. Agnes had received "little or no education" as her home had been too far from the local school for her to go. Without formal education, Pattinson had only her parents to teach her, and yet, removed from their protective moral custody at such an early age and sent to work, she lost family supervision and so became socially isolated.

While a servant Agnes became pregnant (no details are given).

On her condition becoming known, she had to leave her servitude. Scowled at by her parents for indiscretion, and deserted by her betrayer, her only remaining shelter was the Union Work house, where ultimately a child was born. . . . She, with that repugnance to workhouse hospitality which is ever the characteristic of the most destitute or lowly Briton, ventured once more in the world, but only to be jeered and scoffed at by her former friends and companions. . . .
So Pattinson's social isolation became complete. In spite of these circumstances, however, Agnes placed the blame for her moral downfall on her father when she was arrested. Upon being prompted by her workhouse matron Mary McGowen, Agnes told the truth about her crime. "She then burst into tears, and said I should never have done it, or never have done so, but for my father turning his back upon me 3 years ago."

Mr. Justice Mellor, hearing the case, underlined this passage in the trial testimony and thus signified to himself and to later readers the great negative influence paternal rejection carried. Isolated from her father's (and mother's) moral protection, the girl was more open and prone to be morally corrupted than she would have been had she remained under their surveillance. At least that is how the Victorians would have seen it. An alternative view is that she was far more susceptible to deleterious economic vicissitude by being thus rejected. She was, however, according to the law of the day, fully responsible for her own crime. Unfortunately, after ten years of penal servitude Agnes was released into her parents' protection--she went home again because her "aged parents, who are honest and industrious people, would be glad to receive her, and as they are far advanced in years, & in but indigent circumstances, she might become of great service to them."

These same parents sent Agnes into social isolation
originally and rebuffed her when she got into trouble; when she needed them they were not there for her, but when they needed her she was welcomed back home.

Pattinson's case is very similar to those of Elizabeth Benyon and Jane Revill. Benyon was impregnated by her father (her mother died when she was seven) and thrown out of the house by him; during her wanderings she and her child starved, which was her motive for killing the infant. Revill was deserted by her seducer, but not before he told her "to go home to my parents to ask them to take me. They refused and then went to lodgings. . . . All friends refused to help her. Workhouse authorities ordered her to leave when her child was six weeks old. Wandered about without food for nearly two days. was worn out in body and mind. The child cried with hunger & prisoner was too weak to resist a sudden temptation to destroy the child."\(^{31}\) In all three cases, then, an early departure from home left the women without the protective moral influences of home and parents and disrupted the surveillance parents could have been expected to provide. Pregnancy and infanticide ensued, and for all three such social isolation simply reinforced the economic stress they experienced when friends and authorities rebuffed their requests for help or turned them out of doors.

\(^{31}\)All quotations in this thesis retain the spelling and punctuation idiosyncracies found in the original file documents.
Both Pattinson and Revill had two living parents, but in spite of this family connection still suffered isolation through rejection. Other files confirm that a number of these women had two living parents. Even though her two parents were "poor, aged, infirm, and helpless," Margaret Hannah was released into her mother Agnes's custody when she left prison in 1873. Christiana Morgan's father was a laborer, but her mother had not set a good example for the daughter; Morgan's mother had had two illegitimate children (Christiana was one) and, worse yet, each child had a different father. Sophia Usher gave birth to her third and only illegitimate child at her parents' home in Ashford. Ellen Welsh's parents, including her mother Winifred, were investigated and found "to be respectable working people." Finally, Elizabeth Ellen Trevett's sister-in-law testified at Trevett's trial, but it was to her mother that Ellen confessed her crime. In 1878, four years after her original conviction and imprisonment, Trevett was released into her father's custody, since he "was able and willing to receive her" upon her release.

It is pertinent to wonder at this point why so many parents rebuffed and rejected their wayward daughters. Two reasons come immediately to mind. One reason is that the bastardy laws put the burden of support for an infant upon its maternal grandparents if its mother could not
support it. Obviously more than one working-class family was in "indigent circumstances"—which is how Pattinson's family was described—and could probably not support either daughter or infant. Thus for economic reasons they refused to help the daughter when she requested it. What may appear to be quite a cruel rejection to modern readers may have in fact been the only way for the larger family unit to survive economically. However, parental rejection indubitably contributed to the economic stress the women would then face and force them into considering infanticide as a way out. Second, a comment Maria Tarrant made in her letter to her mother gives what may have been another reason for parental rejection of infanticidal daughters. In that letter Tarrant mentioned the outcome of her own indifference to parental advice: "See what I am brought to in not obeying my Father & mother when I had good advice gave me, and if the truth had been told by me at 1st I should not have had the sentence put upon me but I told an untruth to screen Charles Emments [Herbert?]. I thought it might ease your mind a little if I told you the truth." In this letter the daughter admitted that she had ignored parental advice and that she had lied about her crime. Perhaps other parents had given their daughters moral advice about being loose or consorting with the wrong kinds of men; if so, and the daughters later deliberately ignored that advice, became pregnant, and
then killed their children, the parents may not have felt obligated to help the daughter and her child. In this scenario the daughter’s social isolation might even be called self-inflicted, because if a girl or woman was recalcitrant or strong-headed enough to ignore her parents’ advice and then became pregnant and committed infanticide, the parents not only would not have helped her support her child but would have rejected the daughter as well. Only after she had served a penal sentence did some parents allow their daughters back into the family fold. In this view the state punished the woman in a way even parents could not.

Seven of these thirty women then had both parents living at the time of their crimes. But the number of women who were half orphans slightly exceeds the number of women who had both parents. Nine women were half orphans, and of these nine, three had as their sole parent a father. The father that exhibited the least parental concern for his daughter was that of Elizabeth Benyon, who was half orphaned at the age of seven. Shortly after her mother’s death Benyon was forced repeatedly to have illicit, incestuous intercourse with her father; such "cruel and fiendish conduct" by her father over the course of time nearly drove the girl "'non compos mentis' (mad)." When Benyon gave birth to her father's child he drove "her, and her baby, out of doors—-to perish." Lucy
Buxton's shoplifter mother died when Lucy was eight, and she lived alone with her father for the next four years. Then she moved to London, where, "with [her] elder sister's contrivance," she became involved in "an immoral life." 32 While Mary Prout's father and his occupation were mentioned in the file, the main relative in Mary's life seemed to have been a grandmother, but the grandmother Ann lived some distance from Mary's workplace, so distance undoubtedly left them socially isolated from one another. 33

Five of these thirty had a mother as their sole parent. Strictly speaking, the files do not indicate that the father of a woman was dead, but neither were fathers mentioned nor did they seem to have played a part in their daughters' lives. These fathers may have been alive but were unknown, or alive but living away from the mother and

32 These remarks were made by Buxton's attorney in a petition included in her file; the petition was part of the efforts attorney E. Chandor Leigh exerted on Buxton's behalf to have her death sentence respited. Whether Leigh exaggerated the influence of the sister over Buxton to build a case that the twenty-two-year-old defendant was under the immoral influences of another family member—and thus not totally responsible for her own actions—or whether Buxton actually was a prostitute is not known. It is known that Buxton had had another illegitimate child four years earlier, in 1864, which died ("of the diarrhea at Leeds"), in addition to the illegitimate child she was prosecuted for killing in 1868 (the case here studied), thus making her a repeat bearer of bastard children.

33 See the files of Elizabeth Benyon, Lucy Buxton, and Mary Prout.
family, or the women's mothers may never have married. Cecilia Baker's mother Rhoda lamented the fact that she could not afford a lawyer for her daughter's legal defense. Emily Dimmer's mother allowed Emily and her child to stay at her home while Emily looked for work, but the strain eventually grew too great and the mother unceremoniously asked Emily "to go away with [your] damned bastard." Ann Christiana Edmunds, mother of Christiana, testified at her daughter's trial, as did Mary Wadge, mother of Selina. Mary Wadge no doubt hurt more than helped Selina's cause when she testified that "'Selina has never been a truthful girl'." Selina was executed for her son's murder in 1878. Anne Harrison, the mother of Alice Wilson, testified at Alice's trial to the circumstances surrounding Alice's son's murder. After giving a short history of Alice's marital woes (her husband had deserted her), Harrison described the action she took upon learning the fate of her grandchild: "[I] locked [Alice] in [my] house and sent for Police."

There were only three confirmed orphans in the files. They were Elizabeth Griffin, who at thirty-six was the oldest orphan. Her trial notes indicated that she "has no relations." Twenty-six-year-old Lydia Venables "has neither Father, Mother, Sister, or Brother." And twenty-three-year-old Ann Padfield was "a village orphan girl from near Bath." Nothing at all is known at this time
about the families of Mary Ann Cotton, a widow, Elizabeth Daunton, Elizabeth Duff, Ann Hawkins, and Maria Jewers.

Not surprisingly, women who were half orphans, especially when their surviving parent was a father, were probably considered to be more socially isolated than if their mothers were the sole parent. Since Victorian mothers were responsible almost totally for daily childcare, girls who grew up without maternal love and teachings might be expected to be at social and familial disadvantages. For those for whom a father was the sole parent, in at least Benyon's case that father took sexual advantage of her and contributed to her crime of infanticide. Lucy Buxton's father did not seem to have had enough influence over her to keep her from a life of vice in London. Of those women for whom no parental or other familial influences are known it is not surprising that they committed their crimes in relative social isolation; even though they may have been surrounded by workhouse officials or friends, these people cannot be expected to have taken the interest in the women and their illegitimate children that real family members might have. Thus orphans and half orphans lacked restraining family influences and interest.

Other women who may or may not have been orphans but who did have other relations listed in their files included Nancy Armfield, Ann Barry, Charlotte Elliott,
Lucy Lowe, and Leah Raynor. In all, eight women who may or may not have had parents did have some members of family available to them, albeit how close physically and emotionally the women were to their families can only be surmised in some cases. Nancy Armstrong lived with her sister Sarah Kay and had three children; Sarah had at least one daughter. While Ann Barry's parents were not discussed, upon her execution in 1873 her troubled husband Louis was left a widower. Emily Dimmer's unsympathetic mother has been mentioned, but her brothers too tormented Emily mercilessly about her bastard and were "always thwarting her about the child." This harassment eventually contributed to the child's murder. Charlotte Elliott and her widowed sister Hannah Butcher traveled and lived together in their search for work, and it was Hannah who found Charlotte's murdered baby and who testified for the prosecution at the trial. Lucy Ellis Lowe was imprisoned in 1876; ten years later she was released into the custody of her sister and brother-in-law. Whatever the unknown parents had been like, these two relatives bore "good characters" and would help Lucy "to earn an honest living." Mary Prout's grandmother Ann was an important witness at Mary's trial, for based on Ann's testimony--really a genealogy complete with four hereditarily insane members and numerous illegitimate children--Mary was recommended to mercy by her jury and
thus escaped the death sentence. Leah Raynor, the factory operative, lived with her brother-in-law and sister, who awoke her at 5:30 A.M. to go to work. As she prepared for work Raynor leaned against her bed, "when something fell from [her]." Without looking at the object she bundled it up and dumped it on the backyard trash pile. The object was later retrieved by the brother-in-law and found to be a baby--Leah Raynor testified at her trial that she never knew she was in "the family way." And Selina Wadge's mother was not the only family member to testify at Selina's trial. Her Aunt Ann gave damning testimony about her, saying Selina "was always a liar." Finally, Jane Grey was released from prison into the custody of a son "willing and able to . . . support her for the remainder of her days."

Thus few of the thirty women were totally alone in the world or completely without family members to whom they could have turned for help in their time of trouble. That so many who had some family network beneath them turned to infanticide as a way to escape the burden of an illegitimate child may mean that the families of the women simply did not want to get involved, either because of the financial burdens such help would have entailed, or because they were unsympathetic to the women's plight and felt that they had made their proverbial beds and they then had to sleep in them. Some of the women did not turn
to families out of shame—they did not want them to know they had borne children out of wedlock. In these cases social isolation took on many forms—the sheer physical distance from a woman's workplace to her home and parents; the emotional distance between some women perceived as loose by their parents and then rejected when they did get into trouble; the mental distance between family members unsympathetic to a female's plight. So even though a number of the women studied had parents and/or extended family members living, there is no real way to tell how close the women and their families were in some cases. As a result, social isolation can be seen as a real, underlying cause in a great many of these infanticide cases.

If low socioeconomic status, extreme mobility, and physical, mental, emotional, or social isolation are three characteristics of a typical infanticidal Victorian mother, a fourth characteristic is one concerned with age and marital status. Historians are inclined to believe that most murdering mothers were singletons who were unmarried domestic servants and killed only one child (usually their first one) because it was illegitimate. Twenty-four of these thirty women can be classified as single or had a marital status that was unknown—thirteen of them (almost half my sample) were clearly labeled "single" in their files, and no previous marriages were
given for any of them. Of these thirteen, three were repeaters, that is, they had had more than one illegitimate child. The average age of the singletons was twenty and one-half years, which would substantiate the evidence other historians have found of singletons' youth and lack of previous marriages. Average age of the repeaters was twenty-two and one-third years. Motives of shame and fear might have been expected of young singletons who committed infanticide on their first and only illegitimate child, but what of the three slightly older repeaters? Selina Wadge somehow, for reasons never clarified in her file, believed her fiancé would not marry her unless she rid herself of one of her two illegitimate sons. Lucy Buxton's first illegitimate child had died "of the diarrhea," and she seemingly accidently poisoned the second one--she gave it a mixture of milk and Battle's vermin killer (strychnine) to quiet its crying. No real motive was ever established for its death. Ellen Welsh claimed the father of her second illegitimate child actually murdered it; since she had an older son who may have been legitimate, one motive for her participation in her child's homicide may have been shame.

34 Ten of these women were Elizabeth Benyon, Elizabeth Duff, Ann Hawkins, Christiana Morgan, Ann Padfield, Agnes Pattinson, Mary Prout, Leah Raynor, Jane Revill, and Elizabeth Ellen Trevett.

35 The single, never-married repeaters were Lucy Buxton, Selina Wadge, and Ellen Welsh.
To the tally of thirteen single women (ten singletons, three repeaters) must be added two more names of single murdering women—Cecilia Baker and Christiana Edmunds. However, these two were not the mothers of the children they killed. Baker was the lover of Richard Hale, and she helped him kill his seven-year-old illegitimate daughter to avoid child support payments. Edmunds was an insane woman; she poisoned candy and gave them to a four-year-old boy who died of them. After her conviction she was certified insane and sent to Broadmoor Criminal Lunatic Asylum.

In all, almost half the cases in these files dealt with single women convicted of killing their own children, usually their first one. The remaining fifteen cases thus must be made up of married or deserted women or widows. In fact, of these fifteen women, six cannot be ascertained to have been either married or deserted or widowed. Eight remaining cases then concerned widowed or married but deserted women. Of these eight, Mary Ann Cotton was the widowed stepmother—not the mother—of the little boy she poisoned. Neither was Ann Barry the mother of the child she helped murder, although she was a

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36 See the files of Elizabeth Daunton, Emily Dimmer, Charlotte Elliott, Jane Grey, Elizabeth Griffin, and Margaret Hannah.

37 See the cases of Nancy Armfield, Mary Ann Cotton, Maria Jewers, Lucy Lowe, Maria Tarrant, Sophia Usher, Lydia Venables, and Alice Wilson.
married woman. Evidence from her file indicated she and her husband Louis had been estranged for a period. Barry was the servant of Edwin Bailey, the father of an illegitimate infant he did not want to support. Both Cotton and Barry were executed for their crimes of willful child murder primarily because they were not the mothers of the dead children and thus could not use as alibis economic hardship or lack of support for the child by its father. If the widow Cotton is excluded from these remaining eight cases as not the mother of the child she killed and if Barry is deleted for the same reason, seven cases remain that dealt with infanticidal mothers married to men who were not the fathers of the children killed or widows who had had legitimate children by their dead husbands and murdered the illegitimate babies or women who had been married, had had legitimate children with that husband, were deserted by him, and then took up with someone other than their legal husbands and had illegitimate children by them that they subsequently murdered.

Maria Tarrant's adulterous affair with Charles Herbert [Emments] has been outlined; she was married to James Tarrant, by whom she had had one son. The illegitimate infant fathered by Herbert provided Tarrant her motive: "The probable cause [of the crime] was the reluctance of the prisoner to appear at her husband's
mothers, with a child, which as it seemed, was not his." Tarrant was twenty-five years old at the time of the crime.

Alice Wilson was the only woman among the thirty to have been married but deserted by her husband; she was not a widow. Wilson had had two legitimate children with her husband George during her six-year marriage, but the elder of those two died, leaving only a daughter. Two years after her desertion she evidently took up with someone else, for then she had her third--and only illegitimate--child. She killed this child and let the older, legitimate girl live. Like Tarrant, Wilson was twenty-five.

The remaining five of the thirty women were widows who had taken up with men and then murdered the illegitimate children born of these unions. The five widows were Nancy Armfield, Maria Jewers, Lucy Ellis Lowe, Sophia Usher, and Lydia Venables. Not surprisingly, they were older than most of the other women whose ages were given in their files. Armfield was thirty-seven; Lowe, thirty-five; and Venables, twenty-six. The ages of Maria Jewers and Sophia Usher were not given, but internal file evidence indicated that both belonged to an older age group. Usher had three children from her marriage, and she had been employed by the same employer for "nearly seventeen years." Maria Jewers had "two little children"
by her late husband, one of whom was Sarah, twelve years old. The average age of the three widows whose ages were known was thirty-four. That these older widow women were found guilty and sentenced to death for the crime of child murder is not surprising, since the older a woman in this circumstance was, the less benign the judicial view of her act. In fact, Lucy Ellis Lowe's age was a factor when her petition for release from prison was denied by an anonymous Home Office official. After refusing her petition the official noted: "Infanticide by a woman of 35 is not quite the same as by a girl of 20." Implicit in this statement was the belief that the older a "woman" was, the more she should have known the difference between right and wrong and been able to refrain from doing the wrong thing--committing infanticide. On the other hand, a twenty-year-old was still a "girl"--immature, malleable, and perhaps unable to distinguish right from wrong or to control an impulse to commit a criminal act. Clearly a thirty-five-year-old woman did not command the kind of sympathy from judicial officials that a twenty-year-old might.

Perhaps the most unique case in terms of age was that of Jane Grey. At age forty, she was the oldest mother

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38 The file of Jane Grey is located in the HO45 record group; in taking notes of this case I neglected to note its box and file numbers, thus they are not available in Appendix A.
who killed her own child. (The oldest of all thirty women was Christiana Edmunds, forty-three when she committed infanticide, but the child she killed was not her own.) Forty was considered an advanced age to the Victorians. In 1867, when Grey was forty, she was tried and convicted of child murder; nine years later, in 1875, one petition pled for a license so that Grey could be released from prison. Its main reason was that at the age of forty-nine, Grey "is now an old woman and her health failing." This petition failed; three years later things were worse because at the age of fifty-one Grey was even more "advanced in years." Successful this time, Grey was released into the custody of a son.

Extreme youth, on the other hand, mitigated the judicial view of those who committed child murder. Agnes Pattinson's case was respited on several grounds, one of those being that "she is only 20 years of age." A memorial in Elizabeth Ellen Trevett's file urged the respite of her death sentence "on account of her youth." The petition was successful; Trevett spent only four years in prison. Leah Raynor at twenty-one was only a "girl"--and therefore her memorialists felt she deserved to have her death sentence respited. It was. But age, from the judicial standpoint, carried somewhat less weight than did other mitigating factors such as poverty, rejection of the child by the father, and not having had education or good
examples provided by parents. And as the nineteenth century wore on, prison rules changed so that a woman's penal sentence was based upon the length of time the judge sentenced her to in prison—not on her age—and only if a woman was extremely young would age be counted in her favor. But throughout the century older women were censured more for having killed an infant when their age, maturity, and greater knowledge were perceived to have been those very qualities that should have prevented them from committing such crimes.

Young or old, widowed, deserted, adulterer, singleton, or repeater, all thirty women came from the lowest socioeconomic level of Victorian society, were extremely mobile in their traveling, and in some fashion were socially isolated enough from friends, family, or workhouse or job supervisors to be able to commit infanticide without immediate intervention by these same friends or families. In addition to these four characteristics, a fifth characteristic—one that overarches and underlies all the other characteristics—is quite evident in other historical studies and is very apparent in a majority of the cases studied herein. This most common trait is economic stress. As the case of Elizabeth Duff graphically illustrated in Chapter 1, at least one Victorian mother killed her infant because she could not afford its upkeep. Evidence from these files
suggests that many—if not the majority—of mothers committed child murder due to economic stress and dire poverty. Elizabeth Griffin, the thirty-six-year-old fully orphaned woman, put the economic stress she suffered most simply: "I found I could not support both my children and myself." Like Duff, Griffin's servant salary did not stretch far enough to cover her needs or those of her children.

The two youngest women in this survey, Elizabeth Benyon and Jane Revill, were abjectly poverty-stricken. Their youth, lack of job skills, and rejection by parents and friends put both in pitiful circumstances. The judge in Benyon's case, Mr. Justice Blackburn, gave in his trial notes his assessment of Benyon's motive for murder: "The grounds upon which I venture this recommendation are the abject want & misery which she underwent before committing the crime. . . . She was I believe induced to commit the crime from want & destitution." Benyon "wander[ed] about in a state of great destitution," and so did Jane Revill, who also "wandered about without food for nearly two days. was worn out in body & mind. The child cried with hunger & prisoner was too weak to resist a sudden temptation to destroy the child."

