

INFANTICIDE: ILLEGITIMACY, CONCEALMENT, AND
SHAME IN ENGLAND 1688-1821

by

KATE ARBON

A THESIS

Presented to the Department of History
and the Robert D. Clark Honors College
in partial fulfillment of the requirements for the degree of
Bachelor of Arts

Winter 2025

An Abstract of the Thesis of

Kate Arbon for the degree of Bachelor of Arts
in the Department of History to be taken March 2025

Title: Infanticide: Illegitimacy, Concealment, and Shame in England 1688-1821

Approved: David M. Luebke, Ph.D.
Primary Thesis Advisor

Infanticide cases in England's history retell some of the most gruesome acts of desperation motivated by shame. And even when there was no intent of murder, a woman who experienced a stillborn birth would be in fear of being found guilty of committing infanticide. During this time, unmarried infanticidal mothers were viewed as morally deviant and secretive transgressors of natural and social law. The early modern British courts were quick to judge an unmarried woman accused of murdering her infant, and unfortunately for her the punishment was death. The courts' judgments of infanticidal behaviors often included accusations of falling from God's grace or even satanic influence.

With the benefit of modern research tools, we can see that the high prevalence of actual infanticide and presumed infanticide stemmed from deep-rooted social prejudices against women of low-class bearing illegitimate children. Infanticide was associated with insane, poor and unwed women. The perspective of an early modern women was silenced, as questions about the motivation and circumstances around infanticide or even cases of stillborn births were disregarded to instead focus on the aberrant nature of the crime.

Proceedings of London's criminal court of non-elites, the Old Bailey, demonstrate a noteworthy decline in the severity of punishment during the period between 1688-1821: at the beginning of this period, execution was the sentence for capital crimes, including infanticide. By the end of this period, the typical punishment for a guilty case of infanticide had been reduced to

a few years of imprisonment. This change from execution to imprisonment serves as the main guiding point to examine the evolution of infanticide crimes in the eyes of the courts, society, and historians.

To explain the changes in the laws and attitudes towards infanticide, I examined court the language of court proceedings, their length, and the severity of punishment in the Old Bailey from 1688 to 1821. In addition, I examine sources that illuminate in the gendered thinking and language about infanticide existing as a ‘single woman’s crime’. The evolution demonstrated in this period is characterized by changes in social perceptions regarding infanticidal motivation and the public spectacle of shame.

Acknowledgements

While working on this project I became so incredibly intertwined with the stories of the 184 women on trial for infanticide crimes. I spent hours reading each case trying to decipher their circumstances and understand their verdicts. While first considering this project many people asked, ‘Why are you so passionate about this?’ I could not fathom that a woman who was sentenced to death for her crimes only had a mere hundred words documenting her story. I felt like these women deserved someone to oversee their stories and understand them not as criminals, but as women trying to survive. These women felt such an unmeasurable amount of shame and powerlessness over their situations in a way that I will never be able to fully understand.

I first fell in love with this topic under the care of Prof. David Luebke, to whom I owe my many thanks for overseeing this project for so long. His guidance alongside this research has given me the confidence to engage with this topic in such a meaningful way. A huge thanks to Dr. Elizabeth Raisanen for her excitement and insight alongside this project. This research was only possible thanks to the many people who made a safe space for me to talk about the often darker and more gruesome nature of infanticide. I appreciate all those who let me ramble on about my revelations, and their attempts in understanding the complicated dynamics of this subject.

Table of Contents

Introduction.....	7
1. Understanding the Law.....	9
2. Examining the Old Bailey Proceedings.....	12
2.1 Word Count.....	15
2.2 Concealment and Taxation.....	18
2.3 Marital Status.....	22
2.4 Provisions and the Lying-in.....	24
2.5 Violence and Evidence of Harm.....	26
3. Gender and Motivation.....	29
3.1 Gendered Thinking.....	29
3.2 Emotion and Language.....	31
3.3 Ordinary Accounts and Public Shame.....	34
4. Social Systems of Justice and Deterrence.....	37
4.1 Execution as Punishment.....	37
4.2 Infanticide and Not Alternative Methods.....	41
Concluding Thoughts.....	44
Bibliography.....	46

List of Figures

Figure 1. Court proceedings by Word Count	16
Figure 2. William Hogarth, <i>The Idle 'Prentice Executed at Tyburn: Industry and Idleness</i> , plate 11, September 30, 1747, etching and engraving, courtesy of The Metropolitan Museum of Art.	38

Introduction

Infanticide, particularly against illegitimate children by poor women, was seen as a moral atrocity of social order. The early modern period is marked by a strong emphasis on the structure and durability of the family unit and upholding religious expectations of holy matrimony. Contemporaries regarded the birth of an illegitimate child as a transgression against social norms, and the murder of a mother's own kin was seen as an act without redemption. Legal structures at this time were convinced that the rise in illegitimate birth and infanticide had reached crisis proportion.

