



*More Deadly Than The Male1...?
Mothers and Infanticide In Nineteenth Century Britain*

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Findlay Rosie, « *More Deadly Than The Male...? Mothers and Infanticide In Nineteenth Century Britain* », *Cycnos*, vol. 23.2 (Figures de femmes assassines - Représentations et idéologies), 2006, mis en ligne en novembre 2006.

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revue électronique éditée sur épi-Revel à Nice

ISSN 1765-3118

ISSN papier 0992-1893

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EPI-REVEL

Revue électronique de l'Université Côte d'Azur

"More Deadly Than The Male"¹...? Mothers and Infanticide In Nineteenth Century Britain

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Rosie Findlay est Maître de Conférences à l'Université François-Rabelais de Tours, où elle enseigne la civilisation britannique. Sa thèse, soutenue en 1993, est intitulée « Les stéréotypes sociaux dans la littérature enfantine française et britannique autour de 1900 ». Ses recherches portent sur le statut de l'enfant en Grande-Bretagne depuis 1800.

Dans notre culture occidentale, le symbole de la vie est la mère ; cependant, à partir des années 1850 au Royaume-Uni, la société devint de plus en plus consciente du crime d'infanticide, commis soit par la mère naturelle soit par une mère de substitution. Le taux élevé de la mortalité infantile a amené la police à examiner de près les morts "inhabituelles". Cet article propose une étude de l'infanticide, à travers les archives et la presse de la période, très riches en rapports de police et en procès.

In Western culture, the symbol of life-giving is the mother, yet from the middle of the nineteenth century on, British society became more and more aware of the crime of infanticide, committed by the mother-figure, either in the form of the natural mother or that of a surrogate. The high rates of infant mortality led to investigations into infant deaths by "uncommon" means, committed both by the mother herself and by those engaged in the occupation of baby farming. This paper proposes to examine these causes of infant death, through a study of archives and the press of the period, which contained detailed police reports, transcripts of the many trials which took place in the second part of the nineteenth century, as well as editorials and articles on the subject.

baby farming, baby farmer, illegitimacy, infant mortality, infanticide, insurance clubs, medical profession, philanthropist, police, state

mortalité infantile, philanthrope, l'Etat, médecins, assurance, infanticide, illégitimité, mère de substitution, élevage de bébé

Modern British society always seems to react with a sense of outrage to revelations about child abuse or infanticide, as recent news stories amply testify. Where these crimes are committed by adult males such as Ian Huntley or paedophile rings, this outcry is spontaneous, violent and self-justifying. Where they are committed by other children, as in the case of the Liverpool toddler Jamie Bulger, they provoke public soul-searching into the dysfunctions of British society and the disappearance of family values which engulf the whole of the media and parliament as well. When, however, these crimes are the work of women, and particularly where these women are the children's own mothers, the outrage is mixed with disbelief and condemnation, qualified by a grim need for understanding and reassurance. Mothers give life, they are not expected to take that life away. Children are not expected to die and certainly not from unnatural causes. To suggest differently is to undermine the very foundations of society, for how we cherish and protect innocent and defenceless children has become one of the clearest measures of our self-esteem and of our claim to be a civilised society.

¹ Rudyard Kipling, "The Female of the Species", *Rudyard Kipling's Verse: Inclusive Edition*, 1885-1918, verse 1.

In these attitudes, as in much else, we bear the inheritance of our Victorian ancestors, but with one major difference. In the Victorian period the precariousness of children's existence was the rule not the exception and infant mortality was seen as an unfortunate but natural part of the cycle of life itself. The statistics for the period are stark. The infant mortality rates in England and Wales, for instance, which stood at a massive 135/1000 in 1879 had reached 149/1000 by 1886 and 159/1000 by 1893, before climaxing at a staggering 163/1000 in 1899². In this lottery of life legitimate births fared better than those conceived out of wedlock. In the major industrial centres such as Glasgow, for instance, these stood at 137/1000 for the period 1899 to 1903, while the infant death rate for illegitimates was approximately double this at around 276/1000!