After these graphic descriptions of starving, wandering young mothers and starving, crying infants, it is essential to recall Rudé's definition of a survival
crime. This definition encompasses any person who committed any kind of crime out of economic necessity, and for this reason I think it is particularly appropriate to apply to Victorian infanticidal mothers. The special relevance to these murdering mothers lies in Rudé's very specific definition and interpretation of a survival crime—a survival crime is "the prisoners' own experience of poverty as an inducement to crime." Some historians may not accept Rudé's definition or interpretation of poverty as the cause of survival crime, preferring instead to think that no woman, no matter how poor or destitute, should have turned to infanticide as a way out. The pertinent part here is the "prisoners' own experience of poverty" (my emphasis)—not the historians' interpretations or perceptions of what perhaps women should or could have done before turning to infanticide. As has been shown, often there was nowhere to turn and no one to turn to. Starving herself and watching her infant starve, a woman's firsthand and immediate "experience of poverty" as the motive of her crime becomes more understandable and to some perhaps more acceptable. One is ill-advised to second-guess a starving mother wandering about with a starving infant for lengthy periods of

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39 Rudé, 81.
rather, one can only wish, after the fact, that a safety net had been better provided to those murdering mothers so that their personal "experience of poverty" had led to some better act than child murder. Poverty and economic stress are without a doubt the primary motives and most important aspects of the infanticide cases studied herein, and that point cannot be stressed strongly enough.

The predicament of having "no place to go to" led Christiana Morgan to kill her infant. Likewise Sophia Usher was "thrown out of work was brought to great extremities and had paid rent to her employers nearly seventeen years when unable to pay only fourteen shillings was requested to quit & the misery that followed was beyond all words. the petitioner on one occasion was driven to eat off a pail waiting for pigs." In this state, Usher "so suffered from want, that even the natural support for the poor infant, was dried up, and her power, both of mind and body, so weakened, that it is a matter of astonishment to her, that she did not perish with it." This petition by Usher for clemency may sound melodramatic, but if Benyon's trial judge could illustrate want and misery so starkly there is little reason to believe Usher exaggerated the direness of her straits.

40 Although my files revealed only two such mothers, further research would undoubtedly turn up other similar mothers.
Melodramatic though it may sound, the petition undoubtedly accurately reflected Usher's own perception of her situation—and this perception, rightly or wrongly, led to her infant's murder.

Like Maria Jewers, "a widow in very poor circumstances," Lydia Venables, Elizabeth Ellen Trevett, and Agnes Pattinson are other women among this group who suffered gross poverty. Venables so much so that she pawned her own and her children's boots and underwear to provide food for all. Five women were driven to economic distraction when the fathers of their babies refused to support the infants financially or even to have anything to do with them. These seduced and deserted women were Margaret Hannah, Ann Padfield, Ellen Welsh, Jane Grey, and Charlotte Elliott. In sum, fully fifteen women committed child murder as a direct result of economic stress. Other women suffered from it too, but for these fifteen it was the overwhelming motive for murder. And while example after pathetic example could be cited, suffice it to say that poverty affected nearly all the murdering mothers studied.

Both Edwin Bailey and Richard Hale murdered their children for economic reasons, but they did not suffer economic stress. Bailey was a shoemaker who did not want

\[41\] See the files of Duff, Griffin, Benyon, Revill, Morgan, Usher, Jewers, Venables, Trevett, Pattinson, Hannah, Padfield, Welsh, Grey, and Elliott.
to obey an affiliation (child support) order for his illegitimate infant girl. Hale conspired with Cecilia Baker to kill his seven-year-old illegitimate daughter so they could marry and be unencumbered by the girl. Both men were executed; one reason for their executions must have been the distinction the courts made regarding economic conditions between men and women. When infanticidal mothers could not earn enough to support themselves and their children, they thus suffered economic stress and poverty. The men, even if they were working class, earned more money than the women and were thus not as poverty-stricken; they simply did not want to pay child support. In the men's cases it was the courts' perception that poverty was not an overriding factor in infanticide by males that led to the gallows, and in the women's cases the courts' perception of female poverty contributed to keeping all but one murdering mother off the gallows. A Victorian reversal of the double standard is evident in the outcomes of Bailey's and Hale's cases.

Since there were so many testimonials to maternal affection for the murdered babies in these files, it is reasonable to suppose that economic stress and poverty—not simply lack of love—did underlie most crimes of infanticide. No fewer than eighteen files\textsuperscript{42} cite

\textsuperscript{42}See the files of Venables, Benyon, Dimmer, Jewers, Armfield, Grey, Griffin, Padfield, Prout, Revill, Trevett, Usher, Duff, Buxton, Pattinson,
instances of maternal affection, care, comfort, and attention towards these illegitimate babies. Emily Dimmer's mother admitted Emily "took good care of the child, very kind to it, and took care of it." Ellen Trevett was seen to "kiss the child--she appeared very fond of it." Similar phrases in several cases were "treated it with kindness," "paid it every attention," and "uniformly fond of it." Since almost two-thirds of the cases describe these mothers as treating their babies in socially approved fashion, it becomes necessary to examine mothers' motives for murder ever more closely. What a serious student of infanticide finds in so many cases is economic distress, poverty, want, and misery. Certainly in light of the evidence uncovered by this research, economic stress was a major—if not the major—affliction suffered by so many infanticidal Victorian mothers, mothers who deeply, profoundly experienced "poverty as an inducement to crime." Having looked at the evidence in these files, one can now read the statement with which the previous chapter ended in a totally new light and with a completely new interpretation: "'We believe that in no civilized country, and scarcely in any barbarous country, has such a thing ever been heard of as a mother's killing

Tarrant, Wilson, and Wadge.
her child in order to save the expense of feeding it'.

Having established the overarching traits of the Victorian infanticidal mother—working-class, low socioeconomic background, extreme mobility, specific age and marital status groups for singletons and widows and deserted women, social isolation, economic stress that led to infanticide as a survival crime—and having held up for comparison to the profile the women in this study, it can be stated that for the most part the women exhibited characteristics common to all Victorian murdering mothers. Not every woman exhibited every characteristic of the profile, but each met enough to be placed squarely in the company of other infanticidal mothers. Only one mother of this group was executed for the crime, and because of this she is the only notable exception to the profile of murdering mothers this chapter has established. Likewise, the two women executed for killing children not their own also put them outside the pale of the crime's typicality. So, having defined the murdering mother, it is now necessary to follow her, from detection of her crime to her release from prison, through the judicial system to see the pattern that prosecution, imprisonment, and release from prison took in Victorian England.

43Cited in Behlmer, "Deadly Motherhood," 418; and Rose, 17 (although Rose's citation differs slightly from the one used by Behlmer).
CHAPTER 3

Murdering Mothers at the Bar of Victorian Justice

Once a crime of infanticide occurred and was discovered, a very specific chain of events usually took place. Discovery was followed by police action, which was followed by incarceration and trial. This chapter will illustrate through the use of evidence from these thirty cases the course of action usually taken by neighbors and families that discovered crimes of infanticide, how police were involved in these crimes and what actions they took, and what sequence of legal actions a woman who committed infanticide faced before the bar of Victorian justice.

DETECTION

Detection of the crime of infanticide was inevitable in the cases under review for a variety of reasons, but the vigilance of family, friends, and acquaintances, as well as sheer bad luck, played an inordinately large role in the majority of them. Half the cases involve a journey by the woman during which her infant or child "went missing." In these cases suspicions were aroused among relatives, neighbors, and acquaintances when the woman arrived at her destination minus her infant. In all cases it was common knowledge among the people that the woman in question was the mother of the child.
Relatives were obviously in the best positions to query the mother as to her baby's whereabouts or fate and to take action on suspicious, evasive, or contradictory answers. Evidence indicates that relatives did not hesitate to do just that. When Maria Tarrant arrived at her mother-in-law's residence without her "fat and healthy" infant, questions were asked; Tarrant's denial that she had even had a baby evoked a strong negative response from the mother-in-law, who called police. Likewise Nancy Armfield left her sister's home with her three children, the youngest her blind, illegitimate son Samuel; the quartet went to Scotland to look for Samuel's father. On Armfield's return her sister Sarah met her, minus Samuel, on the road; alarmed by Samuel's absence, Sarah queried Nancy to no avail. "She had no child with her. . . . I asked her where the child was.--------" No coherent answer was forthcoming, so authorities were called. In a majority of these cases alarm over missing children and contradictory answers as to their whereabouts led to police involvement. Instances of concerned relatives contacting police when suspicions were raised or confirmed about the absence or disappearance of infants can be interpreted as popular readiness to contact or to send for police when criminal activity was suspected. In no case was hesitation expressed about police involvement. Of course this does not address the question
of how many individuals did not contact police. Since these cases were the worst the criminal courts saw, they differ from those cases that did not make it to trial. In America today "only about one-third of all instances of child abuse are officially recorded,"\(^1\) so it is logical to suspect that in Victorian England at least that proportion of cases went unreported.

That relatives should be the ones to discover crimes of infanticide is not surprising. A woman's nuclear family, if it existed, was likely to know if she had become pregnant; and if members of the family were disinclined to help her, at least they usually knew where she was, when the child was born, and where mother and child could be located. Concern over missing children was elicited in families who, it seems, did not hesitate to involve the appropriate local authorities. Relatives' motives for contacting police may have been several—vindictiveness, affection toward the missing child, a real sense of morality, or simply an inclination towards law and order. Regardless of their reasons, relatives did turn in a woman who could not satisfactorily explain her child's disappearance.

Neighbors and acquaintances also played prominent roles in the detection of infanticides. Neighborhood

suspicions were aroused against Mary Prout when her infant disappeared as Mary journeyed to visit her grandmother. "Information to the neighborhood" put police on her trail. Jane Revill's baby's body was identified as hers by "women of the neighborhood" who recognized the hand-me-down clothes the infant wore when found--these same women had provided the clothing when the baby was born. Elizabeth Daunton's neighbors found the body of her dead infant in a water-filled ditch behind her house, and they confronted Daunton with it. When they asked if it was hers, she readily acknowledged it and said "yes . . . she had thrown it in because she thought it would not be found."

Finally, the vigilant neighbors of Alice Wilson's mother proved to be Alice's downfall. On the Friday-to-Monday trip to Howden to see her mother, Alice one day had her two children with her; the next day she only had one. When she arrived at her mother Anne Harrison's home, a neighbor confronted her about the missing infant. Alice replied, "I may as well tell you the truth it's in Sarah Ling's pigstye." Upon hearing this information, Alice's mother locked Alice in the house and sent for the police.

Total strangers frequently witnessed suspicious behavior by a woman or actually saw her commit her crime or discovered the results of the deed. Unluckiest of all in this respect was Jane Grey, who was observed by a large number of children playing on the edge of the River Tyne
to have used a set of stairs belonging to a nearby lead factory. These stairs led directly to the river, and the playing children discovered the body of a child, proved to have been Grey's, in the river near a round sewer opening leading from the factory. On such serendipitous flukes rested the fate of many Victorian women successfully prosecuted for infanticide.

It is stating the obvious to note that had these women not been actually observed to commit child murder or greatly suspected of having committed it they never would have been caught. All were unlucky, careless, or indifferent about their crime and their fate in several areas. First, they had enough of a network of family, friends, and acquaintances in place that members of this network were in positions to know the women, their children, and their behavior. Second, because all but a few of these infanticides were, I believe (as did the courts trying the women), unpremeditated, the women did not bother to cover their tracks as cleverly or carefully as they surely would have if the acts had been premeditated. Third, perhaps the guilt the women felt, consciously or unconsciously, at having committed murder prevented them from lying about their actions as convincingly as they otherwise might have. Fourth, psychologically speaking, a majority of the women suffered from depression and at least four threatened suicide when
arrested\textsuperscript{2}; elements of the psychopathology of battered women include depression, suicidal thoughts, learned helplessness, apathy, and passivity. Furthermore, such helplessness "is the core of normal, neurotic, and probably also psychotic depression."\textsuperscript{3} Since an overwhelming number of these women suffered severe economic stress and were rejected by family, friends, or lovers, such learned helplessness may have led them to commit infanticide in the belief that they were helpless to do anything else about their problems. Finally, the women were not blessed with inattentive friends or relatives. They were circumscribed on all sides with people who did not hesitate to call authorities when they suspected foul play. Whether relatives or friends acted out of desires to teach the women a lesson, to punish them for their perceived initial moral transgression of having had a child out of wedlock, to make themselves feel morally superior to the criminal women by turning the latter in, or simply to uphold the law, turn the women in they did. Once authorities were contacted, what Dobash,

\textsuperscript{2}See the files of Alice Wilson, Emily Dimmer, Elizabeth Duff, and Sophia Usher.

Dobash, and Gutteridge call a "carceral net"\textsuperscript{4} was thrown around the women; such a net brought with it arrest, trial, imprisonment, and for five of these individuals, death.

ARRESTS, CONFESSIONS, AND FORMAL STATEMENTS

Alice Wilson was an unlucky woman in that her mother's neighbor, perhaps an old friend and neighbor for many years, confronted her over Alice's missing infant. Alice confessed by replying, "I may as well tell you the truth it's in Sarah Ling's Pigstye." The neighbor admonished Alice by saying "if it's in Sara Ling's pigstye go and fetch it out directly." But Alice admitted "I can't I buried it . . . I lost it in the well." The unnamed neighbor pressed on: "I said if it had been in the well you would never have got it out -- there is a well about a yard from Sarah Ling's pigstye . . . the well two or 3 yards down to the water perhaps more." Alice's mother became involved at this point, whereupon Alice, beset already by the hardships of trying to raise two children (the youngest illegitimate) alone after the desertion of her husband and with no money and no job skills, burst out: "if you had had to do as I have had to do you would have made an end of yourself & the other &

"This outburst was followed by a suicide attempt (by drowning) whereupon Alice's mother locked Alice in her house and sent for the police. Superintendent of police for Howden Mark Green responded to this call for help and went to the home of Anne Harrison, Alice's mother, armed with a spade. Green dug in Sarah Ling's pigstye and turned up the body of Thomas Wilson, eight months old. He found the body "about a foot deep" in the pigstye, after which he took Wilson to the local lockup and charged Alice with the "willful murder of her own child." Alice was clearly undone by her crime and its discovery—factors that undoubtedly contributed to her suicide attempt—and Green testified to such at her trial: "She said no no—not wilful -- I didn't do it wilful. I did not intend—She was in tears."

Unlike Wilson, several murdering mothers denied upon being confronted by their accusers or the police that they ever had a child. Elizabeth Duff refused to acknowledge she had ever given birth to an infant, but superintendent of police for Devonport John Lynn persisted in questioning her, conscious all the while of a very offensive smell in Duff's room. The source of the smell was the charred body of Kate, Duff's murdered infant. Likewise Maria Tarrant disavowed the existence of her murdered son when questioned by Benjamin Millard, superintendent of police at Cheddleworth: "I asked the prisoner what had become of
the child that she had at Mortimer Hatch on the Monday before Good Friday. She said she had none." Agnes Pattinson repeatedly denied to police ever having been in a workhouse and ever having had a baby. When a nurse was summoned to assist Ann Hawkins immediately after she gave birth, Hawkins denied vehemently that she had just had a child—in spite of profuse bleeding and the presence of an afterbirth on the room's chamberpot: "'where is your baby Ann? she said 'I have not got one'."

From the specific cycles of arrest and confession can be inferred several conclusions. First, it is noticeable that in almost all of these cases the mother initially denied having or ever having had the child she was accused of murdering. While the first reaction one might have to this denial is to speculate that the woman denied having had a child to try to avoid the detection and discovery of her crime, there are at least two other possible ramifications evident in this almost universal denial response. First, to follow the line of speculation regarding "learned helplessness" cited in Ewing's work, it has been observed that not only does a seriously depressed and battered woman "contemplate or attempt suicide" frequently, but "chronic psychological distress manifests itself in some form"; usually "one of the psychological consequences of being battered may be that the woman
becomes physically abusive to her children." The extreme poverty, the physical, mental, or emotional isolation, the familial and peer rejection experienced by such a large majority of these infanticidal women undoubtedly left them depressed enough to contemplate committing suicide. Furthermore, if one accepts that familial or peer rejection or the rejection of a male who seduced and then abandoned a woman constitutes "battering," all of the murdering mothers in this survey classify as battered. In such a case, a woman who committed infanticide might be said to have battered her infant as much as she felt battered by circumstances and individuals in her life; that such battering led to death was irrelevant to a woman who either had tried to commit suicide or had expressed a desire to do so. Her infant simply preceded her in death, and she wanted her own demise to follow that of her infant's.

Second, at least one psychologist has defined "the Medea Complex" as a "situation in which the mother harbours death wishes to her offspring, usually as a revenge against the father"; not surprisingly, "there is considerable resistance against admitting these thoughts to the consciousness of the mother . . . but they are of

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5Ewing, 11 (first quotation); 12 (second and third quotations).
general occurrence." The "Medea complex" is interesting to contemplate in conjunction with these women; because so many were seduced and abandoned by men or because their lovers refused to help support the children they fathered, it is within reason to suppose that subconsciously at the very least the women sought some form of revenge against their betrayer. This is not to say that all these cases of infanticide were deliberately premeditated; evidence indicates otherwise. But psychologically speaking, since so many women were depressed, suicidal, and apathetic, why should they not be supposed to have harbored, subconsciously, murderous thoughts towards the men that they transferred, again subconsciously, to their infants? This aspect of these cases, along with suicide and depression, deserves further detailed study.

After denial came confession—but usually only after the accused had been counseled by a police officer or an acquaintance to tell the truth. Agnes Pattinson tearfully confessed following her initial denial, but she did so only after being kindly talked to and treated by Mary McGowan, her workhouse matron. That nearly all the women admitted their guilt after only a perfunctory denial says several things. The most commonsensical approach to such a confession of infanticide would be to think that in

almost all these cases the "proof" of guilt seemed undeniable—whether it was physical evidence, eyewitness accounts of the crime, or damning circumstantial evidence. When faced with any or all of these, even the intellectually weakest of the women admitted guilt. That only a tiny fraction of these women—three to be exact⁷—steadfastly denied their guilt is unusual. However, remember that Baker and Barry were not the mothers of the children they helped murder; Barry was executed for her part in the crime, and Baker was the only woman in these thirty that received extremely negative press. In fact, even though a jury of matrons discovered her pregnancy, which meant that she was able to escape the death penalty, such extremely negative publicity led to public demands for her execution.⁸ The judge in Maria Jewers's case, Mr. Justice Byles, had sufficient doubts about Jewers's guilt that he wrote the Home Office that he was not "quite satisfied with the verdict" of guilty and recommended a sentence of "eighteen months imprisonment with hard labour"⁹ rather than death.

⁷These three were Cecilia Baker, Maria Jewers, and Ann Barry.

⁸See file of Baker/Hale.

For the other twenty-seven women a confession of guilt acted in their favor with relatives, arresting officers, and the justices who heard the cases. In case after case, the actual language of the confession revealed that the woman knew "she had done wrong"; that she knew her act was evil and morally repugnant to society—"the devil tempted me"; and that she was sorry: "I should never have done it" or "she wished she had not done it."\(^{10}\) Undoubtedly observers and officials both heard in these confessions evidence that the women realized the magnitude and implication of their criminal acts and sought society's and the legal system's absolution for their crime. Perhaps the listeners heard in these confessions the beginning of redemption, and because the women were "good" enough to admit their guilt and did not consistently, adamantly deny it, such confessions worked in their favor when it came time for a sentence either to be imposed or to be respited by the Queen. Perhaps these Victorian listeners believed the Christian adage that "confession is good for the soul"; if one could confess one's guilt then perhaps one's soul really could be saved.

\(^{10}\) See the files of Maria Tarrant (first quotation); Elizabeth Duff (second quotation); Agnes Pattinson (third quotation); and Sophia Usher (fourth quotation).
Whatever the reason, a guilty confession by a woman in these circumstances acted in her behalf and was one action she could take to save herself from the gallows.

In more than one of these cases the women were unable initially to give a coherent confession of guilt to anyone--relative, acquaintance, or police officer. They were usually too overcome emotionally even to have the faculty of speech, so they became victims of their own femininity and wept through their arrests. No fewer than seven women "cried and fretted," exhibited "hysterical affections," confessed "in tears," "was distressed and crying," "appeared in great distress of mind," or "burst into tears" while confessing or "cried bitterly" after the confession was complete. ¹¹ While such testimonies may seem maudlin and melodramatic now, in the collective Victorian mind such feminine behavior as weeping would seem proof of the women's very femininity and weakness and inferiority. While in a few cases it signified true mental instability, more often than not such emotional displays reinforced notions of female inferiority but also signified maternal feelings as well. If a woman could feel distressed and distraught over the death of her

¹¹See the files of Ann Padfield (first quotation); Margaret Hannah (second quotation); Alice Wilson (third quotation); Elizabeth Griffin (fourth quotation); Emily Dimmer (fifth quotation); Agnes Pattinson (sixth quotation); and Jane Revill (seventh quotation).
child, then even though she was the murderer of that child she still had enough of the maternal impulse left to indicate to her judge and jury that she was still human enough and good enough to warrant respite and not death. Tears, perhaps more than any other feminine response, seemed to indicate remorse on the part of the murdering mother and were just what was called for to prove her innate maternity. The only murdering mother who was executed for child murder was Selina Wadge, and she was the only mother among this group to be described physically in the notes to her trial. Unlike the weeping, fretting, hysterical, anguished other mothers, Wadge was "a strong fine young woman with rather determined and intelligent features. When the matron spoke kindly of her she was very much affected, but during the rest of the trial behaved with great firmness." It is interesting to speculate whether Wadge's dry-eyed arrest and trial appearances contributed to her guilty verdict and to her execution on August 15, 1878.