Early modern British courts blamed the infanticide crisis on the moral corruption and failure for the public to 'see with the eyes of God.' Dramatic retellings about bastard infanticide sold to the public were crafted to portray these mothers as 'unnatural' and 'most horrid beings.' There was little understanding for what could drive a woman to murder her own flesh; writers instead focused on the shock value and horror of the crime. Their cautionary and sensationalized tales of infanticide aimed at preventing readers from straying from those who stray from moral and religious values.

Because of the prejudices against unwed pregnant women, married couples and even unwed fathers were largely absent from the infanticidal narrative. Instead, infanticide became a space in which only low-class poor working women could be culpable. There existed no logical reason that a married woman would have the motivation to kill her own newborn child.

This project analyzes the period of 1688 to 1821, which brackets these changes in law and social behavior towards infanticidal women. Records of the Old Bailey, a London court dealing with the crimes of those non-elite persons, are marked by a profound shift in its description of the infanticide cases. At the beginning of this period alleged infanticide crimes were briefly

documented, then the defendant was subsequently sentenced to death. Proceedings lacked comprehensive recording methods and legal details were often omitted. Facts of the crime were bluntly stated, and the defendants' circumstances were rarely, if ever, clarified.

By the end of this period, infanticide cases started to take on a more formal structure, including witness testimony, medical examination, and cross-examinations. The requirement of a midwife or surgeon to examine the scene of the crime or subsequent evidence allowed for a more structured trial, instead of basing presumable guilt or innocence in the hands of the judge. Some women during later years of this period were even able to make a statement in their own defense. Frequency of executions as a punishment for women found guilty of infanticide crimes began to decline, and most women served a one- or two-year prison sentence.

The legal proceedings of the Old Bailey Court allow us to examine what the act of infanticide meant in the early modern period. Ignoring the possibility of the defendant's innocence, courts had a challenging time distinguishing infanticide from miscarriages or stillborn births. Societal pressures to reform the way evidence had been treated in a criminal proceeding are reflected in significant growth in increasing the precedence of medical witnesses (surgeon, midwife, e.g.) but also attempting to separate those guilty of infanticide from those suffering from miscarriage and stillborn births.

The laws that governed infanticide and its punishment also become more lenient. The 1624 Statute of Infanticide Concealment and its rescission in 1803 no longer allowed for a woman who could only be found guilty of the concealment of the birth and death of a child to merit the death penalty. By 1804, Old Bailey proceedings reflect that these women were now guilty of lesser offences and most punishments reduced to imprisonment. The change from execution to imprisonment implies a movement away from social retribution in response to murder crimes,

and instead a sense of social justice and reintegration. The increase in midwives or surgeons to testify at the proceeding about the state of the newborn's corpse after the infanticide had also demonstrated significant change in the court's development of maintaining their legitimacy.

1. Understanding the Law

The legal structures and attitudes surrounding British infanticide are shaped by the structure of the 1624 Infanticide Act and its abolition in 1803. The selected period of this research 1688-1821 frames the issues that the 1624 statute had created, spans large enough to see why it eventually had been repealed, and ends after the full implementation of the legal changes. This statute deliberately targeted and isolated low-class, poor, and unmarried women by framing them as high-risk offenders. Rather than considering their circumstances, the law condemned their actions and silenced their experiences, reinforcing prejudices that dismissed their perspectives as less credible.

The 1624 'Act to prevent the destroying and murdering of bastard children' defines concealment of an unmarried woman's birth as a capital crime.¹ If the courts did not have enough evidence to prove the defendant as the murderer of her newborn, they could still punish her by death for concealing the birth of the child.² This statute held heavy presumptions of guilt that cost the lives of hundreds of women and instilled shame that fostered more sentiments of secrecy and ostracization. This principle was clearly exemplified in the trial of Mary Baker in 1693, in a case which there was no physical harm done to the child, but the lack of any witnesses meant there was no evidence to prove her innocence.