Nor surprisingly under these circumstances, the common banality of child death was a social reality which parents and society had to accept and, to a certain extent, a fatalistic resignation before the harsh laws of the universe even permeated the medical profession³. Yet, if people were often no longer shocked by a child's death, society, particularly as the century progressed and the birth rate slowly declined, demanded reassurances as to the causes of this great tragedy. From a medical point of view, the answer to this question was unequivocal if not reassuring: the primary cause, the "physical reason" for the high rates of infant mortality was grinding poverty⁴. Poverty was the catalyst which generated secondary and preventable causes, such as lack of basic hygiene, disease, endemic illnesses, malnutrition, want of warm clothing, absence of medical care⁵ and, last but not least, want of proper parental care. In the bleak report prepared by the Registrar-General for the period 1861-1870⁶, the long litany of what was classed as "common causes of child death was laid out from miasma⁷ and diarrhoea to convulsions, scarlatina, diphtheria, whooping cough and measles"⁸. Furthermore, he conceded, children were more exposed than adults to the epidemics of cholera, smallpox and typhus which not infrequently visited the population. Yet, if the nation could feel a certain sense of resignation before the inevitability of these natural causes, a great deal of disquiet and outrage was felt by his confirmation of the high levels of unnatural deaths of the very young which had been recorded, especially among the poorer sections of the population. Rumours which had circulated for some time in the press as well as in learned journals about this casual "massacring of the innocent" – *The Lancet*, for instance, famously claimed that 76 children under the age of one had been murdered in England and Wales in the years 1838-1840 and that this constituted 34% of all murders for the period⁹ – now seemed to have been given official confirmation. What was less clear was the full extent of this criminal activity and how this uncertainty fed the press and its appeal to the phantasms of moral indignation.

² Hugh Tuke ASHBY, *Infant Mortality*.

³ Edna Robertson, *Glasgow's Doctor. James Burn Russell, 1837-1904*, p. 48.

⁴ Cf. For instance, Henry Arthur Albutt, M.R.C.P., *Infant Mortality and Premature Death*, p. 4.

⁵ The first Hospital for Sick Children (Great Ormond Street, London) opened in 1853 but children under two were excluded, as was the case in the Yorkhill Hospital in Glasgow, in 1882. F. B. Smith, *The People's Health 1830-1910*, pp. 152-155.

⁶ Supplement to the 35th Registrar-General's Report, p. xxix, Volume II. Dr Farr, responsible for this list of causes of death, gives a description of the "March of an English Generation through Life", explaining the life style and reasons for death at each period in life. Thomas B. Curtis, "Infant Mortality. Vital Statistics", in Albert H. Buck, *A treatise on hygiene etc.* Vol. 2, pp. 269-348. For more information on individual counties of Scotland, England and Wales, see Helen M. Blagg, *Statistical Analysis of Infant Mortality and its Causes in the United Kingdom*.

⁷ Infectious particles or germs floating in the air, popularly known as "Crowd poison".

⁸ See also Countess Ebersburg, 6/10. *An Awful Bill*, p. 2. The title of her book comes from the fact that of all the babies born in any one year, 60% die before they reach the age of 5.

⁹ *The Lancet*, 10th October 1863, p. 426.

“One in Every Thirty Women...is a Murderess”

By the early 1840s the question was being openly asked on the floor of the House of Commons where Thomas Wakley, coroner, surgeon and M.P. shocked his audience by claiming that infanticide¹⁰, “was going on to a frightful, to an enormous, a perfectly incredible extent”¹¹.

By the 1860s the problem was believed to have reached crisis proportions and figured as one of the great plagues of society, alongside the nation’s other vices: prostitution, drunkenness and gambling. According to some experts, it was impossible to escape from the sight of dead infants’ corpses, especially in the capital, for they were to be found everywhere from interiors to exteriors, from bedrooms to train compartments,

We raise the box lid 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 child. In the solitude of the wood, we are horrified by the ghastly sight, and if we take 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 inside¹².

Harsh words indeed which were amplified four years later by another observer of the Capital’s activities:

... bundles are left lying about in the streets... the metropolitan canal boats are impeded, as they are tracked along by the number of drowned infants with which they come in contact, and the land is becoming defiled by the blood of her innocents. We are told by Dr Lankester that there are 12,000 women in London to whom the crime of child murder may be attributed. In other words, that one in every thirty women (I presume between fifteen and forty-five) is a murderess¹³.