One final important characteristic of these confessions is that most of them implicated only the woman involved and no one else. Most women, in fact, did "'speak the truth and [did] not . . . implicate another." The wording of several confessions is noteworthy for bluntness and directness: "I did it and it can't be undone"; "I have done it"; and "I have done it and no one
else." But the consequences of trying to implicate falsely another are vivid and graphically illustrate the importance of perceptions of honesty and truthfulness on the part of the accused to juries and judges. Selina Wadge once more was the exception to the rule. Wadge, the only mother executed, was also the only woman to implicate consistently another person—her "man," James Westwood. No motive for her infanticide was established other than that Wadge was somehow convinced that Westwood would not marry her unless she got rid of one of her two illegitimate sons. Harry, the youngest and a cripple, became the victim. Westwood was unconditionally exonerated at the trial, but Wadge, either irrationally angry at Westwood or panicked by what she had done, consistently implicated him in the murder. Damaging testimony from Wadge's aunt and mother that "she [Selina] was always a liar" and that "Selina has never been a truthful girl" irrevocably altered the judge's view of Wadge's conduct. As he wrote to the Home Office to explain why he did not concur with the jury recommendation to mercy after a guilty verdict had been returned, Mr. Justice George Denman indicated how important it was for a woman being tried on infanticide charges to appear to be

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12See the files of Agnes Pattinson (first quotation); Elizabeth Duff (second quotation); Lydia Venables (third quotation); and Elizabeth Ellen Trevett (fourth quotation).
contrite, honest, and willing to accept full responsibility and punishment for her homicide:

The verdict was in my opinion inevitable, if the Jury believed the witnesses all of whom gave their evidence with the utmost apparent honesty and truthfulness. . . . especially looking at the . . . falsehoods told by the prisoner. . . . If Westwood's evidence was true the prisoner's conduct towards him seems to have been unaccountably cruel and malicious. And I must say that I could see nothing either in his demeanor or evidence to induce me to think that he was swearing falsely.

This passage clearly highlights the great importance given to perception by this judge; since the Home Office did not reprieve Wadge's sentence, one must assume that other Victorians laid equal stress on the moral values of honesty, truthfulness, and contriteness. There are many interrelated reasons behind Selina Wadge's eventual execution, but Patrick Wilson's blunt albeit simplistic assertion that "Selina Wadge . . . would not have been hanged if [she] had not attempted to incriminate [her] lover"\textsuperscript{13} is astute.

One interesting legal aspect of these confessions is that several occurred only after the suspects were badgered, harassed, or coerced— at least that is how it may appear to modern readers— to confess by both civilians and police officials. Alice Wilson's mother and the

\textsuperscript{13}Patrick Wilson, Murderess: A study of the Women executed in Britain since 1843 (London, 1971), 190.
mother's neighbor "pressed" Alice for details of her child's disappearance. John Lynn's questioning of Duff was so close and unrelenting as to read like a strict inquisition. Nurse Auberry "insisted" on Ann Hawkins's telling her where her dead infant was. Likewise Mary McGowan prodded Agnes Pattinson to confess. Only in the Selina Wadge case was a confession stalled or deliberately delayed. Wadge attempted to confess to Louise Downing, wife of the master of Lancashire Union (where Selina was lodged), but Louise admonished her "'I sd 'don't confess to me but confess to the proper authority.' the prisoner sd 'oh Mrs. Downing I did it I put Harry in the water---_'".

In only four cases—those of Agnes Pattinson in 1863, Jane Revill in 1866, Ann Barry in 1873, and Selina Wadge in 1878—were the suspects cautioned by police authorities against making incriminating statements or "read their rights" as the phrase would be today. The earliest caution was contained in the Pattinson file. On her arrest at Bowness in the Lake District by police constable John Greenbank, Agnes was cautioned by him: "I cautioned her that whatever she might say would be given in evidence against her on her trial." Hearing this, Agnes denied having had a child and recanted only after her workhouse

\[14\text{See the files of Alice Wilson, Elizabeth Duff, Ann Hawkins, Agnes Pattinson, and Selina Wadge.}\]
matron urged her to. In 1873 Ann Barry was brought to trial for helping her employer, Edwin Bailey, kill his illegitimate daughter. David Raiole was the Horfield or Staverton superintendent of police who arrested Barry. He described the incident:

I told her I was superintendent of police. She was about to say something. I cautioned her. Her husband was present -- he advised her to say nothing. She said nothing further then. I was afterwards present at Lawford Late. Her Husband in her presence said his wife wished to make a statement. I said mind it must be a voluntary statement and he said yes. ... I took a pen and I wrote down the statement and she signed it.

Upon Selina Wadge's arrest by Edward Barrett, police constable of Launceston, he told her plainly that "I am going to ask you a few questions but you are not bound to answer them." Barrett asked, and Wadge answered.

Finally, Jane Revill was questioned closely by the judge in the trial, Mr. Justice Mellor, as to whether she knew "the nature of the charge that [she was] pleading guilty to," and he questioned Revill's female warder and male gaoler as to her state of mind. Then he turned his attention to the arresting officer, Chief-constable Freeman, and questioned him closely; Freeman gave this account of the case:

On the 1st May I went to Newark, and there apprehended the prisoner. I said to her, "A child has been found in an ash-pit [privy] in Gaunt's-yard; they say it is yours. The coroner will hold an inquest this evening or to-morrow morning, and I
shall not charge you until after the jury have given their verdict." I then cautioned her, and said, "You can, if you like, tell me where your child is." I was not quite sure that the child found was hers, and I thought if she told me where hers was, that would be some guide.—"

Mr. Justice Mellor interrupted and admonished Constable Freeman at that point:

It is your duty to listen, but not to invite communications. If a prisoner makes a statement, it is proper for you to listen, but you have no right to ask questions. You should keep your ears open, but there ought never to be any inducement held out for a prisoner to make observations.

At this point "examination resumed," and Freeman continued: "She made no reply, and I brought her to the police-station at Nottingham, where I showed her the child. She cried when she saw it, but said nothing." Upon being questioned by Mr. Bristowe, a lawyer who had been asked by Mellor if he had "any objection to undertake to watch the case for" Revill, Freeman admitted "I had no warrant."

These remarks by both arresting officer and trial judge supply information that is usually missing from a file. Very few of these thirty files had newspaper accounts in them, so such complete verbatim transcripts are unusual and helpful. In many of the files there are gaps in the record of the chronology of the crime, the arrest, the trial, and the sentencing, but from the passages just cited it is possible to infer several things
regarding all the cases. First, "leading" the suspect to make a confession by insistent questioning or "inducement" of any kind was improper behavior on the part of police officers, according to Mellor and thus probably other judicial officials as well. Acceptable police procedure included only listening, observing, and perhaps writing down what a prisoner might say or do, but a statement could not be forced. Obviously judges had no control over the course of behavior pursued by neighbors, relatives, or friends in eliciting confessions, but Mellor was not concerned with those people. Second, an arrest warrant should have been in hand by Freeman before he arrested Revill but was not. Such a detail does not seem to have hindered the legal process in 1866 or jeopardized the outcome of Revill's trial, but the mere fact of its mention seems to indicate that having one in hand was a normal requisite for an arrest to take place. Third, it is obvious from Mellor's meticulous questioning of Revill to determine if she knew what she was "about" that he might have feared her confession had been coerced and that she in fact had not killed her child. A coerced confession could conceivably have led to an innocent woman's conviction in some circumstances. Mellor thus indicated his concern that a woman might say something untrue or incorrect under duress that could then be used against her in court. The judge also seemed to be putting
Freeman in his place by scolding him for overstepping his authority in the Revill case. While no judge could totally control any aspect of police behavior, undoubtedly word would have spread in police circles that Mellor was a judge who went strictly "by the book" and perhaps other officers would modify their behavior accordingly. What Mellor seemed to be intimidating was that police had only the duty of apprehension of suspected criminals if there was sufficient cause or evidence to do so and that police should leave legal procedures and judgments up to judicial officials and the legal system. In a sense, Mellor as a judicial expert rebuked Freeman, a representative of police knowledge and expertise, and admonished him not to leave his area of expertise to trespass into the legal arena--Mellor's area of expertise. Since Mr. Justice Mellor heard others of these cases, one can probably assume his legal admonitions to be standard for and representative of the mid-Victorian period. His attitude towards police--they had their function to apprehend criminals, but judges and juries must judge, interpret, and sentence criminals--no doubt was representative of other judges of the era. More important, throughout the whole exchange Mellor's concern for the accused defendant was evident, and as a result of this concern Revill undoubtedly received a fair trial in spite of the irregularities attendant upon her arrest. Coincidentally,
Mellor was also concerned that the trial not be reversed because of improper procedures.

Once a woman was arrested and had confessed to a crime, a formal statement of the circumstances leading to the crime and the particulars of the crime itself was made. Police procedure of listening to a woman's story, writing it down, and then having her sign it has been demonstrated. Usually such a statement was short, graphic, and concise, testimony perhaps to the superior writing skills of even the most junior constable, and was placed as evidence against a woman at her trial. Usually only one statement was made, but in rare cases like that of Ellen Welsh in 1861 a woman made two separate statements. In Welsh's case, in her first statement she took all the blame for her infant's death on herself because she felt that was the way to get the baby's father, John Manion, to marry her. However, when Manion refused to marry her, she changed her story and laid much more of the blame on him, including accusing him of the actual murder (by drowning). The jury in Welsh's case did not penalize her for her inconsistencies. Like most of the other statements examined, Welsh's final one was similar to Lucy Lowe's in its simplicity and conciseness:

"On the 14th day of March, when I left Turvey [Irvey?] station the weather was very cold I wrapped the child in three shawls and carried it along until I got through the
Stagsden gate when the child had another fit and died almost immediately."

INITIAL INCARCERATION AND TRIAL

Physical evidence and familial or police suspicions were the two ingredients necessary for authorities to arrest a woman for willful child murder. Once either or both were in police possession an arrest took place, and the suspect was immediately taken to the local or county gaol or lockup. In the nineteenth century, as earlier, crime was tried locally, and accused criminals were jailed in the city or county in which their crimes had been committed.

The bottom rung on the English judicial ladder was the magistrates' court. Magistrates "were usually members of the landed gentry," laymen who "often held proceedings in their own homes."¹⁵ Higher up, the court of Quarter Sessions consisted of an assembly of the justices of the peace for each county and was held, obviously enough, four times yearly. Justices of the peace were laymen appointed to their (mostly unpaid) posts by the government. For my purposes the top rung of the judicial ladder was the Assizes, wherein the gravest crimes were tried by a circuit judge before a jury. In the nineteenth

century justices of the peace and magistrates heard and recorded evidence for the prosecution of crimes and decided whether the evidence was such that the accused should be made to stand trial either at Assizes or Quarter Sessions. If an appeal was made in either of these two courts it went to the High Court. An appeal from there went to the House of Lords.

Once a person went before a justice of the peace or a magistrate, if the evidence warranted, a grand jury would be called. This jury considered the charges or "bills of indictment" that were brought against the accused. If this jury thought there was a legally sufficient (prima facie) case, they "found a true bill," whereas if the evidence was insufficient in their opinion, they wrote "ignoramus" on the bill. If a "true bill" was found, the accused was put on trial. Since each and every one of the thirty-two accused individuals underwent trial by jury, one must assume that their cases appeared before a grand jury as well.

These thirty cases follow almost an identical pattern of arrest, initial incarceration, trial, and imprisonment. The typical sequence can be illustrated by the case of Maria Jewers. She was apprehended for willful child murder "by George Beaker a Sargeant in the Poole Police Force . . . on the 15th June last [1872] and brought before the Poole Justices on the 17th June last and then
handed over to the Hants constabulary. She was tried yesterday [December 3, 1872] at Winchester [Winter Assize] and found guilty of wilful murder." This report, made by superintendent of Poole police Stephen Hunt to support his claim to the £50 reward offered\(^{16}\) for clues leading to the killer of Jewers's child, not only succinctly outlined the chronology of arrest, initial incarceration, and trial but also illustrates how quickly the wheels of nineteenth-century English justice turned in murder cases. The two-day lag between day of arrest and appearance before the justices was apparently not unusual, nor was the relatively short length of time—six months—between arrest and trial. That Jewers appeared before justices of the peace while Elizabeth Griffin was taken before magistrates indicates that not much difference existed in the minds of Victorians between the office of magistrate or justice, as it seems to have made no difference in the handling of these cases.

The initial incarceration these women underwent was in a local or county jail or house of correction, where they were usually held in separate wings working in silent groups. As the century wore on, "women . . . awaiting

\(^{16}\) The file of Maria Jewers contained a wanted poster offering a reward of £50 to anyone who could help the Crown find the perpetrator of the crime. The Crown put up the reward money, but the money was awarded according to recommendations made by the local police officials handling the case.
trial were increasingly being segregated in distinct institutions such as Newgate or in separate wings of mixed prisons."¹⁷ Such segregation was intended to prevent prisoners being contaminated—more than they already were—by male prisoners.

Because infanticide was a capital offense, murdering mothers were held in prison from the time of their arrests until the Assizes met in their locality or county. Unlike the sometimes domestic settings of magistrates' courts, "the occasion for judicial spectacle took place in the bi-annual visits of the red-robed, elaborately wigged justices of the Assizes."¹⁸ Assizes were usually held in summer and winter, although two women¹⁹ were tried at spring Assizes. Although their pomp and circumstance had diminished since the previous century, Assizes were occasions of impressive solemnity. The spectacle was theater of the admonitory designed to awe, frighten, and deter observers from committing the crimes under adjudication. And since willful child murder was perceived to be so epidemic in mid-Victorian England, one can well imagine the weight and importance given to both spectacle and lesson during child murder and

¹⁷Dobash, Dobash, and Gutteridge, 63.
¹⁸Ibid., 30.
¹⁹See the files of Elizabeth Duff and Elizabeth Ellen Trevett.
infanticide trials.

Nineteenth-century Victorian trials were not just sumptuous spectacles nor simply visual lessons in Victorian jurisprudence. They were also good stories that made for frequently lurid reading. When published in newspapers, in fact, trial transcripts provided the contemporary reader with everything that a modern soap opera aficionado could desire—seduction, betrayal, abandonment, pregnancy, birth, hardship, disease, murder, and injustice. The tax on British newspapers had been repealed in 1855, and at reduced rates, sometimes as little as a penny a copy, the circulation of many metropolitan London and various county newspapers increased substantially.20 One type of article that helped boost readership was that of "domestic subjects of a sensational nature"21—and obviously child murder cases could be included in this description. By the 1850s the public's perception of crimes of infanticide as having reached crisis proportions—perceptions spurred on indubitably by newspaper accounts of infanticide trials—"provided grist for the mills of an expanding press."22


But today's researcher can be extremely grateful for the salacious reading preferences of mid-Victorian newspaper audiences, since in several of these case files the most complete description of the case is given—much more complete than that given by the handwritten trial notes contained in Home Office records—in a long, usually front-page article wherein the facts of the case are presented in surprisingly straightforward, matter-of-fact, impersonal tones. In fact, most of these articles read like trial transcripts, for they were presented in question-and-answer form and seem only to contain what a court reporter would include in an official account of the case.

The case of Jane Revill was reported in the Nottingham and Midland Counties Daily Express of Monday, July 23, 1866. It was the focus of the front page and occupied thirty-seven and one-half inches of double-columned space. It was set in the smallest possible type size and is read even now only with the utmost concentration and attention. A close examination of this case's format, content, and some specific language is in order so that it may serve as a model for the trials of all thirty women. It is safe to assume that conclusions extrapolated from these three aspects of this case are applicable to a large degree to all thirty cases, since all thirty women went on trial for the capital offense of
willful child murder before a judge and jury; all but three of them pleaded guilty to the crime; and all but one (Leah Raynor) was found guilty of murder, sentenced to death, and (except for Cotton, Barry, and Wadge) then had that death sentence respited by the Crown to penal servitude for life.

The account of Jane Revill's trial falls below the column heading "Nottingham Summer Assizes. Crown Court, Saturday.--(Before Mr. Justice Mellor.) Business was resumed in this court precisely at nine o'clock. THE CHILD MURDER CASE." The fact that, according to this heading, there was only one child murder case, not several cases, tried during this Assizes session might account for the inordinate amount of attention this particular case received in the press. It is hard to imagine even two cases, let alone one, receiving much more column space than this one case was given.

Immediately following the headline was a thumbnail sketch of the case: "Jane Revill, 18, servant, was arraigned at the bar on a charge of wilfully murdering her male child, at Nottingham, on the 16th April, and pleaded guilty, begging for mercy." Then was listed the names of those for the prosecution--"Mr. Mellor and Mr. H. Smith." Next was given a physical description of the prisoner,

23 Her name was spelled like this in the newspaper account of her trial; in other items in her file her name was spelled Reavill.
with an added comment on her mental state: "The prisoner is a person of respectable appearance, and was in tears nearly all the time she was in the dock." The first words of Mr. Justice Mellor, the judge, to the prisoner indicated the seriousness of the charge brought against her and reflected the judge's explicit efforts at the beginning of the trial to determine if the prisoner was in such a mental state to know what she was doing and to understand the legal implications of her plea of "guilty" to the capital charge of willful child murder.

Judge: Do you understand the nature of the charge you are pleading guilty to?
Prisoner: Yes.
Judge: Just attend to me. You understand that you are pleading guilty to the wilful murder of your child?
Prisoner: Yes.
Judge: But have you considered the consequences of pleading guilty? I have no power whatever over the sentence. It is only the Queen herself, by her advisers, who has power over the sentence; I have none. There is but one sentence that can follow a conviction on such a charge. Now, would you like to take some little time to consider? [No reply.] Have you fully considered what you are about?
Prisoner: Yes.
Judge: Would you like to have some time to reflect whether you will persist in pleading guilty or not; or have you fully made up your mind?
Prisoner: I do not wish to wait.

After having given Revill every opportunity to delay the

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24 This statement will be discussed in greater detail in the section dealing with judges' opinions.
trial, to change her guilty plea to not guilty, the judge had to satisfy himself that she knew what she was about. Since Revill was in tears during the bulk of the proceeding, Mellor may have been particularly concerned that she did not understand the grave consequences of a guilty plea to a capital offense. His persistent probing as to whether Revill really understood her predicament continued; immediately after this exchange with the prisoner he turned to Mr. Wills, Revill's gaoler, to ask: "Has she any friends to advise her, or to speak to her?"

Informed that Revill had friends but that none of them had advised her, Mellor continued: "Is she herself in a condition to understand thoroughly what she is about?"

Hearing this, Mr. Wills replied, "I think so, my lord."

Mellor then pursued the same line of questioning with Revill's female warder:

Judge: Is she aware of what she is about in pleading guilty?
Warder: I think she is, my lord.
Judge: Has she discussed it with you?
Warder: No, my lord.
Judge: Has she said anything to you about her intention of pleading guilty?
Warder: No, my lord.
Judge: Do you think she is quite aware of what she is about?
Warder: I think so.
Judge: She understands that the charge is wilful murder?
Warder: Well, yes, my lord.
Judge: Intentionally killing her child?
Warder: Yes, my lord.
Judge: You understand that, prisoner, do you?
Prisoner: I had no intention of doing it until the moment I did it.
Judge: Do you mean to say that you killed the
Prisoner: No, my lord.
Judge: Well, that is a plea of not guilty. (To Mr. Wills)
Wills: Gaoler, just ask her if she has any wish for me to assign her a counsel to defend her, and any wish for any particular gentleman.
Judge: She does not know any counsel, my lord, and will have any body you may appoint.
Bristowe: Mr. Bristowe, have you any objection to undertake to watch the case for her?
Bristowe: No, my lord.

The trial was then proceeded with.

While Jane Revill may have been too emotionally distraught to know fully "what she was about" in pleading guilty to a capital offense, Victorians as well as modern readers could discern from the tone and length of the judge's questioning just how serious the charge was. No one reading it, or hearing it read, could accuse Mellor of glossing over or deeming unimportant the prisoner's mental faculties, nor could one accuse him of simply accepting the guilty plea at face value and getting on with proceedings. What this passage illustrates is the importance to the judiciary of determining the accused's mental faculties and state, including a determination of the moral ability of the defendant to know right from wrong. Careful questioning in this fashion helped prevent a person who was non compos mentis—insane, or unable to know what he or she was "about"—from being tried as a sane or normal person who could tell right from wrong. It
also prevented a subsequent appeal on grounds of insanity and also prevented the case from being overturned because of judicial impropriety. The passage also illustrates the use of both male and female prison personnel as witnesses in a court of law. While neither Mr. Wills nor the anonymous female warder could be considered "expert" witnesses by current standards, obviously to Mellor they were legitimate enough to be closely queried regarding the prisoner and their testimony valid enough to be accepted. What may have validated their expertise in Mr. Justice Mellor's eyes—education, experience, or official status—was not alluded to.