¹ 21 James 1 c.27. An Act to prevent the destroying and murdering of bastard children.

² Mark Jackson, *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000*. Aldershot, Hants, (England; Ashgate, 2002), 88-89.

there was no sign of any hurt done to the Child: The Prisoner said for her self, that the Child was dead born, and that she made provision of Clouts, &c. but she could prove nothing; then the Statute of the 21st of King James the First was read to her, viz. Except such Mother can prove that the Child was born dead by one Witness as least, then she shall be accounted guilty, which she could not prove; so she was found guilty of the Murther.³

Cases of infanticide have a distinctive element separate from most indictments because of the intimate relationship between the mother and the infant, whereas cases of conventional homicide involve two distinct sides of victim and perpetrator. A newborn child is innately innocent; it bears no guilt except for its existence where its birth was unwelcome. Infanticide crimes by nature attest all blame to the mother.

Undoubtedly the most important law that had forever transformed how British infanticide cases had been engaged was the 1803 Offences Against the Person Act, drafted by Lord Ellenborough. This law, “decreed that infanticide was to be proceeded with any like other form of murder: the mother was innocent until proven guilty, thus reversing the presumption of the 1624 Act; and where a murder charge failed the jury could instead return a verdict of ‘concealment of birth’, with a penalty of up to two years imprisonment.”^{4 5} Leading up to this change, legal officials began to accept that Stuart-era laws had been inoperable and unrelenting to quickly penalize infanticidal women. Because of this act, the courts had to build a substantial case against why the mother had been guilty, instead of relying on the basis that they could be punished with death for concealing the birth. This does not imply that mothers no longer murdered their infants or concealed their births, but rather that they would not receive the death penalty for such actions.

³ *Old Bailey Proceedings Online*, October 1693. Trial of Mary Baker (t16931012-32) (hereafter cited as *OBPO*).

⁴ Lionel Rose, *Massacre of the Innocents: Infanticide in Great Britain 1800-1939*. (United Kingdom: Taylor & Francis, 2015), 70.

⁵ 43 George 3 c.58.

Even more substantial is the fact that infanticide executions ceased starting with the first guilty conviction in the Old Bailey after the act was implemented in 1804 Ann Smith received one year's imprisonment for the concealment—not the murder—of her deceased female infant child.⁶ Ann was indicted “for not having the fear of God before her eyes, but being moved by the instigation of the devil, on the 16th of June, on a certain female child, then lately born of her body, feloniously, unlawfully, and maliciously, did make an assault, and that she, on the said certain female child, with both her hands, did take into a privy.”⁷ Even though the documented testimony of seven cross-examined witnesses and even the inclusion of the prisoner's defense both allude that she indeed murdered the child, she was still only convicted of concealment. Ann Smith admitted, “I put it down there to hide my shame; I knew it was born before its time; I thought it was a miscarriage.”⁸ Ann Smith's proceeding shows a remarkable change in the court system, which resulted in the sparing of hundreds more lives. The lines of Ann Smith's trial are slightly blurred upon the child being stillborn, but the courts granted her the benefit of the doubt that she may be spared from the unmerciful deaths like those anteceding her place in trial.

The Statute of 1624 was made to restrain the ‘sexual irresponsibility’ of unmarried women, and to control the increase in illegitimate children. Social commentary of this period viewed unmarried pregnant women as ‘lewd’ and infanticidal women as ‘unnatural.’⁹ Legal attitudes about infanticide declared it was a problem that desperately needed eradication:

“Expressing their hopes that ‘so horrid a crime may not escape the hand of justice.’”¹⁰ The 1624 Statute was created to warn those against committing infanticide, as its consequences carry the

⁶OBPO, July 1804. Trial of ANN SMITH (t18040704-16).

⁷OBPO, July 1804. Trial of ANN SMITH (t18040704-16).

⁸OBPO, July 1804. Trial of ANN SMITH (t18040704-16).

⁹ J.R. Dickinson and J.A. Sharpe, “Infanticide in early modern England: the Court of Great Sessions at Chester, 1650-1800” in *Infanticide: historical perspectives on child murder and concealment, 1550-2000*. Ed. Mark Jackson (Ashgate, 2002), 35.