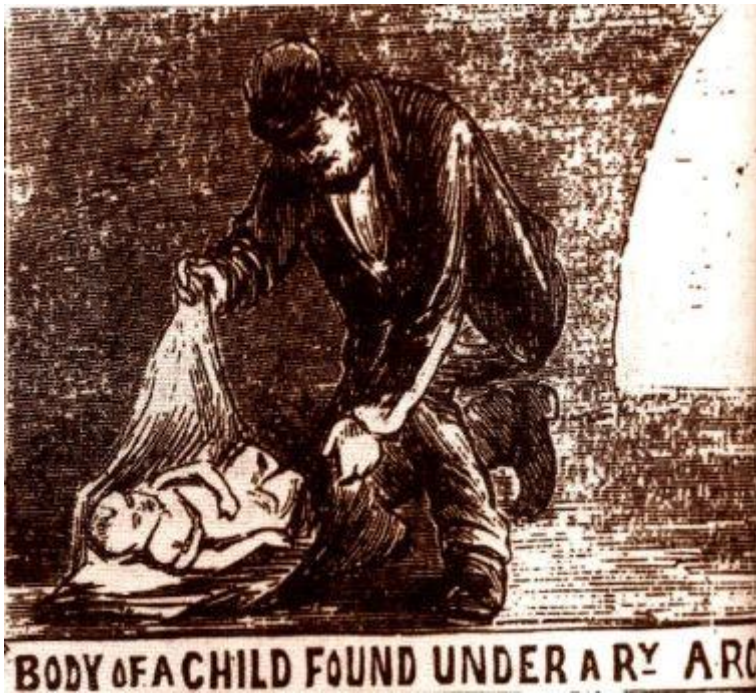


¹⁰ W. Ryan describes infanticide as “the murder of a new-born child” although there is no specific time applied to the term “new-born”, it is not restricted to days after the birth. William Burke Ryan, *Infanticide: Its Law, Prevalence, Prevention and History*, p. 3.

¹¹ *Hansard’s Parliamentary Debates*, Third Series, 76, 1844, col. 430-431.

¹² W. B. Ryan, *op. cit.*, pp. 45-46.

¹³ Henry Humble, “Infanticide, its Cause and Cure”, *The Church and the World : Essays on Questions of the Day*, p. 57.



Even *The Times* was forced to concede at the end of a long list of Herod-like statistics on the subject that “infancy in London has to creep into life in the midst of foes”¹⁴, while for the *Ladies’ Sanitary Association*, civilisation itself was under threat:

an annual slaughter of innocents takes place in this gifted land of ours... we must grapple with this evil, and that speedily, if we would not merit the reproach of admitting infanticide as an institution into our social system¹⁵.

This was made all the more disquieting as they confirmed the growing body of evidence that infanticide was a crime committed primarily not by person or persons unknown, nor even primarily by predatory males, but by females and, more often than not, by the mothers or the surrogate mothers of the infants themselves. Undoubtedly, the more “acceptable” of these two explanations was the latter, that these crimes were the work of depraved, unscrupulous women who had lost all sense of their maternal instincts and were indulging in a hideous commercial trade with life itself inside a profession known popularly as “baby farming”.

The “Baby Farmers”

The term “baby farmer” first appeared in *The London Times* in the late 1860s, and, according to one medical practitioner of the period, was coined: “to indicate the occupation of those who receive infants to nurse or rear by hand for a payment in money, either made periodically (as weekly or monthly) or in one sum”¹⁶. From the outset it was seen with a great deal of suspicion in many quarters, as an “occupation which shuns the light”¹⁷ and not simply a primitive form of child-care. Its popular appeal and social function however were immense at a time when illegitimacy was stigmatized and single mothers excluded from the most elementary means of supporting their child.

By the latter part of the nineteenth century the mechanics of the system had become well-established. The “baby farmer” – usually a woman of a mature age and poor working-class background – would offer either to look after the “unwanted” (more often than not unplanned) child or ensure that it was “passed on” to suitable adoptive parents. The fee for

¹⁴ *The Times*, 29th April 1862.

¹⁵ Mrs M. A. Baines, *Excessive Infant Mortality - how can it be stayed?*, 1865.

¹⁶ J. B. Curgenvin, *On Baby-farming and the Registration of Nurses*, 1869, p. 3.

¹⁷ *North British Daily Mail*, 2nd March 1871.

this transaction varied according to the specifics of the contract but was usually situated between £7 and £30¹⁸. In the majority of cases there was also a tacit understanding between the two parties that, in the harsh conditions of life in working-class areas of the nation's cities, the child's chances of survival would be extremely slim.