Jane Revill's obvious emotional distress, youth, ignorance, and low social status, coupled with Mellor's own previous experience in cases like hers, must have led the judge to intuit or to suspect that her crime really had not been premeditated. Since Mellor heard others of these cases, he probably had a good idea that Revill had not planned the crime but done it only as a frantic, last-ditch effort to survive economically.

Mr. Justice Mellor's concern that she have counsel was not universal. In many of these thirty cases, when a woman was found guilty and given the death sentence for a capital offense, one of the reasons given by both judges and signers of clemency petitions (memorials) as to why a woman's sentence should be respited from death to penal
servitude for life was that at her trial she was unrepresented by counsel. Many memorials and memorialists pointed out that defendants, due to their extreme poverty and that of their families, had no money for legal aid; many petitioners for clemency asked, rhetorically, what the outcome of a case might have been had the woman defendant been represented by counsel. Poverty and the absence of a defense attorney were frequently pointed out as being manifestations of class that pervaded infanticide trials during the century. Sophia Usher at her trial on the charge in July 1867 "was not defended by Counsel," a fact seized upon by her petition to the Crown for mercy. This petition of August 12, 1871, stated bluntly the feelings that must have applied in many similar cases: "The petitioner stood alone at her trial, and when the sentence was given, many people expressed themselves to the effect, that if she had been defended, the sentence would not have been so hard." Rhoda Baker, mother of Cecilia, objected to her daughter's imprisonment because she "had not the necessary pecuniary means to provide . . . for my said Daughter's Defense."25

25Five women are known to have gone to trial without counsel—they were Cecilia Baker, Margaret Hannah, Agnes Pattinson, Jane Revill, and Sophia Usher. However, in Revill's and Hannah's cases, charity counsel was appointed. I suspect that if more complete information on these files was available, it could be shown that more women went to trial bereft of legal counsel.
If no defense at all was the worst that could befall a woman standing trial on charges of willful child murder, how is a defense attorney like Mr. Bristowe to be viewed; he undertook Revill's case on the spur of the moment—not knowing any of the facts of the case, not knowing the defendant, not knowing in advance how he would argue the case or question the witnesses. Revill was not the only woman to have an attorney appointed at the last possible moment; Margaret Hannah underwent trial much like Revill did. As one memorial on Hannah's behalf pointed out: "But the truth is that the prisoner was penniless, & the counsel who, from charity conducted her defense, had no sufficient instructions." Mr. Bristowe, in summing up for Revill's case, addressed this very issue: "Mr. Bristowe, in addressing the jury, on behalf of the prisoner, adverted to the short time which had elapsed since he was instructed to defend her. Fortunately the facts of the case were very few." If petitioners to the Crown for mercy for a particular prisoner frequently cited the absence of an attorney as a point to consider in determining the ultimate fate of a suspected child murderer, then the petitioners on behalf of Hannah well understood the only tenuous help that a hurriedly appointed "charity counsel" offered. But something was usually better than nothing, and for Margaret Hannah, solicitor Hugh Maclean labored even after her death
sentence had been respited to penal servitude for life; he wrote several letters to the Home Office, attached to which were petitions from the citizens of Glenluce (Hannah's home parish) and its vicinity, begging for reconsideration of her sentence. While Hannah was not completely exonerated as he requested, Hugh Maclean's efforts appear to have gone above and beyond the call of "charity counsel," and they illustrate the importance given to defense counsel, including charity counsel, in child murder cases.

Another fascinating reason regarding Mellor's motive in insisting upon providing defense counsel for Revill can be found in the case of Agnes Pattinson, tried on the charge of willful child murder on August 4, 1863—a case also, coincidently, heard by Mr. Justice Mellor. Pattinson was tried, found guilty, and sentenced to be hanged, but both judge and judge recommended the prisoner to the Queen's mercy. On this point Mellor wrote on August 5, 1863, to the Home Office:

I concur in that [jury's] recommendation to mercy. She was not defended by counsel although I was informed that counsel had been instructed. I afterward heard that her father . . . was unable to employ an attorney. She is only 20 years of age. . . .

Since lack of a defense attorney bothered Mellor enough in this case to use it as a point in his recommendation to the Home Office that Pattinson's death sentence be
commuted to penal servitude for life, and since the case occurred three years (in 1863) before he presided over Revill's trial in 1866, it is not straining credulity to suppose that after hearing enough cases like that of Pattinson, at some point between 1863 and 1866 he became ever more sensitive to this issue and had made it a practice to appoint defense counsel to those defendants who lacked it. This would certainly help explain the interrogation that Mellor put the defendant and her jailers to in his opening remarks.

Once the trial "was then proceeded with," it followed a standard judicial format—witnesses were called upon to testify, mainly at first women friends or acquaintances of Revill's from Nottingham Union, where the defendant had been an inmate and where her male child had been born. Testimony from these witnesses was of the utmost importance, since the only evidence linking the crime to Revill were items of baby clothing these women had given her at the child's birth. Defense attorney Bristowe, prosecutor H. Smith, and Mellor all asked questions of the witnesses. Then the man who had found the baby's body in an open privy he was emptying, Thomas Barton, laborer, testified about events of that night. Inspector Berrington was then called upon to testify, for it was he who had taken up the body from Cault's-yard, where it was found, to the police station. Next came Mr. Chief-
constable Freeman, who arrested Revill in Newark for the crime. At that point Mr. Justice Mellor issued the severe repudiation to Freeman regarding police duties during arrests that has been discussed.

WITNESSES

After the judge's rebuke to Freeman, "examination resumed." Freeman testified that upon his taking the prisoner back to Nottingham police station, he showed her the dead child's body; "She cried when she saw it, but said nothing." Then came extremely short remarks from one William Hinton, who in February 1865 had employed Revill as a servant for only three weeks; within about fifteen yards of his courtyard, Barker-gate, was located the open privy in which Revill had deposited her baby. The purpose of this testimony was to make the link between Revill having worked for Hinton in 1865 and thus having come to know the location of the courtyard's open privy and, in April 1866, fourteen months later, having deposited her infant's body in this same privy. The fact that Revill was arrested in Newark [-on-Trent] indicates that she no longer resided in Nottingham but had made a journey back to a previous place of employment in order to rid herself of her burden. Undoubtedly the crime had been committed under cover of darkness for secrecy's sake, as one acquaintance of Revill's, Ann Ellis, testified that she
last saw her on the 13th April, at my house, when she had the child with her. She came before dinner, and called again in the evening between eight and nine o'clock. The child appeared to be quite well then. She came again the next day, I believe about twelve o'clock, without the child. I asked her where it was, and she said she had left it at the young man's mother's, in Arkwright-street.

Although this testimony put the murder on the night of April 13-14, whereas the opening statement in the case put it on April 16, another witness, Caroline Whitehead, testified that Revill had shown up at her house on April 13, asking to stay the night; Whitehead consented, although she noticed the baby's absence and asked Revill where it was. "She said she had left it at Grantham." This contradicted Revill's story to Ellis and seems to indicate the precise date of the murder—three days before the date given in evidence at the trial. It is also noteworthy as the only mention of the dead child's father contained at all in the lengthy trial proceedings.

The next witness was Thomas Wilson, a Nottingham surgeon, who was examined by Mellor; Wilson had examined the infant corpse the day it had been taken to the police station, and he had made the "post-mortem" examination on the body. His full, concise, matter-of-fact, and

26When questioned about this point, Ellis elaborated: "I know it was the 13th April when she called, because I was washing. . . . It was on the Friday." See file of Jane Revill.
professional testimony is representative of statements found in all thirty files. Some, to be sure, were longer simply because more damage was inflicted on some babies than on others, but as medically "expert" testimony, it is replete with the facts of the case.

On the 2d May I went to the police station, and there saw the body of a child. It was a male child, and appeared to be about eight months old. It was dressed in the clothes produced, and I helped to remove them. There were no marks of violence upon the body. I made a post-mortem examination the next day. The head was considerably swollen, from inflammation of the serum, and the tongue was protruding. The fingers were firmly bent, and the fingernails were of a dark color. The skin on the legs was partially dried in patches. Decomposition had so far proceeded that no very nice examination could be made of the brain. The lungs were partially congested, but not extremely so. The other organs were healthy. The abdomen was distended with gas produced by decomposition. There were no indications of disease likely to cause death. In the mouth there was a small quantity of dark-looking stuff, and also in the larynx and the gullet. There was a considerable quantity, about an ounce and a half, of similar stuff in the stomach. In my opinion suffocation was the cause of death. Supposing a living child were dropped through a privy hole, and suffocated in the soil, the appearances would be such as those presented. If the child were dead when so dropped, there would not have been that stuff in the stomach.

After further questioning by the defense counsel, Wilson continued:

I do not think the appearances were
such as would result from a fit. I think it would not be possible for stuff such as that found in the stomach to get in after death.

The testimony by surgeon Thomas Wilson is representative of that given in the infanticide trials covered in these files. Although this particular account does not label Wilson a "coroner," he serves that function in this case. In two of these cases a coroner or coroner's jury (with help from a paid medical expert) rendered a medical opinion. The remaining cases involved surgeons fulfilling the function Thomas Wilson served in the Revill case. Regardless of who rendered the medical opinion, this testimony was frequently what clinched a guilty verdict in a case.

Like the penal system's "expert" witnesses (the male gaoler and female warder) whose testimony has been discussed, a coroner or physician was yet another strand--this time medical--in the "carceral net" of experts called upon by Victorian jurisprudence to bind suspected criminals to their criminal acts. Concomitant with the increase in the circulation of newspapers that carried articles about "domestic subjects of a sensational nature" came "the appearance of the 'new' coroner." Coroners had originally been legitimized by legislation passed in 1751 that was meant "to encourage the investigation of all

27See the files of Leah Raynor and Mary Prout.
cases of sudden and unexplained death." Their importance increased—and the "expert" standing formalized—when legislation in 1836 "authorized the payment of medical witnesses at coroners' inquests, including compensation for autopsies and toxological analyses."\(^{28}\) In the case of physician/coroners, as in the case of attorneys, police, and judicial officials, remuneration for services rendered acknowledged the importance of that education, judgment, and experience essential to the services these men provided society, and in this manner they joined the ever-expanding ranks of "experts" in the "newly emerging medico-legal investigative system"\(^{29}\) under which murdering mothers were tried.

While one historian points out that until 1888 the post of coroner was an elective office and that "a candidate for the post needed no special qualifications beyond nominal land-holding status,"\(^ {30}\) evidence from these files indicated that very competent surgeons and physicians far more frequently presided over postmortems than did laymen coroners. In only one\(^ {31}\) of these cases does an unnamed coroner give medical evidence; in

\(^{28}\)Behlmer, "Deadly Motherhood," 406-7 (first quotation); 407 (second, third, and fourth quotations).

\(^{29}\)Ibid., 407.

\(^{30}\)Ibid., 409.

\(^{31}\)See the file of Alice Wilson.
seventeen cases named surgeons, "M.D."s, and "Dr."s were called in. More than one of these seventeen were labeled in trial notes "Fellow, College of Surgeons"\textsuperscript{32} or "MD, LRCS [Royal College of Surgeons]."\textsuperscript{33} Henry Palk was specifically identified as the "surgeon to the police force,"\textsuperscript{34} and many of these surgeons are referred to as "the" doctor from a specific city---\textit{e.g.}, Windmere, Bristol, Devon, and Salisbury. No information on the examining medical man was given in eight cases, although in three of these cases an unnamed surgeon was definitely known to have examined the body. In only one case\textsuperscript{35} specifically was a coroner's jury called, and that file noted that a "medical man" was called as a witness. Thus in spite of the lack of specific regulations or standards for the job of coroner, communities, police forces, gaols, judges, and juries relied on what appear to have been competent, well-educated medical professionals to deliver medical verdicts on causes of deaths. In 1859 a Parliamentary Commission on the Cost of Prosecutions "recommended compensation for coroners on the basis of

\textsuperscript{32}He was Dr. John Gay; see the file of Ann Padfield.

\textsuperscript{33}He was Dr. David Easton; see the file of Margaret Hannah.

\textsuperscript{34}See the file of Elizabeth Ellen Trevett.

\textsuperscript{35}See the file of Leah Raynor.
salaries rather than fees"\textsuperscript{36}; in 1860 this recommendation was formalized by the County Coroners Act, which carried further forward the professionalization of this service increasingly essential to effective prosecution.

If in the front ranks of witnesses are included "experts" such as police officials who investigated the crimes, found the corpses, and arrested the suspects; penal officials--warders and gaolers; and surgeons/physicians/coroners who did autopsies and postmortem examinations and delivered crucial medical opinions as to cause(s) of death in cases of infanticide, what group made up the secondary ranks of witnesses, and can they be called experts? Perhaps the largest number of this group is composed of nurses. Even though they qualified as medical personnel, then as now nurses occupied a subservient place in the medical hierarchy--thus their subservient grouping as witnesses. The case most noteworthy for a nurse's testimony is that of Ann Hawkins, who was twenty years old. A servant to one Mr. Golden, on June 15, 1872, Hawkins awoke, ill. Charwoman Jane Barns inquired if Hawkins was feeling better, and Hawkins said yes. Upon closer inspection, however, Barns observed blood on the floor at Hawkins's feet. In the sloproom Barns found the afterbirth in the chamber pot and immediately "sent for nurse Auberry." Auberry's testimony

\textsuperscript{36}Behlmer, "Deadly Motherhood," 408.
showed that Auberry verbally pressured Hawkins to admit to having had a child after Hawkins had initially denied it and to show the body to her. Hawkins did so and Auberry described it thus: "I took it from her... I noticed stay lace round neck 3 times--very tight--I tried to untie it--could not--tied with a knot. Called for scissors Mrs. Barnes cut it. Prisoner sat by but did not speak." On the basis of this testimony the jury returned a guilty verdict. But a nurse's testimony could also be used to the prisoner's advantage, as was shown by Maria Jewers's case. A nurse, Ann Cole, on May 6, 1872, had delivered the child that Jewers was later accused of killing. Cole testified that Jewers "was extraordinarily fond of the child--seemed very fond of it" and had told Cole that "as soon as she was able to go to her work again she had a person who would take the child again in Bournemouth." As a result of this testimony Mr. Justice Byles gave credence to Jewers's consistent denial of having committed the crime and petitioned the Home Office for a very light sentence. The jury in the case did so as well.

Other "expert" witnesses cited in these files included a handwriting expert in the Ann Barry/Edwin Bailey case. Bailey was suspected of having written letters procuring Stedman's powders (but which was in fact vermin killer made of strychnine and Prussian blue) from a chemist that Ann Barry then took to the mother and
grandmother of his illegitimate child as "teething" medicine. The handwriting expert's opinion that Bailey had written the procuring papers prepared the jury to find both Bailey and Barry guilty, so convinced Mr. Justice Archibald of the pair's guilt that he refused to petition the Home Office for clemency, and ultimately scuttled any reprieve the Crown might have otherwise been willing to issue. Both Barry and Bailey were hanged on January 12, 1874.

Another "expert" witness, a "co. analyst" by the name of John Horsley, analyzed the Stedman's powders that had killed Bailey's child. He testified that "they were not Stedman's powders. They were blue powders containing what they call vermin killer [strychnine and Prussian blue]." This "co. analyst" must have been a chemist or druggist, someone who today would be called a pharmacist, and his testimony certainly materially contributed to the unrespiteed death sentences of Bailey and Barry.

The lower tier of the secondary ranks of witnesses is comprised of what might be termed "official" witnesses. Not experts in the sense that police and physicians were, these people nevertheless had significant city or county jobs. The matron of Monmouth County Gaol testified at Christiana Morgan's trial regarding Morgan's mental condition during her imprisonment. Similarly, workhouse matrons were frequently called to trials to testify not
only as to the facts of a case but also to the character of the defendant. Most noteworthy among these descriptions was that given by Morgan's matron: "Her [Morgan's] 'religious information' is very limited. She is a person of weak & imbecile mind -- is cold & apathetic, though not hardened." This description is a vivid sketch of Morgan that undoubtedly influenced those who heard it. Workhouse matrons were also frequently those officials who suggested to those women suspected of child murder that they tell the truth and let the chips fall. Matron Mary McGowan's kindly exhortations to Agnes Pattinson\(^{37}\) brought about teary results. Selina Wadge's Lancashire Union matron, Louise Downing, and the union nurse, Mary Pooley, both urged Selina to confess: the former advised Wadge "to speak the truth & not to implicate another" and the latter told her "to tell the truth & where it [corpse] is." When Selina tried to confess the murder of Harry to Mrs. Downing, that matron cautioned: "Don't confess to me but confess to the proper authorities." This confession nevertheless was aired in court by Downing and undoubtedly worked detrimentally to Wadge's defense. Martha Williams, matron of Nanbert Union, was present when Mary Prout's illegitimate child was born there on April 9, 1864. She "next saw the child

\(^{37}\)"Agnes, you should not say so [deny killing the child], you should tell the truth"--see the file of Agnes Pattinson.
on Monday, 23d May at Saundersfoot, dead." She "knew the child by its features, [she] was present when it was registered." While this part of her testimony hurt Prout, Williams then acknowledged that "the prisoner paid it every attention. I saw her doing what she could for it." Prout was respited from the death sentence. Thus could testimony from workhouse personnel both hinder (by providing positive identifications of dead babies' bodies and negative character references) and help (by testifying to a mother's fond kindnesses to her child) a female suspected of willful child murder.

The tertiary ranks of witnesses might be designated family members, if witnesses are ranked in descending order of "expertness" or official authority. While family members of these women filled no expert or official capacity, their intimate knowledge of a prisoner's actions and character usually worked to a defendant's disadvantage. In virtually every case wherein a defendant's family members testified, those comments about a defendant were derogatory, negative, and hurtful to that case (perhaps this is not surprising since these cases were the worst of their kind heard by the courts and since the defendants were convicted and sentenced to death). The most deleterious comments were found in the case of the most exceptional defendant--Selina Wadge. Selina's mother Mary cast doubt on Selina's version of her crime
when she testified "Selina has never been a truthful girl." Selina's aunt Ann Wadge made a sharper point: "She [Selina] was always a liar." Alice Wilson's mother Anne Harrison eventually forced Alice's confession of guilt for murdering her child as well as an express wish for suicide from Alice. In only one case--that of Cecilia Baker--did a mother come to her daughter's defense. Rhoda Baker objected to Cecilia's imprisonment (after the trial) because "I had not the necessary pecuniary means to provide witnesses for my said Daughter's Defense." Nor could Rhoda Baker hire an attorney for Cecilia. However, this statement was not contained in trial testimony. And unlike the negative testimony other mothers gave--which seemed helpful to the convictions of their daughters--this argument did not help keep Cecilia out of prison.

Children in three of these cases testified in their mothers' trials, and here again such testimony usually hurt rather than helped the defendant. The most obvious damage done by a daughter is found in Sophia Usher's case. Emma Usher, age not given and one of Sophia's three legitimate children, testified at her mother's trial in July 1867 that Sophia had "told me what she thought of doing, to drown the child"--the baby being Sophia's fourth, and only illegitimate, child aged two or three weeks. Emma continued.

I begged her not. We went into town together & we came to where we ought
to have turned down . . . . She said we will go down the other way. That is past Trumpet Bridge. I left her in the road with the child with her. I walked on & she called me. I waited for her. She had not the child with her. She said she wished she had not done it. I said when she told me her intentions let me go on & I will put my fingers in my ears that I may not hear it go into the water.

On the basis of this damning testimony Sophia Usher was found guilty but recommended to mercy. On face value Emma's story seemed plausible enough, but another document in Usher's file casts doubts on Sarah's entire testimony. From John Price Alcock, the vicar of Ashford, the letter he sent to the Home Office on behalf of Sophia Usher certainly seemed to originate from an unimpeachable source and thus might have carried considerable weight:

[Emma was] her mother's downfall. . . . She has caused me and others . . . a great deal of trouble. She is most plausible and deceitful, a fearful liar, and not to be believed upon her oath. . . . my own belief is, that with a deep sense of shame, she [Sophia] was goaded to desperation and momentary madness at the time she threw the child into the water, by that wicked daughter, who bore witness against her.

Why no one ascertained Emma's own deficient character before the trial and why, in light of Alcock's comments, a new trial or a reconsideration of the jury's verdict did not occur is unknown. (In this letter Alcock also testified to Sophia Usher's industry, which should have stood her in good stead.) But a document like this one
puts the testimony of family members in a new perspective, and questions as to the characters of family members and their motives for testifying do arise. One wonders how many axes the parents (mothers) and daughters of these criminal women had to grind, or if they were simply telling the unvarnished, unadulterated, unsavory truth about the defendants; or if feelings of revenge, spite, or moral injury or superiority played a role in the negative testimony they gave. What this case does do is to introduce enough grounds for doubt about the daughter's testimony—and the reasons for it—that these feelings of doubt relating to family member testimony bleed over into other cases like that of Usher. Unfortunately contemporary Victorian juries were not, I suspect, cautioned on this matter, and so one has no way of knowing how many Emma Ushers testified against how many Sophia Ushers. In only two of these cases do children testify against their mothers—a young son, James Gorton, testified against Nancy Armfield; and twelve-year-old Sarah Jewers testified against Maria Jewers.

To round out family member testimony were sisters\(^{38}\), a grandmother\(^{39}\), and sisters-in-law.\(^{40}\) In every case the

\(^{38}\)See the files of Nancy Armfield and Charlotte Elliott.

\(^{39}\)See the file of Barry/Bailey.

\(^{40}\)See the files of Elizabeth Ellen Trevett and Lucy Buxton.
testimony was used against the defendant at trial, and in every case such testimony helped bring in guilty verdicts. The two glaring omissions in family member testimony were those of fathers and seducers/lovers. It is possible that fathers were deceased or no longer lived with the defendant's mother (if she had one), but since several fathers were mentioned in files, a question about why fathers could not or did not testify arises. As for legal husbands, since most victims of infanticide were illegitimate there were no husbands to be called upon for testimony. But Ann Barry's husband Louis did not testify at her trial; if he had done so and spoke of the financial hardship other items in her file documented, perhaps the execution she was sentenced to would not have been carried out. And although James Westwood, Selina Wadge's fiance, did testify at her trial, he was not the father of Harry.

Certainly men somehow related to these women did testify at their trials, but almost all of them fit into the fourth and final rank of witnesses, a group I have labeled "miscellaneous others." Among the men in this group can be found common-law husbands such as Alfred Chatterton, whose tempestuous temper and violent quarrel with Lydia Venables led her to kill her child; "lovers" like James Westwood, for whose sake Selina Wadge killed her younger son; and seducers like F. [Frederick, Jr.?] Bryant (son of Ann Padfield's employer Frederick Bryant),
whose carnal knowledge of the domestic servant led to her pregnancy and then to her crime. In this instance Padfield was supported by clergyman D. B. Mackenzie, who visited the twenty-three-year-old woman during her initial incarceration and then wrote that "there is no reason to think that the immorality which took place in her residence there originated in any degree with her. She has the manners of a simple, ignorant Country girl. The young man is known to maintain precocious propensities for vice. He is only 18." This statement, coupled with the fact that Padfield named her child William Augustus Bryant, made a mockery of F. Bryant's trial testimony, during which he denied even knowing an Ann Padfield or "anything of a baby." Padfield may not have in fact told him of a baby, but since several witnesses said that Bryant, Jr., knew Padfield, his claim of not knowing Padfield was ludicrous.

It should be noted here that very few religious figures testified at these trials, presumably because most of the women were like Mary Prout, "very ignorant in religious matters" or Christiana Morgan, whose "'religious information' is very limited." From the evidence it is possible to speculate that all thirty of these working-class women had never attended church regularly, if at all, and thus did not know any clergymen, until the time of their initial incarceration, to be character witnesses
or to testify for them. However, as John Price Alcock's letter on behalf of Sophia Usher indicated, certainly a few of the women knew lower-level church officials in some capacity. But Charlotte Elliott, who was employed by the Reverend W. Clementson prior to her infanticide, did not seem to have been influenced enough by him not to commit the crime. Unfortunately most of the contact these women had with religious teaching and clergy members came after they entered prison or were released from it.

Male employers occasionally gave substantial and positive testimony as to a former female servant's good character. David Murchie, on December 21, 1860, wrote from "Woodbank Cottage, Glenluce" parish that "Margaret Hannah was a servant in my house . . . from Martinmas [November 11] 1851 to Whitsunday 1852. Her conduct so far as I knew it was most Correct, and her modesty & reservedness were so great as to make her thought simple." Positive character references or testimony from female employers are nonexistent or undiscovered, presumably because women did not "employ" other women, or if they did, because it was not considered proper for them to testify as employers at a trial.

Other men who did testify were not related to the defendants. Most frequently working-class men--farmers, ploughmen, wagoners, miners, night soil men, and common laborers--testified as to their roles in these case.
These men most commonly found the corpses of dead infants or helped to search for them once the infants were known to have gone missing, gave rides or other help to the women on the journeys that frequently provided opportunities for the child murders, or else simply were in the right places at the right times and observed the actions of the defendants and later testified as to the location and chronology of what they had witnessed. Often these males either did not know the defendant at all or were so casually acquainted as to know her only by name. One exception to this is found in the Ann Barry file. She helped Edwin Bailey kill the illegitimate child he did not want to support; the testimony of James Atkins, like Bailey a shoemaker, explained motive and chronology in his testimony—which is the only instance of one man's testimony helping to convict and execute another man charged with infanticide:

When Miss Jenkins [the baby's mother] won the [affiliation] order against Bailey, he threatened to take the whole matter 'to a Higher Court.' I went with Prisoner Bailey to Horfield to see if we could get information about the child to take it to a Higher Court. He [Bailey] promised 1/2 a sovereign to the first person who would bring him information of the child's death.

Later Atkins remembered that "this offer . . . was made 8 of November before the child's death." On December 17 Atkins went to Bailey and asked "have you sent any parcel or letters to Horfield & he said no. I turned round &
said 'the child's dead' & he said 'Oh Good God.' Mr. Bailey paid Mr. Atkins 1/2 of a sovereign the next day. This testimony is unique because Bailey was a man and Atkins was his friend and fellow artisan. But it is unique also in that Atkins received Bailey's reward; that the court would not have suspected Atkins's motive for testifying as he did is curious. Male testimony occurs extremely rarely in these files, but then the conviction and death sentences of men tried for willful child murder was equally rare. However, Atkins's testimony does show that male testimony against a male defendant occurred, and when it did it could be just as negative and just as damning as that of women against women.

Female networking was evident in the remaining categories of "miscellaneous others." Landladies\(^\text{41}\) in whose homes murdering mothers lived testified about events surrounding the infants' births and deaths that occurred there, as did other female servants. It is not surprising that fellow female servants (often friends of the defendant\(^\text{42}\)) should be called upon to testify as to what frequently had transpired in the rooms they usually shared with the defendant at the time the latter gave birth to an

\(^{41}\)The case with the most prominent testimony from a landlady was that of Lydia Venables.

\(^{42}\)See for an example the file of Ann Hawkins.
infant later murdered. Wet nurses in three cases\textsuperscript{43} gave
damning testimony against the mother\textsuperscript{44} only to offset
such testimony with other, more positive assertions.\textsuperscript{45}

Female friends and neighbors round out the network
responsible for discovering and bringing to the attention
of authorities the criminal deeds of these murdering
mothers. Most friends named in trial notes were from the
defendant's time spent in the workhouse\textsuperscript{46}, while the
neighbors that testified were almost always female. The
garrulous questioning of Alice Wilson as to her baby's
whereabouts by Alice's mother's inquisitive neighbor has
been noted; while Emily Brampton, next-door neighbor of
Elizabeth Ellen Trevett, identified "the dead body of the
child last Monday. . . . I went--the P.C. was with me.
That was Ellen Trevett's child. . . . I saw [it] at the
dead house." Elizabeth Daunton's neighbors observed "the
dead body of an infant . . . in this ditch close to the
door of her [Daunton's] house. The neighbors on taking it

\textsuperscript{43} See the files of Emily Dimmer, Elizabeth Duff,
and Elizabeth Griffin.

\textsuperscript{44} Elizabeth Duff "many times" told wet nurse
Catherine Jessop "she wished the child [Kate] was dead."

\textsuperscript{45} Wet nurse Ann Grist said of Elizabeth
Griffin's child, "It had been suffering a little from
convulsions. . . . The convulsions were not strong
ones." This statement offered an alternative
explanation for the death that excluded any action
taken by the mother.

\textsuperscript{46} See the file of Agnes Pattinson.
out asked her if it was her child; she said yes, that she had thrown it in because she thought it would not be found, & that she knew it was alive for though it did not cry it struggled and kicked when in the water." That Daunton was certified insane on September 1, 1875, can almost surely be traced in part back to the graphic depiction of her crime by her neighbors. Both Mary Wakem and Jane Sleep, Selina Wadge's next-door neighbors, testified at the trial; Wakem identified the victim's body but then testified to Selina's fondness for him, while Sleep provided yet another negative character assessment: "Selina was always a bad girl."

Children bring up the final ranks of witnesses in willful child murder cases. The evidence from these thirty cases showed a surprising amount of testimony from children who were not related to the defendants. The Victorian judiciary's apparently ready acceptance of juvenile testimony places those children in a favorable light. Unlike the doubts cast upon the validity and motives behind the testimony of an Emma Usher, most children who were not related to defendants could no doubt be viewed as reliable because usually they were unacquainted with the suspect. In fact, from Mr. Justice George Denman's opinions of one juvenile witness in Selina Wadge's trial, all judges would be lucky to have such a witness; his own note on the testimony of Jane Dennis is
revealing: "A very young girl -- (abt 8) but extremely intelligent and apparently truthful & understanding the importance of caution." It would be interesting to know what, if any, instructions Denman had proffered Dennis prior to her testimony, but obviously Denman gave full credence to the girl's remarks. The case of Jane Grey included the testimony of "2 or 3 boys playing in the water [of the River Tyne]" who had observed Grey's placement of her infant's body in the sewer leading from the lead factory situated on the river's edge. The body of Nancy Armfield's dead infant, four-month-old Samuel, was pulled from its watery grave in the Manchester and Ashton Canal at Clifford Bridge by one John Golpin, a lame boy who used his crutch as a hooking device to retrieve the infant's corpse. No age was given other than the reference to Golpin as "a lame Boy"; in this case as in the Grey case, however, the mere fact that the testimony of these children was taken to illustrate their roles as well as the facts and chronology of the crimes is proof that juvenile testimony was valid and elicited in Victorian criminal trials. The apparently ready acceptance of juvenile testimony in Victorian courts suggests that children were seen then as miniature adults, while today stress is laid upon childhood as a state occurring prior to full adulthood that is characterized by immaturity, lack of judgment, and deficient reasoning
abilities. Obviously Victorian judges accepted juvenile testimony as they did adult testimony; at least there is no overt evidence to indicate they suspected children were lesser witnesses than were adults.

That women and children so often testified against other women is eloquent testimony to the segregated "separate spheres" of Victorian society. Women most frequently dealt with other women in the average course of a day, as did children. A mistress gave her female servants their orders; female servants roomed with other female servants. Women neighbors were usually the only ones home during the day—the men were working elsewhere, in the cities, the mines, the fields, the factories—so they could and did observe, visit, and, inevitably, gossip about the goings-on in the neighborhood. Very few doctors in these cases were called in to assist at the defendants' childbirths; most likely the women could not afford them and no doubt employers would not have wished to pay doctors' fees for delivering servants' illegitimate babies, so either nurses or midwives or other servants assisted during labor, if anyone did so. If this assertion is valid, and I think it is, then the lowest rung of the working class—domestic servants—was deemed unworthy of medical expense and received inadequate medical care. As a result, less skilled personnel probably assisted at many of these births, and one wonders
how often these lesser talents hindered rather than helped the birthing of babies they attended. Similarly, so many defendants were young, ignorant servant girls and women and probably so afraid of losing their positions if their pregnancies or deliveries were discovered that they chose to give birth clandestinely; when this happened, usually only semiskilled or unskilled females were probably close at hand to give assistance, leading to the preponderance of female testimony as to particulars of crimes of infanticide.

Female family members seem to have known the traits, habits, and characters of the female defendants much better than did male family members. However, here again the explanation can be attributed to Victorian domestic segregation and the proximity of mothers, daughters, aunts, grandmothers, and sisters-in-law. Sometimes all these women lived together, but if not they might join together in completing domestic chores that excluded male assistance. Such proximity fostered opportunities to observe each other's personal habits and traits that could later be brought up in court. Harsh and spiteful though this testimony sometimes sounded, one suspects it was grounded in many years of experience and observations regarding a defendant's personal character and was legitimated by the intimate familiarity of one family member with another. If, on the other hand, female family
members who testified against the defendants gave biased views of the suspects' characters and habits, the testimony was accepted unquestioningly by judicial officials and always worked against the suspect. Obviously, since all thirty defendants got the death sentence, such family testimony contributed materially to the successful prosecution of these cases. Research is needed to explore more fully any suspicious motives family members might have had in testifying in infanticide cases.

This lengthy delineation of the several categories of witnesses that appeared in Victorian infanticide trials like Revill's is important for several reasons. First, these trials often showcased the talents of the increasingly professional roles of police, penal, and medical personnel. In soliciting and accepting as truth the testimony of the arresting officer, the female warder or matron, the male jailer, Victorian judges placed those figures roughly on the same professional level they themselves occupied—as full-fledged members of the century's "emerging medico-legal investigative system."47 In so doing, judges helped reinforce in the public's collective consciousness the importance of the necessity for, and the prestige of, the positions held by these people.

The heavy reliance on surgeons, physicians, and

47 Behlmer, "Deadly Motherhood," 407.
coroners as manifested in my evidence attests to the professional importance and recognition the medical field commanded in criminal matters. The doctor ultimately determined whether a child had been born alive (a condition that determined whether a capital offense had occurred in its manner of death), how long it had lived, and just exactly what had killed it. Regardless of what others may have testified to having seen and heard, a doctor's opinion carried such professional expert weight that his was the evidence upon which a defendant's fate usually hung. Likewise, the importance given to coroners and their juries by legislation throughout the century is also indicative of the weight carried by the office and its holder in criminal investigations. The postmortem examination carried out by physician/coroners was of such importance to these cases that if witness testimony contradicted medical opinion or evidence in a case, the medical official's opinion carried the day. Finally, the written postmortem examination results were included in all of these thirty files. Frequently trial notes were sketchy; some but not nearly all files contained newspaper reports of the cases. A few contained police reports on previous crimes the suspects had committed, while some contained reports written by penal officials after the defendants had spent years in jail. But what all files share is a medical statement, in some cases fifteen to
twenty handwritten pages in length. These reports were of the utmost importance in criminal trials. Thus together with police and penal officials, medical experts joined judicial officials to present to the Victorian public at large a united, professional front that surely must have soothed many of the fears, doubts, and concern that public evinced regarding crime in general and infanticide in particular.

No less important in the witness ranks were the family members and total strangers who found themselves involved in willful child murder cases. Friends likewise appeared with regularity in the files. Strangers too could take time out of their lives to testify for both prosecution and defense. While there was evidence in one file\(^{48}\) that indicated that witnesses were paid to testify,\(^{49}\) one cannot imagine it being enough to make it worth the time it took to travel to court, testify, and then return home. Perhaps the fact that crimes were tried where they happened can be explained in one sense by this matter of paying witnesses (supposing ordinary witnesses were paid). It would not have taken much

\(^{48}\)See the file of Baker/Hale.

\(^{49}\)Rhoda Baker, mother of Cecilia Baker, complained to the Home Office that "I had not the necessary pecuniary means to provide witnesses for my said Daughter's Defense." Whether Baker meant professional, expert witnesses or ordinary witnesses is not known. The subject of witness payment needs further exploration.
effort to get to an Assize court if it were held at home, as it were, thus payment abuse of witnesses could have been kept to a minimum. Nevertheless, since so many of the women were so destitute, as were their families, lack of funds to pay witnesses was cited as a manifestation of inequitable treatment of members of the working class at the bar of justice.

Jane Revill's trial and the diversity and quantity of witnesses called to testify in it was representative of the diversity and numbers of witnesses in the other twenty-nine trials. This diversity and quantity speaks to several things in Victorian society. That so many experts, family members, friends, and disinterested strangers would testify (remunerated or not) speaks to that interconnectedness of all members of Victorian society that Charles Dickens wrote of so often in his novels. To paraphrase John Donne, in the Victorian society represented by these multitudes of witnesses, "no [wo]man is an island, entire of [her]self; every [wo]man is a piece of the continent, a part of the main."50 No woman was as socially isolated as she felt or perceived herself to be. Family members existed; friends were

found. Even more obvious is that unlike today, the Victorians seem not to have been afraid to get involved in these cases. Victorians seem to have viewed themselves as their sisters' keepers—a point Dobash, Dobash, and Gutteridge reiterate repeatedly; in fact, such surveillance of working-class women arose out of the fears and fascination the Victorian middle class felt towards lower-class women, women who did not adhere to the ideals of Victorian sexuality or femininity. Ironically, the surveillors of such women did not extend friendly help when it was most needed—before the women fell from grace. After their fall they were kept well indeed, in prison. Alternatively, that all types of witnesses could coalesce as they did at the trials might have meant they may have been thrilled for a chance to interrupt their humdrum everyday existence and appear in a judicial performance and enjoy their fifteen-minute period of fame. Perhaps some were forced to testify; for some it was simply their job. None seemed to have feared any sort of retribution from other family members, their neighbors, or the defendant.

SUMMING UP

With the testimony of the last witness in the Revill case, the judicial proceeding moved into a new phase. As the newspaper indicated, "This concluded the case for the
prosecution, Mr. Mellor not deeming it necessary to sum up.---" Mr. Bristowe, Revill's court-appointed attorney, then took center stage and addressed the jury on behalf of his client. Like any good court-appointed lawyer would do, especially under the circumstances that prevailed in this case, Mr. Bristowe reminded the jury of

the short time which had elapsed since he was instructed to defend [Revill]. Fortunately the facts of the case were very few, and lay in a very narrow compass. The issue was one of the greatest moment to the prisoner. The jury heard what took place before his Lordship asked him to undertake the defence, but they heard that the prisoner spoke under some misapprehension; and therefore, as his Lordship would tell them, it was their duty to decide as to her guilt upon the evidence laid before them by the prosecution.

At this point Mr. Bristowe instructed the jury as to the purpose of cross-examination---"to tax the accuracy and means of information of those who came forward to give evidence"---because in Revill's case "there was no evidence whatever of the identity of the prisoner's child & the body found in the privy, except by the clothes." The obvious reason for this fact has been noted: "decomposition had taken place, and none of those who knew the deceased in life could recognize it after death." The question before the jury, Mr. Bristowe postulated, was this: "was the child found in the privy that of the prisoner, and was it placed there by her?" If they could not on evidence forge a link between the prisoner and the
child, "there was an end to the case." Finally, "Could the jury decide that it was the same on the evidence given with respect to the clothes? That was . . . a question for them alone to consider." If the jury decided it had indeed been Revill's child, "before they could find her guilty of murdering it they must be satisfied that she put it where it was found, & they ought to be reasonably assured as to the date. Then they had to be satisfied at the time it was placed in the privy [that] it was alive."

Had the evidence "proved that the prisoner was seen anywhere near the place?" While it had been shown that Revill had been in the neighborhood, the privy was an open one. Could not "any other person . . . have gone there?" Mr. Bristowe conceded that Revill was indeed "in bad circumstances," but he reminded the jury that she "was not shown to have exhibited any want of feeling or affection for it, or to have expressed a wish to get rid of it."

Finally, "could it be thought that she determined all at once to get rid of it, or had she formed the determination some time?" Mr. Bristowe proffered another explanation for the child's demise: "was it not possible for the child to have died in a fit, and then for [Revill] to have put it in the privy, to save the expense of burying it?" But to that the judge, mindful of the physician's expertise, interjected: "The doctor said it could not have died in a fit." But the defense counsel pressed
ahead: "It might have had a fit, and the prisoner have thought it was dead." In fact, this line of reasoning concluded Mr. Bristowe's remarks to the jury: "It was not inconsistent with the facts proved that the child was placed in the privy by the prisoner, after it had had a fit, under the impression that it was dead."

Those concluding remarks by defense counsel Bristowe were eminently reasonable and provided a logical alternate scenario that did not include premeditated murder. His ingenious reminder to the jury that his defense of the suspect had been undertaken on a hurried, ill-prepared basis no doubt reminded jury members of Revill's poverty, her lack of mentors to whom she could turn for help, and her legal vulnerabilities even with his help. Undoubtedly this reminder was meant to solicit as much sympathy for the girl as it could. His emphasis upon the few real pieces of evidence—the baby clothing found—as circumstantial in nature surely was meant to place reasonable doubts in the jurors' minds as to Revill's guilt. The fact that Bristowe continued to offer as an explanation of its death that the child had had a fit, been thought dead by its mother, and thus placed in the privy was intended to cast doubt upon the doctor's decision—that the child could not have died in a fit—or, again, to plant a reasonable doubt in jurors' minds. Finally, Bristowe's emphasis on the unrecognizable state
of the infant's body due to decomposition surely must have made an impact of some sort on the jury. While Revill's situation and circumstances as given in the testimony of the case almost certainly tie her to the crime, Bristowe's alternative scenario—that the mother had shown affection for the child, that she might not have been in the area at the time of the murder, that the privy was open and accessible to all, that the body was not identifiable—was credible and a worthy one to make based upon the evidence. The defense of Revill by Bristowe was a good one and might have been a better one had he had the time and money to prepare more fully for it.

Upon the completion of Bristowe's summing up, Mr. Justice Mellor became the focal point of the proceedings. He began by concurring with the statements of Bristowe, "the learned counsel who had so ingeniously defended" Revill, "as to the jury not paying any attention to what took place before the trial commenced." It is essential to note here that in spite of the judge's instruction not to give any credence to the exchange at the trial's start between himself and Revill, the jury must have been unable to exorcise it completely from its collective memory. Mellor then cautioned jury members not to let their own personal feelings influence their verdict: "It was not a question for them whether they compassioned the prisoner; that was for her Majesty to consider."
Formally, the Crown, acting through the Home Secretary, was the sole source of legal "compassion," as only it had the power to respite a death sentence. But the jury's recommendation to mercy was essential, as was a judge's concurrence with that recommendation; nonetheless, the judge's opinion carried more weight with the Home Office than did a jury opinion.

Like Mr. Bristowe before him, Mr. Justice Mellor emphasized the importance of facts in judging the case: "The case depended upon facts which lay in a very narrow compass indeed." He then gave the jury further instructions; if they "had any reasonable doubt that the child was placed in the privy by the prisoner, she knowing that it was alive, it would be their duty to acquit her; but if they thought, under all the circumstances of the case, that she wilfully murdered it, they must return a verdict of guilty. It was their duty to decide upon the evidence, according to their honest convictions, & not give way to any suggestions thrown out, when they were dealing with a case of such importance."