What particularly outraged public feeling was that this trade had a visible, almost respectable, side to it for it was practised openly through advertising, in national, regional and local newspapers. A typical advertisement might read, "Adoption - A couple, having no children, wish to adopt a male infant. £40 premium required. Apply F. F., 7 Tonbridge St., Euston Rd, top bell"¹⁹. Others read,

NURSE CHILD WANTED, OR TO ADOPT 'The Advertiser, a Widow with a little family of her own, and a moderate allowance from her late husband's friends, would be glad to accept the charge of a young child. Age no object. If sickly would receive a parent's care. Terms, Fifteen Shillings a month, or would adopt entirely if under two months for the small sum of Twelve pounds'²⁰,

or even,

ADOPTION 'A person wishing a lasting and comfortable home for a young child of either sex will find this a good opportunity. Advertisers having no children of their own are about to proceed to America. Premium, Fifteen Pounds. Respectable references given and required. Address F.X'²¹,

In each case the coded message was easily decipherable. After a meeting in some railway station or other public place, the two parties would come to an agreement and the infant would be passed on discretely to the baby farmer, usually never to be seen again by the mother.

Not surprisingly under such circumstances, the financial considerations involved in this extensive traffic in infant life gradually became the focus of deep suspicion. For the *British Medical Journal* of 1868, these "baby farmers" would not have, "... the slightest difficulty in disposing of any number of children, so that they may give no further trouble, and never be heard of, at £10 a head"²². Baby farms were denounced as nothing more than "centres of infanticide", a convenient way for women to solve the problem of unwanted and illegitimate births²³. These farms were at the heart of a, "trade [which] is illicit, carried on in the backstreets of the underworld. The negotiations are effected with secrecy and often by night"²⁴.

There is little hard evidence that this was in fact the case and certainly one would have to assume that many of these infants were well-looked after by the standards of the time for the trade to survive. But the suspicions surrounding the profession were persistent and, in general, very negative and hostile. It was, for instance, widely believed that these babies were often left to wilt away and die, sometimes helped along with a little soother known as "Kindness". Certainly these rumours found credence in the fact that at this time it was common practice, not only among those who looked after children, but also among mothers themselves, to use a certain "Godfrey's Cordial" to quieten the babies, and that this, if dosed (in)correctly, could lead to "the sleep of death". How widespread this practice was, can be gauged from the testimony of Dr Curgenven before the *Select Committee for the Protection of Infant Life* in 1869. In his evidence he claimed that it was "very extensively practised throughout the whole

¹⁸ Lionel Rose, *Massacre of the Innocents. Infanticide in Great Britain 1800-1939*, p. 94.

¹⁹ Dr. Curgenven, *op. cit.*, p.3.

²⁰ James Greenwood, *The Seven Curses of London*, Chapter III.

²¹ *Ibid.*

²² Richard D. Altick, *Victorian Studies in Scarlet*, p. 285.

²³ Richard Ellis (ed.), *Child Health and Development*, p. 248.

²⁴ Robert J. Parr, *The Baby Farmer. An Exposition and an Appeal*, p. 8.

of the midland countries”, and that one chemist in a Lincolnshire town of some 6,000 inhabitants sold as many as 25 gallons of this soothing cordial (a mixture of treacle and laudanum), each year²⁵. Other surgeons confirmed these statements, one even adding that children were often given spirits in their food along with, “Dalby’s Carminative, which consists of magnesia, tincture of asafoetida, penny-royal water and opium”²⁶, (see image below “Poor Child’s nurse”)²⁷ which also could lead to an early demise²⁸.



For some investigators, lifting the veil shrouding what possibly amounted to a generalised system of infanticide among the poor required the examination of these and other social conventions and practices. In particular, it was noticed that alongside the financial transaction which took place at the handing over of the baby, many of these unfortunate children were enrolled in burial clubs or similar insurance schemes. Officially these schemes were presented as a wise precautionary measure to ensure that in the event of the child’s death a decent funeral could be provided, but there was an uneasy feeling that they could too frequently be used for more sinister purposes.

²⁵ Countess Ebersburg, *op. cit.*, p. 7.

²⁶ Leslie George Housden, *The Prevention of Cruelty to Children*, p. 137.

²⁷ “Poor Child’s Nurse”, *Punch*, 17th November 1849, n° 436, Vol. 17, p. 193.

²⁸ The sale of these “aids” was facilitated by the State as they received money from the Patent Medicine Stamp Act and so it was not in their interest to withdraw the products. L. G. Housden, *op. cit.*, p. 116.



For one Wiltshire Assizes judge their potential for corruption was too great and they “should have been stamped out by the Legislature long ago”²⁹. Dr. James Burn Russell, writing on this problem in Glasgow in 1876, remarked that,

child life has so little intrinsic value in the eyes of a considerable proportion of our urban population that the petty gain accruing from a Friendly Society on its termination is enough to offset any desire for prolongation³⁰.