VERDICTS

With these few words the jury was instructed as to their duty in Jane Revill's case. The judge made it clear that jury members should disregard any compassionate feelings the case may have elicited in them. With those
instructions in mind, "the jury retired to consider their decision, & on their return into court, after an absence of about a quarter of an hour, they gave a verdict of guilty, recommending the prisoner to mercy."

If a modern jury were to spend only fifteen minutes deciding a verdict in a capital murder trial, defense attorneys undoubtedly would call for a mistrial or would poll each juror individually about his or her attitude towards the case. But such a short deliberation period by a jury was, from the evidence in these cases, the rule rather than the exception. In Elizabeth Griffin's trial, held before Mr. Justice Blackburn at the Oxford Spring Circuit in 1861, Mr. Matthews, defense counsel, addressed the jury, which then retired at seventeen minutes to twelve noon and returned a guilty verdict at twenty minutes to one. A total of fifty-seven minutes was spent in deciding that verdict. A recommendation to mercy was attached to this verdict. Nancy Armfield, tried before W. T. Channell at the Lancaster Winter Assizes in December 1861, was the suspect among these thirty women upon whom a jury spent the lengthiest period of time in deliberation. Her file disclosed that the "jury retired, & after an absence of nearly 2 hours, found a verdict of guilty, but they strongly recommended the Prisoner to Mercy."

Several reasons can be offered to explain tentatively the short length of time it took Victorian juries to
decide upon a woman's guilt in cases of willful child murder. First and most obvious is that the facts or the evidence presented in each of these cases was so damning to the defendant that a guilty verdict was often a foregone conclusion and the legal proceedings a mere formality. Very often, as has been shown, a woman had admitted her guilt at the time of her arrest in a statement, and in it given police all the information necessary for her successful prosecution in court. Second, since there were only two verdicts that could be returned in the case of a capital crime like infanticide--guilty or not guilty--no other option was available to juries in these cases; this "lack of secondary punishment" led to capital punishment for capital offenses. The Victorian legal process did not make provisions for juveniles as the modern English system of justice would. The age of consent in England during the two decades spanned by these thirty cases was twelve and raised to thirteen in 1875; it was not raised to sixteen until 1885. Elizabeth Benyon was the youngest woman convicted (in August 1863) of child murder in these thirty


cases, and she was impregnated by her father at age sixteen; had her crime occurred after 1885, it is interesting to wonder what her legal fate might have been. Nor was incest made a crime until 1907. Benyon's father forced his attentions upon her, but that was not a criminal act in 1863. Nor were there legal penalties for the seducers of these women. As has been shown, especially in the case of Ann Padfield, if an employer or his male relatives or friends (her employer Bryant's son in Padfield's case) seduced a servant woman; or, as in Lydia Venables's and Ellen Welsh's cases, if a man reneged on a promise of marriage in return for sexual intercourse, a woman had no legal recourse. A suit for breach of promise might be contemplated, but these women were too uneducated and too destitute for that to have been a viable course of action. The point here is that the woman bore the sole responsibility not only for the child she bore but for her inability to support it as well. Juries, in returning guilty verdicts in child murder cases, were merely upholding existing laws. In all these child murder cases, since existing laws limited sentencing options and since all too often the evidence and facts seemed so clear-cut, juries returned guilty verdicts and thus upheld the letter of Victorian law.
SENTENCES

In all thirty of these willful child murder cases a guilty verdict was returned by the jury hearing the case. In twenty-nine cases the verdict was willful child murder; in Leah Raynor's case it was manslaughter. Excepting Raynor, twenty-nine women and two men were sentenced to death—the only punishment available for willful murder.

But the process did not end with the pronouncement of the verdict, as Jane Revill's case will illustrate.

With the verdict of guilty assessed by the jury in Revill's case, Mr. Justice Mellor altered his costume for the final phase of the trial. He "assumed the black cap, and proceeded to pass sentence ..." Heightening the drama was the behavior of Revill, who ended her trial the way she began it, "sobbing bitterly the while." In passing sentence Mellor undoubtedly used language similar to that used in other trials; for this reason, and because of its decidedly solemn, deadly tone, the death sentence is given here in its entirety.

Jane Revill, after a careful investigation of the circumstances of this dreadful case, you have been found guilty of the crime of wilful murder. It is a verdict so entirely clear upon the evidence, that it was impossible for the jury to come to any other conclusion. They have recommended you to mercy. I shall take care that the recommendation is forwarded to the proper quarter, but I can hold out no hopes of mercy to you. I have only to pass sentence upon you according to law. Instead of taking the utmost care to pro-
vide for the offspring you had brought into the world [no mention is made of the father of said offspring], you neglected that duty and violated it, by putting an end to the existence of your child. It is a most distressing and sad case, and I forbear to say more to you upon the subject. I advise you to make preparations for that account which you must give at the bar of God. Your life may soon come to an end, by an ignominious death. I advise you, therefore, with all penitence and with all humility, to approach the footstool of that God whose laws you have violated. From that footstool no penitent sinner was ever sent away, and may you find mercy there. The sentence upon you is this—that you be taken from hence to the place from whence you came, and from thence to a place of execution; and that you be there hung by the neck until you are dead; and that your body then be buried within the precincts of the prison in which you shall be last confined; and may God, in his infinite compassion, have mercy upon you.  

This sentence, followed by the words "the prisoner was then removed," completed the newspaper account of Jane Revill's trial.

The symbolism and language in these final lines—the death sentence—are important for several reasons. Pronouncement of the death sentence was, to continue the analogy begun with this discussion of trials for willful child murder, the final scene in the lengthy morality play that was the trial. The final stage was set when the

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53See Peter Linebaugh, "The Tyburn Riot Against the Surgeons," in Douglas Hay et al., eds., Albion's Fatal Tree, 65-117 (especially p. 65), for an almost word-for-word duplication of the latter part of this death sentence.
judge donned his "black cap"—symbol not only of death but of the dark deed being judged and punished and the full price to be paid by the defendant. It also represented the anonymity of justice just as the hangman's black hood represented the anonymity of punishment. It was also, more important, a symbol of the state's power to punish. The judge, invested with such power by the Crown and the government, was the one lawful representative of society entitled to inflict socially sanctioned punishment upon the offender. Since black is a symbol of evil as well, one can interpret the black cap as a symbol of the "evil" side of government power. If government had the power to dispense aid to citizens in times of need, it could also dispense death in its quest to punish those who breached socially sanctioned rules and modes of behavior. Murder went against the code of behavior acceptable to Victorians, and the judge symbolized all the laws of society when he pronounced the death penalty.

The death sentence, the final scene of a longer production, represented "the climactic moment in a system of criminal law based on terror."54 While this assessment of the criminal justice system was written to apply to eighteenth-century England, there was still enough truth in it to make it true to a certain extent for nineteenth-

century England as well. If all acts of the play (the trial) that preceded this final act were viewed as a progression of the least to the most serious moments in the trial, then the judge's closing speech was the denouement. If "there was," as one historian has contended, "an acute consciousness that the courts were platforms for addressing 'the multitude'," then surely the consciousness of death sentence as denouement was evinced as well. In between had come other acts, but the death sentence rang down the curtain forever.

In accordance with this ultimate function of the death sentence, the language such a sentence was couched in was of the utmost importance and strictly constructed to reinforce the terror, the majesty, and the power of the state over society's recalcitrants--its criminals. The death sentence was not only a speech; it has also been likened to a "statement" of society's expectations of its members, an "opportunity to translate [public or governmental] policy directly to the multitudes." It was, further, an "opportunity to articulate the proper order of things" in Victorian society. For these reasons, Mellor's death sentence was intoned in short, crisp initial sentences that lengthened slightly by the

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55 Ibid., 28.
56 Dobash, Dobash, and Gutteridge, 30.
57 Ibid.
end of the passage. The language was bereft of legal phrases and terminology so that even the most uneducated listener could understand it. And in its simplicity lies its severity. The judge stated the seemingly inevitable conclusion of the jury, a conclusion (apparently) solely determined by the evidence of the case. In concluding the death sentence the judge invoked the deity and advised the defendant to prepare to meet Him. In this manner "the criminal law echoed many of the most powerful psychic components of religion."\(^{58}\) In this analogy the judge was priest, the prisoner the sinner, and the Crown the earthly representative of the deity's heavenly power. This trinity duplicates the other trinity of Crown, judge, and jury. Like a priest, the judge was helpless to alter the demands of man's law and subservient to seeing that law carried out. In passing sentence of death, the priestly judge fulfilled his duties by representing "both the god of wrath and the merciful arbiter of men's fates."\(^{59}\) The priest/judge urged the penitent/prisoner to sink to the footstool of God to seek forgiveness of sins and heavenly remission of punishment--while on early only the Crown could forgive and respite a death sentence. The imagery of the closing lines of the death sentence is dual--earthly power represented by the Crown, God ruling from

\(^{58}\)Hay, 29.

\(^{59}\)Ibid.
His throne in Heaven much as Victoria did in England. The judge enforced social and governmental rules and regulations while a priest would fulfill God's guidelines. The penitent prisoner was condemned to an unholy eternity in hell—or prison (penal servitude for life)—or both. In the intertwining symbols of religion and judiciary, justice and mercy at home on earth were given heavenly dimensions in Mellor's concluding secular sermon on the evils of crime and the virtues of obedience and subservience to God's and Her Majesty's laws.

Between opening charge and actual sentence, spectacle combined with oratory served to teach the listeners a lesson—avoid crime and vice or there but for the grace of God go you. The errors of criminal ways were pointed out and held up for inspection, no doubt with the intention of inspiring fear at the same time. Even though spectacle was even more important to the eighteenth century than it was to the nineteenth, Hay's citation of a contemporary definition of a judge's duties is as applicable to nineteenth-century judges as for those in previous centuries:

a wise and conscientious judge will never neglect so favourable an occasion of inculcating the enormity of vice, and the fatal consequences to which it leads. He will point out to his hearers the several causes, when they are sufficiently marked to admit of description and application, which have conducted step by step the wretched object before them through the several
shades and degrees of guilt to a transgression unpardonable on earth. He will dwell with peculiar force on such of those causes as appear to him the most likely, either from the general principles of human nature, or from local circumstances, to exert their contagious influence on the persons whom he addresses. 60

If nothing else, this eighteenth-century outline of a judge's duties in reading the death sentence shows how clearly such duties had been handed down through the centuries through generations of judges. Certainly in Revill's case, whether Mellor's death sentence inspired fear or pity rather than terror in its audience, for the defendant no doubt such a speech invoked bitter and continuous tears and severe inner emotional turmoil.

A murder trial was the perfect legal procedure in which to remind the audience that the Crown was God's emissary on earth and had heavenly sanctions to inflict "the violence of the state" 61 on criminals in the dock. The references to God, his footstool, penitence, mercy, and sin in Mellor's "secular sermon" 62 to Revill reinforced the parallels between Victorian jurisprudence and Victorian religious beliefs: in this analogy the judge was also priest, serving both God and Crown, dispensing in his judicial procedures many religious components. The

60 Cited in Hay, 28-29.
61 Dobash, Dobash, and Gutteridge, 31.
62 Hay, 28.
paternalism of the Victorian state was reflected in the language of Mellor's death sentence, since it alluded both to the Crown and God as the only sources of mercy and respite available to the condemned.

In sum, a trial fulfilled several legal and social functions: "to move the court, to impress the onlookers by word and gesture, to fuse terror and argument into the amalgam of legitimate power"\textsuperscript{63} that would reassure the Victorian public, punish women who abrogated their maternal duties to their infants, and hopefully deter incidences of the crime of willful child murder. But if an infanticide trial did all these things, at considerable time and expense to the state, the judiciary, and other interested parties, did these trials in fact reassure a horrified public, and did they deter incidences of infanticide in Victorian society? A look at public opinion as it was manifested in these thirty cases provides some startling answers to these questions.

PUBLIC OPINION

On December 15, 1860, the date on which Ann Padfield's death sentence for willful child murder was respited to life imprisonment, William Harper\textsuperscript{64} was moved

\textsuperscript{63}Hay, 29.

\textsuperscript{64}Harper was not identified in the Padfield file; since he said he had included other letters (not in the file) with this one, it must be assumed
to write the following appeal to the Home Secretary:

Something must be done to put a stop to this increasing crime of Infanticide but severity will never meet success. Anne Padfield's commuted punishment of penal servitude for Life--dreadful as it is to contemplate, has not prevented the slaughter of 3 more infants this week in the Paddington District.

No, Honourable Sir, nothing but an alteration in the law in the direction I have named will avail, and it will afford me unbounded pleasure to receive an intimation that it is the intention of Her Majesty's Government to bring in the necessary measures this next session of Parliament.

[signed] Wm. Harper

As noted earlier, the 1834 Poor Laws made the mother of an illegitimate child or her parents solely responsible for its well-being and raising while the putative father was relieved of responsibility. If such a mother proved she could not support her child, she was entitled to receive support from her local poor rates. For such a mother this alternative usually, in reality, meant "relinquishing [her child] to the care of the workhouse." Often a mother and her illegitimate child were only "grudgingly maintained"\textsuperscript{65} in workhouses by guardians of the poor laws. In 1844, the mother of an illegitimate child that he was simply an interested observer of the problem of infanticide.

\textsuperscript{65}Ivy Pinchbeck and Margaret Hewitt, \textit{Children in English Society. Volume II: From the Eighteenth Century to the Children Act 1948} (London and Toronto, 1973), 589 (both quotations).
baby was given the right to petition justices of Petty Sessions for a maintenance (affiliation) order against the alleged father of her child. She was entitled to receive £1 a week for the child until it was six weeks old; thereafter, 2s. 6d. a week until the child was thirteen was all she could expect. "The order could be enforced by the court by 'distress' or commitment to prison. But it could only be granted . . . if the mother herself was able to bring corroborative evidence of the child's paternity."66 All told, by all the laws in effect during the initial years of these thirty cases made the lot of a pregnant unmarried woman or of an unwed mother and her illegitimate child a hard one. "If in domestic service, she would almost certainly be dismissed at once; if employed elsewhere, everything would depend on how reliable a worker she remained, both before and after the birth of her child, and the attitude of her employer, if and when he discovered her condition." Indeed, "in these circumstances, to lay the responsibility of supporting her child solely on the mother was to lay a very heavy burden on her . . . ."67

Unfortunately William Harper's letter pertaining to Padfield's case led to little, if any, immediate action taken by the government, but it does illustrate a certain

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66 Ibid., 591.
67 Ibid.
portion of the public's attitude towards the poor laws. The Poor Law Amendment Act of 1868 enabled guardians to issue an affiliation order against the putative father, although the burden of "corroborative evidence" still lay with the woman. Even when orders of affiliation were enforced, the monies received were meager: 5s. initially, then 10s.; by 1948, £1.69 As Pinchbeck and Hewitt observed, with these types of laws in force, it is not surprising that "women, the number of whom it is impossible to calculate accurately, took other steps to relieve themselves of what, both for social and economic reasons, proved for them to be an insupportable burden."70 Undoubtedly the efforts of untiring letter writers like William Harper helped shift public opinion away from blaming the murdering mother for her crime to condemning the sexually discriminating legislation that fostered a social (and legal) climate in which infanticide was perceived by these women (and others) to be their only way out. In fact, six years later, in 1866, yet another letter writer to Home Secretary Grey brought up the very point Harper had previously made.

Look at the father— he not unlikely, is searching for fun and [riches?] quite safe from the touch of the law----

68Ibid., 594.
69Ibid., 549.
70Ibid.
Perhaps the very men who tried [Elizabeth Duff] are fathers of illegitimate children. . . . Sir George, the law of bastardy as it affects women is abominable---------

The double standard of behavior and morality institutionalized in the bastardy laws was condemned by many Victorian men and women for being the basic cause of infanticide.

The economic vulnerability faced by an unmarried pregnant woman or an unmarried mother whose paramour refused to support his child was seen by many as weakening "domestic security," as did the stigma of bastardy itself. Without a resident father, no family could be complete nor could the possibility of a full family life exist. And what kind of "domestic security" could be said to exist when a mother murdered her own infant, usually for economic reasons. As George Behlmer observed, the English middle class was horrified not just by the crime of infanticide itself "but also at the cultural disintegration which such behavior implied."71

In the middle-class view, "aristocratic or libertine conduct"72 on the part of men was unchecked legally and in many cases morally, so letter writers like Harper became loud voices of middle-class disapproval.

Margaret Hannah's seduction and desertion by a fellow

71Behlmer, "Deadly Motherhood," 406.

servant was used by her defense counsel Hugh Maclean in a letter to Home Secretary Sir George Lewis to petition for respite from the death sentence: "Within a few months after her seduction, her seducer left the country, & his residence is unknown. For years she has been of a very nervous & excitable temperament, & the desertion of the father of her Child, & the mental affliction consequent on it, aggravated her excitable state." That Margaret was not the cause of her own fall from chastity is attested to by a statement from David Murchie, a former employer: "Her conduct so far as I knew was most Correct, and her modesty & reservedness were so great as to make her thought simple."

The most overtly immoral conduct found in any of these cases was that of Elizabeth Benyon's father. Her trial established that

she had been brought up in a state of great ignorance & depravity, her Father having been in the habit of compelling her to have incestuous intercourse with him & that at the period of committing the crime of which she was found guilty the Father of the said Elizabeth Benyon had turned her & the child out of doors & she had been for some time wandering about & was in a state of great destitution.

Although a jury convicted Nancy Armfield for her crime, that same jury recommended mercy "on the ground that she had not received from [James] Shepherd the father of the child the assistance she might have
reasonably expected." A magistrate begging mercy for Armfield corroborated this view: "the father of the child, evidently a hardened ruffian, gave a very unsatisfactory account of himself on the night of the murder." Jane Grey's crime followed a visit with her child's father. When her illegitimate daughter was six weeks old Grey went to Ballast to look for the girl's father. He was a ship's carpenter. On her way back home to Newcastle-upon-Tyne from this visit Grey threw the baby into the River Tyne. Upon her arrest she told police her reason for committing murder: "she'd found the child's father, & he was as well able to keep it as she was." Unfortunately for Grey, "he would not take to it." The judge in this case, Mr. Justice Smith, agreed with the jury in its recommendation to mercy because "the crime was not premeditated, but was the sudden impulse upon learning that the father of the child refused to have anything to do with it."

Widow Lydia Venables had lived for sixteen months with cabman Alfred Chatterton in 1872 when the two quarrelled violently. Chatterton slapped Venables's face and told her to take herself and her child away before he returned to their lodging; he left their rented room, after which, in her statement, Venables said "this preyed on my mind, & knowing I had no shelter for myself & child caused me to do it [murder the child]." Both judge and
jury wanted to see Venables's life spared because "the woman . . . was suffering from great want & misery"; furthermore, William Ribton, prosecuting attorney in the case, also sought clemency for Venables. She "was induced to live with the man [Chatterton] under a promise that he would marry her." Ribton continued: "He strongly recommends Lydia Venables to mercy believing that her love for the child induced her to Kill it -- & compares the incident to one that occurred during the Indian Mutiny where an officer shot his wife to save her from the rebels." The judge and jury in Elizabeth Ellen Trevett's case also noted the deleterious--one might say murderous--effect on her of the man in her life. They "deeply pity her, both on account of her youth and in consideration of the gross wrongs she has suffered at the hands of her seducer, & which preyed so heavily upon her mind." Likewise, Agnes Pattinson was seduced, "scowled at by her parents for indiscretion, and deserted by her betrayer. . . . jeered and scoffed at by her former friends and companions." As if this treatment were not bad enough, the reason Pattinson gave for killing her three-week-old illegitimate daughter upon her arrest was that "I should never have done it, or never have done so, but for my father turning his back upon me . . . ."

Juries, because they lacked the means to impose secondary punishment, did find twenty-nine women guilty of
their crimes. But as the language used in these cases illustrates, the overwhelming majority of jury members refused to condemn only the women for the crimes. And clearly the language reflects that "middle-class respectability"\textsuperscript{73} that so recoiled from the "libertine conduct" displayed by all the men involved with these women. After all, in law, in society, and in the home, the Victorian man was in charge—the woman had her role, but it was a secondary one as helpmeet and mother. So if infanticide represented Victorian cultural disintegration, it was disintegration from the top down, since the men involved in these cases abrogated their masculine roles as providers and fathers—as head of households—for these women and children. Most of the women in these cases actively sought out the fathers of their children only to be rebuffed in their quest for financial and emotional support for themselves and their infants. Lydia Venables would have married Chatterton, but he breached his promise to marry her. Ellen Welsh "had frequently connection with [John Manion]" precisely because "he always promised to marry [her] if a child was born." It is likely that all the women would have married their children's fathers if the men had agreed to it. However, betrayal and desertion were too frequently the responses the women received. These women faced justice, left behind names, stories, 

\textsuperscript{73}Thomas, 204.
dates, prison records. All too often their seducers and betrayers remained unnamed in the files and left behind nothing. Almost the last comment in Ann Hawkins's file was a note in which an anonymous letter writer averred that Ann was "more sinned against than sinning." Many other Victorians shared this same view about others of these murdering mothers.

RECOMMENDATIONS TO MERCY

Victorian juries, all male and respectable property owners, unanimously recommended to the mercy of Her Majesty Queen Victoria every single one of these thirty convicted women. This act on the part of a Victorian jury was supremely important to the fate of the female convict. The Crown respited (reprieved) a death sentence if and only if two things occurred in the trial: the jury recommended the prisoner to the mercy of the Crown and the judge hearing the case concurred with that recommendation. If a jury did not make this recommendation the judge had nothing to concur with. Infrequently, as shall be shown, a jury's recommendation to mercy was not upheld by a judge, and in these rare cases the criminals usually paid the full price exacted by their sentence. But when a

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Edwin Bailey was also recommended to mercy but his trial judge did not concur; the file of Baker/Hale does not indicate whether Richard Hale was also recommended to mercy.
jury's recommendation to mercy was delivered—and it always came when the guilty verdict was announced—it carried great weight and almost always served to keep the criminal alive.

As Douglas Hay demonstrated for the eighteenth century, "the bench could ultimately decide whom to recommend for mercy and whom to leave to hand, but they were not usually willing to antagonize a body of respectable feeling."\(^{75}\) This same truth held for nineteenth-century trials, including those here under review. Since crimes were tried locally and since jury members were drawn from the vicinity in which a crime occurred, jury members had to have been aware of the general feelings a populace held regarding a particular crime or a specific criminal. And since jury members were members of their communities it is reasonable to suppose that they shared whatever feelings their friends and neighbors held for specific crimes and criminals. In this way jurors fulfilled their legally mandated duty to find a suspect either guilty or not guilty—based upon a strict and narrow examination of a case's facts—while at the same time expressing a collective opinion about a woman's condition at the time she committed her crime and why that "condition" should have exempted her from death.

After finding Margaret Hannah "guilty as libelled,"

\(^{75}\) Hay, 43.
the fifteen-member jury "unanimously recommended her to mercy on account of the excitable state of her mind." This jury felt so strongly about this that its members wrote to the Queen and petitioned that Margaret's life be spared. "We only found the crime of murder proven by a majority of 10 to 5." And they elaborated on Margaret's mental state at the time of the crime: "She was of a most nervous & excitable temperament, and was sometimes so much agitated as to render her almost unconscious of what she was doing." Ann Padfield's jury added to the roster of qualities worthy of being cited in a mercy plea: "Verdict Guilty. We strongly recommend her to mercy on the grounds of seduction, poverty, mental anguish, & previous good character." Ellen Welsh's jury unanimously recommended her to mercy "on account of her great ignorance, & low morality & her apparent inability of discriminating between right & wrong." Elizabeth Griffin was recommended for only one reason--"her helpless & desolate state." In the case of Mary Prout the explanation was lengthier:

The jury found the prisoner Guilty, but strongly recommend her to Mercy on the ground that they thought that 'she did not do it with the premeditation even of a minute before, but that she was tempted on the spur of the moment, & on the ground of the Insanity of her family.' They thought that though they could not say she was insane, she was of weak mind.76

76 Underlining is in the original trial notes.
Sophia Usher was recommended to mercy for exactly the same reason--she was perceived by her jury "as probably not of a strong mind." Elizabeth Daunton similarly was given a recommendation to mercy by her jury due to her "weak intellect" and "imperfect intellect." The jury found her "decidedly not insane." At this point it is interesting to ponder just how these juries arrived at their conclusions regarding the mental capabilities of these defendants. The case of Christiana Morgan provides some illumination of this process. One petition for clemency stated in part: "Without impugning the decision of the Jury that she was not proved insane according to the legal definition of that term." This comment came after an excruciatingly lengthy history of the insanity in Morgan's nuclear and extended family ("father, maternal grandfather, brother, sister, and cousin") and does not mention the M'Naghten Rule, which had helped define legally since 1843 the concept of insanity. 77

77 For an articulation of the questions that form the M'Naghten Rule or Test see Rudolph Joseph Gerber, The Insanity Defense (Port Washington, N. Y., New York, and London, 1984), Chapter 3, especially pages 24-25. A very short and concise definition of the M'Naghten Rule "provides that: '[T]o establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know he was doing what was wrong'." For this definition see Donald H. J. Hermann, The Insanity Defense: Philosophical, Historical and Legal Perspectives.
The women did not testify on their own behalf, since it was not until 1898 that a prisoner was allowed to give evidence upon oath to support his [or her] own case.\textsuperscript{78} Nor did medical men testify in these three cases as to the mental capacities of the women. It must be concluded that the juries based their decisions on the mental states of the women either at the time of the crime or during their trials on the testimony of others and on what they saw and heard during the defendants' trials. Thus these opinions of juries regarding the mental capacities of the women in question were just that—opinions, and subjective ones at that. There is no reason to believe that any of these opinions were medically valid, because Elizabeth Daunton had exhibited odd and criminal behavior prior to her August 6, 1875, trial for infanticide, and of these three, she was certified insane on September 1, 1875 (\textit{after} her trial), and spent the remainder of her life as far as is known at the Broadmoor Criminal Lunatic Asylum. Since laymen composed juries, they had no training in assessing a person's mental condition, and in at least Daunton's case they were incorrect—according to the medical men who examined and certified Daunton insane—in their diagnosis. Thus appropriate caution should be used in any jury

\textsuperscript{78}Patrick Devlin, \textit{The Criminal Prosecution in England} (New Haven, Conn., 1958), 108.
assessment of a female defendant's mental state. To be fair, the juries cited herein did use the mental state a woman exhibited in her favor—-not against her—-and in this way used mental faculties as one factor upon which to base recommendations to mercy.

Nancy Armfield's jury "strongly recommended the Prisoner to mercy, on the ground of her abject poverty" and the desertion of her child's father. Emily Dimmer's jury cited "the treatment she received at home" during her pregnancy and after her baby was born for their wish for leniency for her. Jane Grey, at age forty the oldest mother of the women, also received a recommendation from her jury because the father of her child refused to have anything to do with it. Maria Jewers's guilty verdict was qualified by her jury with a recommendation to mercy for one simple reason—-the evidence that convicted her was "entirely circumstantial."

Many juries gave no particular reasons for recommending mercy to the bar and to the Crown in the cases they heard. From the catalogue of reasons given by juries for recommending mercy to these murdering mothers it becomes apparent that jury members were sympathetic to the plight of these women. While legally restricted to a narrow interpretation of evidence and facts brought forth at trials, juries nonetheless managed to circumvent the strict application of capital punishment in all but three
of these cases by finding a defendant guilty but then recommending her to mercy. Narrow and strict interpretations of legal evidence and "facts" did not keep juries from citing larger, more encompassing truths about a woman in their recommendations. Mental faculties and temperaments, poverty, seduction and betrayal, broken promises, ignorance and lack of education, low morality,\(^79\) inability to distinguish right from wrong, rejection by family, and previous good character were all used many times by juries attempting to give the woman at the bar the benefit of their realization that the crime of infanticide did not spontaneously generate but occurred within a complex web of factors, not all of which a woman could control. And in every case but three where the jury recommended mercy, the women were not executed.

In one case, the jury took an unusual route to recommending mercy. Lucy Buxton was tried July 22, 1863, at the Lincolnshire Summer Assizes before an unnamed judge for the murder of her five-month-old illegitimate child by giving it "mouse powder"—aka "Battle's vermin killer." While Buxton proclaimed her innocence, she was found guilty and sentenced to death. One major factor in her sentence was that the vermin killer, made up of "strychnia wheat flour & Prussian blue," was in a paper packet with a

\(^79\)As exemplified by the jury comment in Christiana Morgan's file: "not had a good example set to her by her mother."
written warning printed on it as well as a death's head symbol on it. As it was established at the trial that the "prisoner can both read and write," accidental poisoning was deemed unlikely by the jury that found Buxton guilty. This jury thus did not recommend Buxton to mercy. The judge did not recommend mercy to the Crown, but the whole of the jury of twelve, along with "nearly every inhabitant of Netherington [Buxton's home town]," petitioned the Crown directly on July 31, 1868, that Buxton's life be spared. The petition stated in part: "The latter [jury] are unanimous in their wish that this sentence should not be carried out, and also say that they should have recommended the prisoner to mercy, on giving their verdict, had they not thought that they were precluded from doing so by the judge's summing up." Although it reached the Crown in an unusual manner, their recommendation carried the day.

In two of the three cases where the woman was executed for her crime, the jury recommended her to mercy, but the judge declined to concur with that recommendation. The cases of Ann Barry and Selina Wadge were heard before juries that decided that in spite of their acts of infanticide for which they were both found guilty, the women should be treated with leniency and not be hanged. Ann Barry, Edwin Bailey's servant and coconspirator in the death of his illegitimate child, nevertheless elicited
among her jury and members of the public at large feelings of mercy and compassion. As an undated newspaper clipping from an unnamed newspaper explained it, the fact that Bailey had planned the murder and used his servant Barry to carry out those plans meant that he, the father, should pay the full price, but his servant should not:

The case was very lucidly stated to the Grand Jury by Mr. Justice ARCHIBALD, and the mere statement of fact, without a single word to bias opinion either way, reads like a condemnation of the accused. The evidence was of a purely circumstantial character, but it elucidated the guilt of BAILEY and his accomplice so completely that the jury had no doubt whatever. Their verdict means that BAILEY planned the murder of the child, and used BARRY to assist him in carrying out his design. It also means that although BARRY played a diabolical part she was the instrument of a more guilty person, and they [her jury] therefore recommend her "strongly" to mercy. Bailey is also recommended to mercy, and we expect that the merciful view will be adopted, and we hope it may be, although, so far as BAILEY is concerned, we confess our inability to give a logical reason for the wish. . . . Practically this recommendation has been acted upon, and many persons known to have committed murder have had their sentences commuted. We cannot say that BAILEY's case is one in which there was no malice aforethought; the poisoning, if it was done at all by BAILEY, was deliberate, and this is unquestionably a bad feature. Still, we think that the opinion of the jury, who have carefully investigated the case, and examined it in every light by the aid of the evidence brought before them, is entitled to weigh with the Home Office, and we have no doubt that Mr. LOWE will attach to it the importance which it deserves.

In spite of the jury's and the anonymous
editorialist's "expectations," Mr. Justice Archibald did not fully share their views of the defendants. As he put it:

In my opinion both the Prisoners were in point of law, rightly convicted of murder, and I am not dissatisfied with the verdict.

At the same time it is to be observed that the Prisoner Ann Barry was a person of imperfect education, a mere servant or charwoman in the employment of Edwin Bailey, and acting presumably (to some extent) under the constraint of his influence as her Master, for there was no other proof of motive on her part.

All I can do is to submit these circumstances for your consideration leaving it for you to determine whether the capital sentence ought or ought not in the case of Anne Barry be carried into effect.

Mr. Justice Archibald's opinion carried more weight than did the jury's with the Home Office, and both Bailey and Barry were executed on January 12, 1874. Ironically, Ann Barry was not the mother of the child she was convicted of helping to kill, but like those single mothers who committed infanticide for economic reasons, Barry undoubtedly felt she would have lost her job if she had failed to obey her employer's requests for complicity in the murder conspiracy. In a sense Barry was as much a victim of onerous economic burdens as were many infanticidal mothers.

Selina Wadge, who put her two-year-old crippled son Henry [Harry] Wadge down a well, where he drowned, did so
in the belief that her fiancé, James Westwood, a former soldier, would not marry her unless she got rid of one of her two illegitimate children. As was usual in many infanticide cases, the youngest and least physically fit child (Harry was "weak in the feet") was the victim. In spite of quite damning testimony from her mother, an aunt, and a neighbor, as well as from other witnesses, Wadge was tried, found guilty, sentenced to death, but recommended to mercy "on the ground that it was unpremeditated & on account of her previous love for her children." In the margins of the trial notes the judge in the case, George Denman, wrote: "This can only mean not long premeditated. GD" In the lengthy cover letter that accompanied the trial notes of the Wadge trial to the Home Office, Denman set forth explicitly his reasons for rejecting the jury's recommendation to mercy. Because so rarely did a judge reject a jury's recommendation in the case of a murdering mother, Denman's letter is important and given here:

28 July, 1878

I told the prisoner that I would forward the recommendation, but that I exhorted her to entertain no hope but to prepare for death. It is very difficult to explain the exact motive of the act; but I saw nothing in the case which went to corroborate her account incriminating Westwood. I think it more probable that the prisoner made a mistake, and fancied the child stood in her way, and probably owing to the nonreceipt of the letter putting

80 Underlining was in the trial notes.
off his visit [to Selina] (the day of which she seems to have mistaken) that he was breaking [further?] with her.

The verdict in my opinion was inevitable, if the Jury believed the witnesses all of whom gave their evidence with the utmost apparent honesty and truthfulness.

It is of course possible that her account may be true that Westwood had induced her to make away with the child, but in the absence of any facts except from which appeared before me, I feel it impossible to say that I think it probable and especially looking at the [trail?] of falsehoods told by the prisoner between the 21st and the time of her apprehension on the 23rd.

I think it right to state my present impression of the case—But if there should appear to be any ground for thinking that Westwood had anything to do with the act, though it would not be in law any mitigation of the prisoner's act, I should think it might be a ground for staying execution in order that the prisoner's evidence might be available. If Westwood's evidence was true the prisoner's conduct towards him seems to have been unaccountably cruel and malicious. And I must say that I could see nothing either in his demeanor or evidence to induce me to think that he was swearing falsely.

The prisoner was a strong fine young woman with rather determined and intelligent features. When the matron spoke kindly of her she was very much affected, but during the rest of the trial behaved with great firmness.

Geo. Denman

Denman's firmness of belief about Wadge's guilt is apparent, as is his sympathy toward Westwood and the other witnesses. That so many of these testified to Selina's character flaws—testimony that obviously influenced Denman's view of her—undoubtedly left the judge little room in which to maneuver. Nearly everything Denman said about Wadge's version is highly qualified: "probable," "fancied," "possible," "may be true," "should appear,"
"might be a ground for a stay." No one in the Home Office reading this letter—in tandem with the trial notes—would have been likely to give Wadge the benefit of the doubt. Add to this Denman's physical description of Wadge (the only physical description given by a judge in any of these cases) and he truly damned her. In contrast to Jane Revill's unrelenting sobs at her trial, Wadge sat dry-eyed and "firm." With such "strong fine" and "rather determined and intelligent features," Wadge presents a stark physical contrast to the weeping, pathetic other mothers on trial. The implication this language conveyed seemed to be that Wadge's very strength and determination led her to murder Harry in the first place and then to sustain a trail of lies to implicate Westwood in the crime. These same traits, Denman seemed to suggest, may have been what kept Selina from finally telling the truth and confessing her own guilt. Contrasting Westwood's physical appearance to Wadge's "strong fine . . . rather determined and intelligent features" seemed to be meant to make Wadge look bad or certainly unfeminine. From his description of her he obviously found her so unlike the prevailing demure, gentle, tearful ideal of Victorian motherhood that she had to be guilty. Later in the century Havelock "Ellis believed that many women apprehended for crime were male-like in appearance. . . . 'Masculine, unsexed, ugly, abnormal women . . . most
strongly marked with the signs of degeneration." While Denman did not have Ellis's dramatic flair for words, his description of Wadge can be legitimately viewed as illustrative of his prejudice against her. For this reason I find Wadge a victim of the Victorian sexual double standard. Undoubtedly Wadge did kill Harry and thus was guilty of infanticide, but for a judge to hold a woman to her jury's verdict in spite of that jury's recommendation to mercy when, as has been shown, juries were peculiarly reluctant to see a capital sentence carried out on a woman, seems duplicitous. Justice could have just as easily been served had Denman's recommendation to the Home Office been penal servitude for life. But on Thursday, August 15, 1878, Marwood the executioner appeared at the jail in Bodmin, Cornwall, at 8 A.M., and hung Selina Wadge. Her funeral expenses were £6, for which "Undersheriff Cornish needs to know to whom to apply for payment of this amount."

JUDGES' OPINIONS

The judges' impact on the outcomes of the Ann Barry and Selina Wadge trials recalls Mr. Justice Mellor's demurrer to Jane Revill: "I have no power whatever over the sentence. It is only the Queen herself, by her advisors, who has power over the sentence; I have none."

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81 Dobash, Dobash, and Gutteridge, 115.
Mr. Justice Mellor was being too modest—in point of fact, the judge had every power, full power, over a defendant's capital sentence. A judge frequently set forth to the Home Office what he thought a sentence should be, and almost invariably that sentence was applied to the specific case by the Home Office.

Mr. Justice Compton, after citing the multiple reasons Mary Prout's jury gave for recommending her to mercy, elaborated on the case:

I think it would be very inexpedient to carry out the sentence of death in this case. A great sympathy would be created for the prisoner & I think the usefulness of the Conviction would be lessened by her [Prout's] execution & that it would have a tendency to prevent the juries in this part of the country from giving proper verdicts in similar cases.

I concur in the recommendation of the jury.

Compton's observation about the reaction of jury members and the general public were given credence in a 1905 bill on the "Suggested Abolition of Capital Punishment for Women," wherein it was acknowledged that "the majority of murders committed by women are committed in circumstances which excite so much sympathy that juries—being composed of the other sex—must feel the greatest reluctance in giving a verdict which necessarily
involves a death sentence.\textsuperscript{82}

Characteristically, on the back of Elizabeth Duff's trial evidence a Home Office official noted: "Respite in accordance with the Judge's recommendation & ask the Judge what commutation he recommends." Mr. Justice Byles replied to this request:

\begin{quote}
In the case of E. Duff there are many extenuating circumstances. At the same time it is a case of taking the life of a child 15 months old. I think therefore the punishment must be penal servitude from 5 to 10 years. I do not mention any precise term, that the ... prisoner may have the benefit of any favorable view of her case that you may take.
\end{quote}

One wonders what Selina Wadge's fate might have been had Byles heard her case.

Byles again showed himself to be sympathetic to a female defendant in the case of Maria Jewers. Jewers was found guilty of killing her three-week-old infant even though all witnesses at her trial testified that "she was extraordinarily fond of the child." Furthermore, Jewers was unshakable in maintaining that she had turned over the infant to a baby minder named Haskell, who then disappeared and was never located. Byles not only concurred with the jury's merciful recommendation but did something no other judge among these cases did. He protested the guilty verdict on the basis that the

\begin{quote}
\end{quote}
"evidence [was] entirely circumstantial." Other evidence in the file indicated that the body of the dead infant presumed to be Jewers's was never satisfactorily identified. As a result of these factors, Byles wrote to the Home Office that

I cannot say that I am quite satisfied with this verdict. The mother seems to have been very fond of the child, & to have supplied it with the best clothing her humble means could supply when she left home. 83

Jewers's death sentence was respited on December 8, 1872, and because Mr. Justice Byles was so uneasy about the verdict, the Home Office queried him about the sentence he would have imposed. On December 15 he replied: "eighteen months imprisonment with hard labour." Even though this seems a harsh punishment in the face of such unconvincing evidence, eighteen months even with hard labor was much more lenient than fifteen to twenty years imprisonment would have been. Obviously from these examples Byles was a man whose sense of fairness occasionally overrode his legal obligation to bring the full weight of the law down on female defendants who might not--perhaps--deserve the burden.

Mr. Justice Mellor not only adhered to the jury's recommendation for mercy for Charlotte Elliott but also set forth what he thought her sentence should be: "I

83 The underlined passages in this citation were underlined three times in the trial notes.
recommend that the sentence should be commuted to one of penal servitude for 10 years." In fact, thanks in part to Mellor, Elliott served only seven years in prison. Mr. Justice J. R. Quain proved to be as compassionate in the Elizabeth Ellen Trevett case as Byles had been in that of Maria Jewer. When Trevett was given a death sentence concurrently with a recommendation to mercy by her jury, Quain entirely agreed with it "and think that a moderate period of imprisonment will meet the justice of the case."

As was their wont, Home Office officials questioned Quain on his opinion—"he thought "3 calendar months" sufficient punishment. But at this ultra-lenient recommendation the Home Office balked—on the grounds that such a sentence "would . . . establish an inconvenient precedent." Instead, she served four years in prison. As for the Home Office, its objection to a "3 calendar month" sentence as "an inconvenient precedent" illustrates its willingness to query and to listen, if not always to accept, a judge's opinion in one of these cases.

Three cases deserve special mention because of the unusual effects the judges' decisions had on them. In quite specific ways in each case the judge concerned determined the outcome of the case in such a way that had he not intervened, the fate of the woman involved would probably have differed greatly from the actual outcome. Leah Raynor was given a full pardon for her crime because
her judge, perhaps under community pressure and because public opinion demanded it, acquiesced to both. Elizabeth Daunton's judge, Mr. Justice Blackburn, had enough doubts about the judgment in her trial to commission an inquiry into her background that subsequently caused him to reverse his concurrence with her jury's recommendation to mercy and thus to reevaluate a prison sentence for her. Finally, Mr. Justice Keating heard Ann Hawkins's case, and in his letter to the Home Office regarding mercy for this twenty-year-old, the full scope of a Victorian judge's influence was shown in an altered sentence--this final case provided a beautiful summing up of the full impact of a judge on a Victorian infanticide trial.