Campaigners such as Benjamin Waugh accumulated large quantities of evidence from medical officers around the country in their attempts to eliminate this abuse of the law and the exploitation of children as pawns in an insurance fraud. In the words of the Irish Registrar-General, “The way in which children are allowed to die so that insurance money may be had for them is a disgrace to the whole nation”³¹.

A Shared Responsibility?

Little however was known about the role of the mothers in this trade. Certainly *The Times* had no doubts that the women who sent their children to baby farmers were “*complicitous and selfish*” and not naive and impoverished victims in their own right³². Yet a survey of those implicated in the more spectacular trials of the period would seem to suggest that for the most part they were guilty only of the crime of having a child outside of wedlock. Crime reports invariably refer to the biological mothers’ occupation as that of bar-maid, prostitute, factory or mill worker, domestic servant. Much more rarely are there references to “outraged” middle-class girls and unfaithful upper-class women having recourse to the infamous baby farmers. In the Margaret Waters case, for instance, the court heard the sad tale of 17-year-old

²⁹ *The National Archives*, London. HO 45/10069/B5959 “Insurance of Children”.

³⁰ *Glasgow Medical Journal*, July 1876, pp. 390-396.

³¹ Benjamin Waugh, *The Results of Child Life Insurance*, p. 6.

³² *The Times*, editorials of 4th July and 24th September 1870.

Jeanette Cowen, who had been raped by the husband of a friend and, on the birth of her son, her father arranged “adoption” procedures with Waters without the mother’s consent. Evelina Marmon, a barmaid from Bristol, confided her 10-month-old child to the safe keeping of Amelia Dyer because she was temporarily unable to look after it. She was unaware that the baby had been strangled and disposed of until the trial, as Dyer sent her regular reports about its progress. The illegitimate child of Elizabeth Campbell, who died in childbirth, was “adopted” for a generous fee by Jessie King so as to avoid a family scandal but nobody apparently suspected that any harm would befall the child. Only in very exceptional cases did mothers appear to share part of the blame of child murder as in the case of Mary Jane Harris, 23, a domestic/farm servant. Harris, who passed on her four-month-old son to Charlotte Winsor so as to “find herself work”, was apparently persuaded by Winsor to let her get rid of the child by smothering, while the mother waited in the next room.

Yet the more such tragic events became commonplace and accepted with resignation and indifference, the more pressing the need for answers to their causes and reassurances about an eventual decrease in their frequency. At every new “epidemic” of dead babies found abandoned on the streets of the capital – in 1870 in London 276 infants were found dead in the streets and in 1895 this figure reached 231³³ – public outcry focussed on society’s responses and the efficiency of these actions.

The police, as the first line of defence and repression, were in a difficult position and were often accused of showing little enthusiasm for the task. Indeed, according to one scientific report which appeared in 1866, it was practically commonplace for the police to, “think no more of finding the dead body of a child in the street than of picking up a dead cat or dog”³⁴. As far as the professions involved were concerned, they could do little, for baby farming was after all a well-established fact of life and as uncontrolled as the occupation of midwife. As a result police officers could not enter premises even in suspicious circumstances without a warrant from the magistrate.

The judicial system, on the other hand, had a more clear-cut position, at least on paper. Infanticide was an act of murder and as such, the guilty parties should be exposed to the full force of the law. Yet, on this politically delicate question, sentencing by the courts depended as much on the facts as on the medical interpretation placed on them. As a result we find that relatively similar case studies show radically different judgements.

The harshest decisions were certainly those meted out to the professional baby farmer found guilty of infanticide. One of the first and most sensational trials was that of Margaret Waters³⁵, the so-called “Brixton Baby Farmer” in 1870, who was found guilty of conspiracy to obtain money by fraud and the murder of a baby. She was executed, amid extensive popular agitation and press coverage. In a sense the pattern had been set and when, in 1879, Annie Took was similarly found guilty of smothering and dismembering an illegitimate physically handicapped child she had been paid £12 to look after, she too was executed. Other high-profile baby farmers such as the Edinburgh murderess Jessie King in 1887³⁶ and the notorious Amelia Dyer³⁷ suffered a similar fate. Yet not all of these criminals were sentenced

³³ L. G. Housden, *op. cit.*, p. 137.

³⁴ M.A. Baines, “A few thoughts concerning infanticide”, *Journal of Social Science*, vol. 10, 1866, p. 535.