Leah Raynor, a twenty-one-year-old factory operative in Chorley, was tried at the Lancaster Assizes on February 22, 1877, for willful murder of her newly born female child. After getting up at 5:30 A.M. to go to work, the "crime" occurred. "I did not know that I was in 'the family way.' I did not feel ill. I was leaning against the bed when something fell from me. I did not know what it was. I carried it downstairs & put it out of the back door I did not know it was a child. Until I was told after they had put me to bed. I had no idea I was in the family way. I did not hear any cry." The jury returned a manslaughter verdict, recommended Raynor to mercy, and she was sentenced to ten years penal servitude. However, "the
said Leah Raynor was a person of very weak intellectual capacity & the Jury offered this as one of the reasons on which their recommendation to mercy was based. . . . The woman was so ill or too imbecile to be able to act rationally under the novel & dreadful circumstances in which she had been placed by the sudden & unexpected delivery." Raynor had made absolutely no preparations for the child at all.

When news of the trial's outcome became known, the populace of Raynor's village, Chorley, went into action. They petitioned the Home Office directly and made known to that agency their feelings about the case. The petitioners thought "the sentence of 10 years penal servitude . . . was unnecessarily severe. The extreme ignorance of the girl, & her state of mind at the time" illustrated why the petitioners felt Raynor was being unfairly treated. Furthermore, it "is the spontaneous outburst of popular feeling in the Town of Chorley" that caused the petition to be made. The petition continued:

The signatures thereto have been obtained by a committee who have volunteered their services. Every signature is that of a Male householder as it was decided by the committee that no woman should be asked to sign the paper. I can only hear of five refusals to sign the document & 933 men who are householders have signed. If paid canvassers had been employed I have no doubt that at least 95 per cent of the householders of the Parish would have signed.
Further fanning the flame of popular sentiment was the fact that the jury wanted evidence to prove only concealment of birth (which carried a maximum penalty of only two years' imprisonment\(^84\)), but since none was proffered they could not judge on that ground.

Obviously the verdict in Raynor's case hit a raw nerve with the people of Chorley, and their protests to the Home Office were effective. Public opinion—especially if voiced by "respectable" jury members and male heads of households—carried a great deal of weight in these cases. Two weeks later the trial judge, Baron Huddleston, wrote the Home Office:

> The case of Leah Raynor is well worthy of the merciful consideration of the Crown. . . .
>  
> The finding of manslaughter was absurd, and appeared to me at the time to be the result of a compromise either between a verdict of murder and an acquittal or because the Jury did not think the prisoner should escape punishment altogether I having told them that the evidence did not warrant them in finding her guilty of concealment of the birth by secretly disposing of the dead body. From the memorial the latter would seem to be the case.

I felt bound as the Jury had found her guilty of manslaughter to pass the sentence I did for the sake of example as the crime of infanticide had existed to a serious extent in this county, but I privately informed the learned Counsel who defended the prisoner that I would readily assist any application that might be made to you on her behalf.

I gave the jury every opportunity

\(^{84}\text{See Sauer, 82.}\)
of acquitting the prisoner and I should not have been dissatisfied at such a verdict. She was a poor creature of weak intellect and it might well have been that the death of the child had taken place before complete parturition, or resulted from the fall at the time of its birth.

There seems to be a faintly defensive tone to this missive, as if Huddleston was defending his sentence of ten years penal servitude to both Chorley petitioners and the Home Office. His remarks regarding the prisoner's counsel and his own willingness to petition the Home Office on Raynor's behalf indicate perhaps his own view of the sentence as harsh and as well his defensive posture towards his handling of the case. Raynor was thus pardoned solely on the presiding judge's "merciful" view of the case.

Mr. Justice Blackburn heard the trial of thirty-year-old Elizabeth Dauntion during the Somerset County Assizes at Wells on August 6, 1875. Dauntion's case has been previously referred to: she placed the infant in a water-filled ditch behind her house and then watched as the silent child "kicked and struggled" to stay--unsuccessfully--alive. The body was retrieved by neighbors who confronted her with it. The woman readily admitted her act; in spite of this confession Dauntion's jury, although it found her guilty, recommended her to mercy due to her "weak . . . and imperfect intellect" and
qualified this finding with the caveat "but decidedly not insane." In his trial notes of the case Blackburn explained that at the time of the trial he concurred with the jury's recommendation, but "I have since the trial been informed that the prisoner had been previously tried for the murder of another child and found guilty of manslaughter. I am not informed under what circumstances." One wonders, reading this, why and how the judge learned of this extenuating circumstance only after the fact and what influence it would have carried had it been known prior to the trial. Perhaps it could not have been used to Daunton's detriment legally, but perhaps her jurors would have heard the case differently had this fact been known. Perhaps due to the relatively swift occurrences of legal proceedings in these cases in the nineteenth century there was insufficient time to have ascertained this fact before the trial. What is known is that once this fact was made known to the judge he acted upon it. In writing the Home Office Blackburn requested that an inquiry be made "before you determine what secondary punishment should be imposed upon the prisoner."

On August 10, 1875, Daunton's death sentence was respited; on that same day the Home Office received the report Blackburn had requested. Daunton had before been tried for infanticide on December 21, 1869, at the Taunton Assizes for the death of a six-week-old infant. She was
found guilty of manslaughter and sentenced to twelve months of imprisonment with hard labor.

1st Baby born in Uxbridge Union Workhouse--took child to East Brent--on way there took wrong turn--found secluded spot sat at side of ditch to give baby the breast. When the baby rolled out of her lap into the ditch and before she could get assistance or get it out the child was drowned.

The water in the ditch at the time was about 9 inches deep.

[by] Hy Gillaucks
Suptd. Ch. of Police

Some anonymous Home Office official deemed this "a merciful view of the case," but upon receipt of the report Judge Blackburn recommended to the Home Office that Daunton's sentence be commuted to penal servitude for life "and that if her intellectual condition improves after some years she should be released." The Home Office agreed with this and advised officials to "commute as recommended." Daunton received a conditional pardon on August 19, 1875, but was certified insane only twelve days later, on September 1, 1875, by two visiting justices, a physician, and a surgeon. Daunton's removal from the Somerset County prison "to the Asylum at Broadmoor" occurred shortly thereafter.

Elizabeth Daunton is not the only recidivist among these women; Maria Tarrant in 1856 was tried for infanticide, but an 1865 Brixton Convict Prison report showed her as having been "acquitted" for a similar crime
on June 2, 1849. Like Daunton, Tarrant's earlier crime was unknown to judge and jury until much later. But unlike Daunton's, Tarrant's judge did not have an investigation into the first crime carried out. Tarrant spent twenty-two years in Brixton and the remainder of her life on license. Had Daunton not been so intellectually weak nor had such a long list of so many previous incidents of criminal behavior and previous jail sentences, there is no reason to believe that she would have spent a few years in prison and then been released. Because Blackburn took the time to investigate Daunton's first crime of infanticide (what she was charged with), however, her aberrant behavior both in the past and at the time of her second trial came to light, she was examined by legal and medical experts and committed to Broadmoor. Undoubtedly an asylum offered Daunton more mental and medical rehabilitation than a prison would have, and that Blackburn had the capacity to realize Daunton's limitations and to realize that justice would not be served by Daunton's imprisonment in a regular prison testifies to the judge's professional competence and personal perspicacity. As a result of actions taken by her trial judge, Daunton was the only woman among this group who was declared insane and committed to an insane asylum rather than being imprisoned after her trial.

To conclude this overview of the effects of judges'
opinions let us look at the case of Ann Hawkins, a twenty-
year-old servant tried July 26, 1872, at the
Cambridgeshire Assizes "for the murder of her newborn
female child & sentenced to be executed." Heard by Mr.
Justice H. Keating, Hawkins's trial resembles many of the
others. Although the record is silent on this aspect, one
can reasonably assume that Hawkins was seduced; she became
pregnant, "very ill," and killed the infant immediately
after its birth by winding stay laces "round neck 3 times-
very tight." Neither nurse Auberry nor Dr. James Newham
could save the infant. Hawkins was tried, found guilty,
sentenced to death, but "strongly recommended . . . to
mercy" by her jury. The death sentence was respited on
August 3, 1872, to penal servitude for life. Her judge
undoubtedly concurred with that recommendation, for on
August 4 he wrote to the Home Office:

All cases of Infanticide (con-
fining the term to newly born children)
involve the great difficulty of properly
estimating the state of mind of the
mother, in the midst of unaided physical
suffering, of the most agonizing charac-
ter, producing necessarily a certain
amount of mental disturbance, and it may
be [dictated?] here for the purposes of
justice are consulted by applying to
the acts of a woman in that state, the
strict rule which should govern other
cases of an ordinary character.--------
It may well be that it would be inexpe-
dient as a rule of law that it should not
be so applied, but in considering the
punishment due to such a crime, all the
circumstances may properly be looked at.
-------- I think it right therefore to
say, that had the law allowed the sentence
to be merely recorded, and a punishment recommended by the Judge, I should have suggested that a remission of the sentence after a while to 5 years penal servitude, would fully match the justice of the case under all the circumstances.

H. Keating.

This concise encapsulation of the Ann Hawkins case exemplifies much of the spirit and consideration judges in other of these cases showed. Keating began by defining the crime, the only contemporary definition of it in any of these cases, and evoked vividly the mental and physical stresses suffered by these women as they gave birth. He then inferred that the rules of law that would ordinarily govern murder cases were not to be so strictly adhered to in infanticide cases precisely because infanticidal women were subject to "a certain amount of mental disturbance" that other murderers ostensibly would not suffer. In advocating that "all the circumstances" be looked at in infanticide cases, Keating specifically mentioned the mental and physical agonies of parturition but undoubtedly also alluded to the environmental and familial backgrounds of the girls and women who committed the crimes. Keating surely would agree with Mellor, who in Revill's case alluded to the "extenuating circumstances" of her crime, that poverty, lack of education and good examples to follow--in sum, all those reasons cited by juries for recommending prisoners to mercy and concurred with by trial judges--were "all the circumstances" a judge had to
factor into the infanticide trials he heard. Keating did not specifically mention the role of public opinion in these trials—probably because he subsumed it in the overarching phrase "all the circumstances." Without doubt most judges would have known the importance of public opinion and would have felt it went without saying that the opinion of jury and community counted—and counted heavily. For this reason perhaps Keating proffered a relatively short time of imprisonment (five years) for the crime.

When Mr. Justice Mellor instructed Jane Revill that he had absolutely no control over the final verdict and outcome of her trial, he was either being overly modest about the clout judges had in deciding these cases or he was deliberately downplaying his influence to keep the prisoner from having unreasonable hopes of being pardoned. Although only one of the thirty women was given a full pardon, nevertheless the judge in all these cases could and did recommend both a respite of a death sentence to imprisonment and set the length of that imprisonment. In case after case the Home Office queried the judge as to what length of time of imprisonment the judge felt would "meet the justice of the case," and in case after case the Home Office imposed his suggestion as the official prison sentence. Thus judges had the ultimate say in the final outcome of all these cases, even to disagreeing—in the
cases of Ann Barry and Selina Wadge—with jury recommendations to mercy, so that in these two cases the women were executed because the judge declined to support the jury's findings. In Leah Raynor's case a pardon was granted when the judge called for it, and Elizabeth Daunton was placed in an insane asylum rather than a prison when her trial judge investigated her background. In all other cases a judge's concurrence with a jury's recommendation was what ultimately kept a woman from the gallows. That only three of thirty women were actually executed testifies to Victorian judges' willingness to consider all the circumstances in infanticide trials, including public opinion; the defendant's family, educational, and environmental backgrounds; and mental and physical conditions at the time of the crime before passing judgments and sentences. Victorian judges (and juries) on the whole were compassionate, level-headed, and sympathetic to the plight of these murdering mothers. If such compassion was not on display during a trial procedure, it certainly manifested itself in documents in the woman's criminal file sent to the Home Office. If they did not suspend the sentence of a woman it was not because they did not necessarily want to do so. The Home Office would probably not have allowed a suspended

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Mary Ann Cotton was the third woman; my notes of her case are too incomplete to have included her in this discussion.
sentence in any of these cases. Why? Given the perceived commonness of the crime the Home Office would surely have seen overly lenient sentences as detrimental to prevention of other instances of the crime. Thus acting under the restrictions the government set, Victorian judges imposed prison sentences of varying lengths for the crime of infanticide. In keeping so many women sentenced to death from the gallows, however, these judges ensured that fairness in the legal system—especially by looking at all the extenuating circumstances in the cases—was upheld even if that meant an abrogation of the letter of the law by circumvention of the death sentence. Like Dickens, these Victorian judges knew that the law often needed to be bent to the needs of the heart, and in their willingness to take account of the broader outlines of social, familial, and personal failures in the lives of these women, the judges established a justice that was vindicated and validated by their "merciful views" of these cases.

SENTENCES

In almost all of these cases the initial term of imprisonment assessed against these criminal women after their death sentence had been respited was "penal servitude for life," but in truth none of the women so sentenced spent her life in prison. "Penal servitude for
life" was usually construed to mean twenty years, but twelve or fifteen years was considered an average sentence. As the century wore on the length of time a woman convicted of infanticide could expect to spend in jail shortened—primarily because judges took "all the circumstances" into consideration when they sentenced murdering mothers to fewer than fifteen years penal servitude. After 1868, in fact, traditional, full-term prison sentences were either not imposed or some other type of incarceration was imposed (the lunatic asylum).

Two trends are discernible in the sentences given to the twenty-seven female criminals. At least from 1856 to about 1868, judges in infanticide cases assessed the longest penal sentences that the phrase "penal servitude for life" called for. Women tried during these years could expect to spend anywhere from twenty-two years in prison, as did Maria Tarrant, the earliest criminal subject among the cases, to twelve years in prison, which was the absolute minimum sentence called for in the Penal Servitude Act of 1857. Because of their extreme youth and the unusual circumstances of their crimes in 1863, two women, Elizabeth Benyon and Agnes Pattinson, served rare ten-year sentences during this period. Elizabeth Duff served only a six-and-one-half year sentence (with time off for good behavior) during this period because her judge assessed her only a ten-year sentence. Thus even
during this relatively early period of maximum sentences, there were many exceptions to the rules. Although Mr. Justice Quain's desire for only "3 calendar months" imprisonment for Elizabeth Ellen Trevett in 1874 was rejected by the Home Office as "an inconvenient precedent," four years later, in 1878, Home Office officials did not seem averse to using the shorter sentences served by Hawkins, Jewers, Venables, and Duff as justifications and precedents for shortening the prison time of Lucy Buxton.

Excessive leniency by 1886 no longer seemed an important consideration to the Home Office. In discussing whether Lucy Lowe might be released in 1886, one anonymous Home Office official referred to what one might read as a shift in government thinking: "Mr. Childers has asked for a return of cases of women under commuted capital sentences for infanticide & the opportunity might be taken to reconsider the question as a whole."

To conclude, only one, Maria Tarrant, of the twenty-seven women subject to penal sentences spent more than twelve years in prison for the crime of infanticide. One mitigating factor in her lengthy twenty-two-year period of imprisonment was her recidivism and the official view of her case as a bad one. However, hers was the earliest instance of this crime in these files; in later years Home Office officials saw other recidivists brought to the bar
and other infanticides that far exceeded Tarrant's crime in gruesomeness. It is interesting to speculate whether Tarrant, like Daunton (the only other confirmed recidivist infanticidal mother in these files), would have gone to an insane asylum rather than prison had her crime occurred later in the century.

Very little information on the prison lives of any of the twenty-seven women was included in their files. A few, like Elizabeth Daunton, Lydia Venables, Christiana Morgan, and Lucy Buxton, were indifferent to penal regimes and thus were not satisfactory prisoners. Other women were more amenable to the system and conformed to it; Alice Wilson, for example, received very good conduct reports while imprisoned and as a result was released in 1879 to go to work in London for a Wesleyan minister.
CONCLUSION

Perhaps none of the thirty women studied herein would have committed infanticide had social reformers devoted time and energy to their religious, moral, and workplace instruction *before* they committed their crimes. Had Victorian society devoted more efforts to alleviating working-class poverty, ignorance, and misery earlier in the century and had more understanding of the root causes of female crime been evinced—and those roots attacked—by the Victorians, perhaps incidences of the crime of infanticide—whether real or perceived—would have been reduced. These reforms did not occur during the twenty-year period covered by this study; instead, the Victorians created an elaborate, expensive penal system to enforce social control of those women thought to be a threat to society's well-being. But the Victorian definition and ideal of femininity were social constructs and must be studied in the context of Victorian society. In this case, then, Victorian newspaper readers and reporters, members of the middle-class reading public, judges and other judicial officials, many penal experts and social reformers, medical experts, and Home Office officials were aware of the sexual double standard in their society and sought to soften its stringent legal application—by recommending mercy to murdering mothers, by shortening the
length of time they served in prisons and female refuges, and by finally, in these very prisons and refuges, equipping female convicts with job skills and knowledge that enabled them to make minimal livings on their own. That contemporaries sympathized with these women was evidenced by a remark made about Elizabeth Ellen Trevett by an anonymous petitioner for her freedom: she was, it was claimed, to be deeply pitied, "both on account of her youth and in consideration of the gross wrongs she has endured at the hands of her seducer, . . . which preyed so heavily upon her mind." For these reasons the petitioner hoped Trevett's death sentence would be respited, which it eventually was. Such sentiments would surely apply to more than this one female convict. But that so few women were actually executed for the capital crime of infanticide speaks to the fairness and compassion of the legal and executive entities that heard these thirty cases--and also listened and really heard expressions of public sympathy for murdering mothers. That so many of these mothers were spared execution and imprisoned instead is a tribute to an intricate, cumbersome, patriarchal, but ultimately workable judicial and penal system.

* * * * *

"Why dig up these horrible females and delve into
their nasty lives?"¹ Patrick Wilson's question becomes pertinent at the conclusion of this discussion of thirty Victorian murdering mothers just as it was at the beginning. From the facts ascertained by the evidence in these files, the adjective "horrible" could be replaced by any number of other, more appropriate adjectives—deserted, abandoned, single, battered, abused, or seduced. Likewise, "nasty" would be better replaced by pathetic, impoverished, isolated, or victimized. As has been illustrated, Wilson's question overlooks the profile of Victorian murdering mothers as generally single, deserted, or widowed working-class domestic servants who were seduced by their masters or coworkers, who could not support their illegitimate children on their totally insufficient servants' wages, and who murdered their children for economic reasons—and not because they lacked sufficient maternal feelings for the infants. Wilson's question also overlooks the fact that these women paid a high price for their "nasty" and "horrible" deeds—while many crimes of infanticide went undetected, the thirty women herein studied were tried, convicted, and executed or imprisoned for their crimes. None escaped totally the consequences of their actions, even though those actions sprang more from economic and social injustices than from

any demonstrated lack of love or affection for their redundant illegitimate offspring.

Finally, Wilson obviously gave no thought when he posed his question to the perspectives or perceptions of murdering mothers. Who can imagine the horror, despair, hopelessness, or futility felt by a woman who would say about her life and that of her child what Alice Wilson said of hers: "If you had had to do as I have had to do you would have made an end of yourself and the other and all." Conditions in her life must have been horrible and nasty indeed for Alice Wilson not only to murder her child but to wish for her own death as well. Surely Patrick Wilson, could he but read and really understand the downtrodden conditions (as portrayed in their files) of a majority of these women's lives, would agree with that contemporary anonymous memorialist who said of Ann Hawkins what can be said of most: in many ways and for many reasons these women were indeed "more sinned against than sinning."
APPENDIX A

Files containing all the information on these women upon which this thesis is based can be found in the Public Record Office, Kew, England. All files are located in the larger record group labeled Home Office 45.

ARMFIELD, Nancy. Box #9335. File #20231.
BAILEY, Edwin. Box #9356. File #29884.
BAKER, Cecilia. Box #9375. File #40246.
BARRY, Ann. Box #9356. File #29884.
BENYON, Elizabeth. Box #9350. File #27066.
BUXTON, Lucy. Box #9466. File #76923.
COTTON, Mary Ann. Box #9314. File #14514.
DAUNTON, Elizabeth. Box #9388. File #46933.
DIMMER, Emily. Box #9371. File #38421.
DUFF, Elizabeth. Box #9325. File #18091.
EDMUNDS, Christiana. Box #9297. File #9472.
ELLIOTT, Charlotte. Box #9421. File #59241.
GREY, Jane. Box and file number not taken down in my notes.

GRIFFIN, Elizabeth. Box #9337. File #20978.
HAELE, Richard. Box #9375. File #40246.
HANNAH, Margaret. Box #9326. File #18352.
HAWKINS, Ann. Box #9314. File #14725.
JEWERS, Maria. Box #9310. File #13217.
LOWE, Lucy. Box #9413. File #56783.
MORGAN, Christiana. Box #9334. File #19806.

PADFIELD, Ann [Emma]. Box #9327. File #18650.

PATTINSON, Agnes. Box #9348. File #25892.

PROUT, Mary. Box #9365. File #35924.

RAYNOR, Leah. Box #9433. File #63273.

REVILL, Jane. Box #9415. File #57278.

TARRANT, Maria. Box #9341. File #22546.

TREVETT, Elizabeth Ellen. Box #9358. File #31576.

USHER, Sophia. Box #9360. File #32458.

VENABLES, Lydia. Box #9315. File #15372.

WADGE, Selina. Box #9464. File #75879.

WELSH, Ellen. Box #9336. File #20701.

WILSON, Alice. Box #9374. File #39921.
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Ecology, 7 (December 1979), 333-52.


----. "Further Notes on the History of Infanticide." History of Childhood Quarterly, 2 (Summer 1974), 129-34.


Scrimshaw, Susan M. "Infanticide as Deliberate Fertility Regulation." See Bulatao and Lee, eds., *Determinants of Fertility in Developing Countries*, in previous section. This essay covers pages 245-66.