³⁵ MEPO 3/96 “Miscellaneous Papers on Baby-farming”. See document 23/12/1870 for more detail on Margaret Waters’ case. See HO 12 193/92230 for her statement and the judge’s reply.

³⁶ One of the children in her care apparently died from an overdose of whisky! King was executed on 11th March 1889 in Calton Prison, and had the unenviable distinction of being the last but one woman to be hanged for murder in Scotland. Cf. Judy Hamilton, *Scottish Murders*, pp.78-82. See also Alex F. Young, *Encyclopaedia of Scottish Executions 1750 to 1963*, p. 130.

³⁷ Dyer’s reputation as a mass-murderess stems from her *modus operandi* for after strangling her victim with tape, she placed it in a carpet bag (nicknamed the “travelling coffin”) and threw it into the Thames. She stated in

to death and other cases which received front-page coverage such as those of Catherine Barnes³⁸ and Charlotte Winsor³⁹ resulted in the more “clement” verdict of life imprisonment. But the sentencing attitude of the same courts towards mothers who killed their children was markedly different⁴⁰ despite the fact that, in many of these cases, the causes of death were strikingly similar to those of the baby-farmers: “strangled child with tape”⁴¹, “suffocation most likely from drowning”⁴², “found floating in a bunch of rushes, head towards the bank”⁴³, “a string round its neck”⁴⁴, “piece of cord was tied tightly round the neck of the child”⁴⁵. Two features however noticeably distinguished this group from the other. Firstly there was the profile of the accused, generally a young unmarried domestic servant who having concealed her pregnancy, gave birth alone and killed the baby in the immediate aftermath⁴⁶. Secondly, in the vast majority of cases, the women arrested adamantly protested their innocence, often in the face of overwhelming circumstantial evidence to the contrary⁴⁷. As a result the death sentence or life imprisonment could only be handed down if the prosecution could prove beyond doubt that the infant had been “wholly born” and that the mother was of sound mind at the time, an almost impossible argument to defend. In consequence the courts almost invariably fell back on the lesser crime of “concealment of birth” for which the sentence was a maximum of two years in prison, or simply acquitted the “unfortunate woman”. The juries tendency towards leniency in such cases seems to have been motivated by a mixture of feelings which included the impression that the woman herself was (partly) a victim⁴⁸ and that the unfortunate child was a long way from being a full member of society. Even in more obvious cases where sentences of manslaughter were given, these were often assorted “with strong recommendations to mercy”⁴⁹ on the grounds of temporary insanity, a solution which seemed convenient for all concerned.

In reaching these verdicts the courts very often let themselves be guided by the advice given by medical experts. Yet the medical profession, at this time, did not have a clear unambiguous position on these matters. For some doctors, the killing of a baby by its mother, especially at birth or in the following period, was simply an act of madness brought on by the stress of the moment. Puerperal insanity, it was argued, was a mental disorder often implicated in infanticide, “not a rare disease, and it may take the form of homicidal mania, threatening the life of the child”⁵⁰. Since it could therefore be claimed that these women were not aware of what they were doing or had temporarily lost control of their actions, it became a favoured argument used by the defence. It further had the advantage of corresponding to popular belief

her confession “*You’ll know all mine by the tape around their necks*”. Fifty-seven-year-old Dyer was responsible for at least 17 deaths before her arrest in 1896. For a detailed police report, her trial and sentencing, forensic detail, incriminating evidence as well as her written confession, see the *Thames Valley Police Archives*.

³⁸ HO 144/924/a2946 – “Criminal - List of Criminal Case, Including Extradition Cases”, *The National Archives*, London, for more information. 20-30 children died in her care in Liverpool in the years leading up to 1879.

³⁹ HO 45/9687/A48622.

⁴⁰ Lucia Zedner, *Women, Crime and Custody in Victorian England*, p. 29.

⁴¹ Anne Rimington, 23rd April 1864. ASSI 36/11, Rutland.

⁴² Sophia Usher, 29th July 1867. ASSI 36/13, Maidstone.

⁴³ Ann Bartram, 16th May 1868. ASSI 36/15, Bedfordshire.

⁴⁴ Emma Thornel, 2nd December 1868. ASSI 36/15, Bedfordshire. A witness stated: “she [Thornel]... said she had not seen the child, she did not know whether it was dead or alive and that she tied the cord round because it was alive it was a pity to let it live or words to that effect”.

⁴⁵ Ann Baker, 3rd November 1864. ASSI 36/11, Norwich.

⁴⁶ Statistics for Warwickshire, for example, between 1860 and 1865 show that out of twenty-one women tried for this crime, sixteen worked in service. Cf. *Warwick Advertiser*, 21st October 1865.

⁴⁷ Judith Knelman, *Twisting in the Wind. The Murderess and the English Press*, Chapter 6.

⁴⁸ “Charges of child murder”, *The Times*, 17th January 1914.

⁴⁹ “Manslaughter by a domestic servant”, *The Times*, 15th January 1914.

⁵⁰ W.A. Guy and D. Ferrier, *Principles of Forensic Medicine*, 7th edition, 1895, p. 153.

that infanticide was the “antithesis of nature” and hence that infanticidal mothers should be seen as objects of mercy. Thus, “Lay and medical discourse coincided to render women - especially in activities connected with reproduction - lacking in responsibility”⁵¹. For other medical men, however, the question of the temporary insanity of the mother was an open issue not a foregone conclusion. Much more significant, in their eyes, was the lack of preparation for motherhood which, they claimed, was the single most important factor in these “murders”. Young first-time mothers, especially when they were left to the own devices in tragic circumstances, simply did not possess enough knowledge to protect their babies in the first stage of life, hence ignorance, not intent to harm, was the underlying problem. Despite their differences, the weight of medical opinion tended therefore to come down in favour of the mother and the courts more often than not followed suite. Yet in doing so the courts implicitly returned the whole problem of child abuse to the public arena, for if the problem was not primarily a judicial one it had to be dealt with by political initiatives.

A Blind Eye?

The State, the self-professed champion of the child in the years leading up to the end of the nineteenth century, was however very slow in its response to this challenge. The crux of the problem was not its unwillingness to prevent child abuse so much as a fear of interfering in questions which had tentacular subterranean implications far beyond the simple issues on debate. Central to these was the question of illegitimacy. The *Bastardy Clause*, inserted into the Poor Law of 1834, was still in force in England in the second half of the century and determined that illegitimate children were the sole responsibility of the mother until the age of sixteen. These mothers were classed as “widows” for poor relief which meant that they were expected to work to support themselves and their children. If they couldn’t, their only alternative was the workhouse. By this Act the father had also been “absolved of any responsibility for his illegitimate children”⁵². Public opinion generally believed that the struggle against immoral behaviour necessarily required the humiliation of unmarried women and Parliament was extremely reluctant to be seen to condone or exculpate such behaviour⁵³. Only in 1872 did a breakthrough take place with the Amendment to the Poor Law Act which made the father equally liable for the support of the illegitimate child.

The problem of “baby farming” likewise proved intractable, despite the sustained pressure of such groups as the *Infant Life Protection Society*, which called for the registration and control of all people in charge of babies on a professional basis⁵⁴. Not only was this activity an integral part of the social regulation of the nation’s sexuality, it also fulfilled a valuable economic role by allowing working-class women to occupy paid employment. Government interference in such a private sphere was therefore problematic in the extreme. The breakthrough only came through a private member’s initiative which became the *Infant Life Protection Act* in 1872. This reform made registration obligatory with the local authority for any person taking in two or more infants under one year of age for a period greater than 24

⁵¹ Roger Smith, *Trial by Medicine: insanity and responsibility in Victorian trials*, Edinburgh, Edinburgh University Press, 1981, p.144.

⁵² Kath Garner, “Baby Farming”, *Family History Review*, n° 117, May 2005, p. 30.

⁵³ Lionel Rose, *op. cit.*, p. 115.

⁵⁴ *The Infant Life Protection Society*, created in 1870 and the *National Society for the Prevention of Cruelty to Children* (1889) campaigned relentlessly for the introduction of better “policing” of working-class families. They recommended more foundling hospitals to be set up as well as public nurseries for the children of the poor, as they believed that working-class mothers’ lack of education and standard of living both conspired against infant life. Cf. Margaret L. Arnot, “Infant death, child care and the state: the baby farming scandal and the first infant life protection legislation of 1872”, *Continuity and Change*, vol. 9, n° 2, 1994, p. 290. Also “An English Crèche”, *The Times*, 8th April 1868.

hours. Furthermore, deaths of infants in such care had to be communicated to the Coroner within 24 hours. It was a start but a timid one since the scope of people exempted from its clauses was great - relatives, day-nurses, hospitals and even foster women were all excluded from the Act - and no "authentication" of contracts between parent and baby farmer was required. Furthermore since it was not until 1874 that registration of all births, live and dead, became compulsory, unless the authorities actually knew that a baby had been born, it was possible for it to die, be killed or be disposed of without anyone even noticing its existence. Only after other sensational "epidemics" of infanticide in the ensuing years did a further *Infant Life Protection Act* force its way through Parliament in 1897. This Act finally empowered local authorities to control the registration of "nurses" responsible for more than one infant under the age of five for a period longer than 48 hours⁵⁵.

Yet as more protection was extended to the child, less "understanding" was accorded to the mother assassin. In 1910 a first attempt at a tightening of the law was made when a Private Member's Bill (Child Murder Act) was placed before Parliament by Mr. Bowen M. P.⁵⁶. His proposal was that,

the sentence of death shall not be pronounced upon a mother who is convicted of the murder of her child, if it is admitted or proved in the course of the trial or indictment that the murder was committed by her within four weeks of the birth of the child, but in that event the court, in lieu of pronouncing sentence of death shall sentence the prisoner to be kept in penal servitude for such term, not less than three years and not exceeding ten years....,

and that the term "murder" be replaced by that of "manslaughter". Although this amendment was not passed due to lack of time, it later became the basis for the *Infanticide Act* of 1922. This Act, also inspired by yet another sensational case, recognized infanticide as a distinct form of killing imputable to the impact of pregnancy and birth on the mother⁵⁷. A woman who committed infanticide did so because, "the balance of the mind is disturbed by reason of her not having fully recovered from the effect of giving birth to the child"⁵⁸. Yet the twist was in the tail for although she could no longer be accused of murder she was nevertheless exposed to a sentence for manslaughter, which could be anything up to life imprisonment. In the words of one commentator, this law set out to punish the woman who was "neither mad nor bad but sad"⁵⁹ and left many experts wondering whether the balance of justice had not swung too far in the opposite direction.

It is a debatable point whether or not Kipling's claim, that the female of the species is indeed more deadly than the male, is true or not. Yet it is a cliché which has for a long time formed part of the understatements of British life. What seems less open to dispute however is the fact that life and death-assuming responsibilities have often been burdened on women alone by a society which was unable or unwilling to face these problems collectively. Turning a blind eye to the big picture may have been politically expedient for the Victorians but ultimately it did not solve anything. Even today in our enlightened society such problems continue to

⁵⁵ The Prevention of Cruelty to Children Act was passed in 1889 to protect children under the age of fourteen from ill-treatment. Although in 1881 the Midwives Institute was founded, it took almost another twenty years before the first Midwives Act was passed in 1902; the Central Midwives Board were to govern training and practice of midwives in England and Wales, and it was illegal to practise without qualification (Scotland 1915 and Northern Ireland 1922).

⁵⁶ Ho 45/10573/176819. "Criminal: Bill to abolish death sentence on mothers in infanticide cases 1909-1910".

⁵⁷ This was reinforced by the Act of 1938. Mark Jackson (ed.), *Infanticide. Historical perspectives on Child Murder and Concealment, 1550-2000*, p. 10.

⁵⁸ Cheryl L. Meyer and Michelle Oberman (eds.), *Mothers who Kill their Children. Understanding the Acts of Moms from Susan Smith to the "Prom Mom"*, p. 11.

⁵⁹ Rose Pearson, "Women Defendants in Magistrates' Courts", *British Journal of Law and Society*. 1976, Vol. 3, pp. 265-273.

persist and women still find themselves facing life's hard questions on their own. Only last month an otherwise normal and respected grandmother in South Wales was found guilty on three accounts of endeavouring to conceal the birth of a child under the Offences against the Person Act 1861 after three skeletons had been found in suitcases and bags in her attic.

The Burial Club, 1839

Soh! — there's another gone,
How purple he looks, - but wait!
We'll tumble him into his coffin,
And bury the body straight.
No one will see where the poison
Has trickled and left its trace!
How curled up he is! I wonder
How the blue came into his face.
We'll find him a shroud for a shilling,
We'll cover the limbs up tights:
Who see him shall swear we are willing
To do our duty tonight.
Dead! That's a guinea for each:
No need to spend aught on his meals,
There's the little one - but she's a-dying,
And Connor, the boy - but he steals.
I was once, I confess, chicken-hearted,
His moans made me tremble and shrink:
But I thought of the club and the money,
Grew bolder, and gave him the drink.

Bryan Waller Procter, "The Burial Club, 1839", in *An Autobiographical Fragment and Biographical Notes*, 1877, pp. 226-227.

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