¹⁰ J.R. Dickinson and J.A. Sharpe, “Infanticide in early modern England”, 35.

steepest punishment. The courts made it clear: death was the only fate awaiting these women, yet the fact that these women still went through with the murder of their infants demonstrates the severity and desperation of their situations.

Infanticide cases throughout the early modern period focus on the mothers who had murdered their infants directly after birth. Historian Mark Jackson argues that the term of ‘infanticide’ is used anachronistically because although infanticide may include children of an extended age group—up to adolescence—this research focuses solely on the overwhelming number of mothers who had ended the lives of their children directly after birth. Jackson instead offers the term ‘new-born child murder’ as it correlated more with the action of murder associated with the timing directly after birth.¹¹ Although Jackson’s point remains, this paper will use the term infanticide to keep consistency. The most essential takeaway from the cases this research examines is that these cases of infanticide are actions taken out of desperation. Stories recount infants being cast into chamber pots, impaled with knives, and even thrown from windows as a rash and mortal decision taken by burdened mothers. These women suffered not only the public shame of carrying an illegitimate child but also the strain of ending the life of an innocent.

2. Examining the Old Bailey Proceedings

The written criminal proceedings of the Old Bailey Court in London (1674-1913), also known as the Central Criminal Court of England and Wales, maintains a well-preserved and digitized collection run by the Digital Humanities Institute at the University of Sheffield. The preservation

¹¹ Mark Jackson. *New-born Child Murder: Women, Illegitimacy and the Courts in Eighteenth Century England* (Manchester; Manchester University Press, 1996), 5-6.

of this archive offers a lens into the dynamics of an early modern courtroom and aids in understanding from the court's perspective of what aspects of a trial warrant documentation.

Even though these proceedings can be colored by sentiments of moral and religious judgement, they still offer crucial insights to the documentation of what the legal courts deemed important to document about a woman facing the death penalty. This work aims to dissect these proceedings to uncover underlying patterns about the potential motivations of mothers accused of infanticide.

Old Bailey Proceedings were written by notetakers in the courtroom and eventually published for an inexpensive price periodically. The information summarized in the proceedings was meant to briefly capture key details of the proceedings for those not able to attend in person. The language of the documented proceedings that described the facts of the case were written in a neutral or clinical tone, and included elements such as the defendant's occupation, marital status, legitimacy of the child, and location of residence.

During 1688-1821, there were 184 cases of individuals indicted of infanticide. Of these 184 cases, 47 were charged as guilty, and 2 were inconclusive. Out of the 47 women charged as guilty, 40 of them were sentenced to death. There is only evidence of 2 men being accused of infanticide, and both were acquitted. There were 88 deceased male infants, and 96 female infants who were victim to these crimes.

To understand the patterns of these 184 cases, I have tracked select categories throughout the proceedings from 1688 to 1821. Each of these proceedings show markers for what makes a trial more likely to receive a verdict of guilty or not guilty. Throughout my research, I have recorded defendant name, year of proceeding, verdict, sentence, gender of infant, word count of proceeding, method of infanticide, occupation (if mentioned), location (if mentioned), presence

of witnesses, and reasoning for verdict to understand the different sentencing patterns. Trends of the word count, marital status, presence of provisions, taxation, violence, and witness were the most crucial factors in understanding Old Bailey proceedings throughout this period.

When describing the methods of the infanticide — whether by drowning, strangling, neglect, or mortal bruising — defendants were framed in a harsh and judgmental manner that focused on highlighting the demonic nature of the act. The account of Ann Ridout's crime illustrates the point:

Ann Ridoubt, of St. Peter's Cornhill, Spinster, was indicted, for that she not having the Fear of God before her Eyes, but being led by the Malice and Instigation of the Devil did on the 15th of Aug. kill and murder her male Infant Bastard Child which being born alive, she with both her Hands, did sling it into a House of Easement, fill'd with human Excrements, in which Place it was suffocated andthen and there died.¹²

Ridout's trial best serves as an insight into the perspective of the accusatory figures. The judge and the notetaker inside of the court more commonly focused on the crime itself rather than the circumstances surrounding why it happened. There is little evidence in the early years of the period that women could make a documented statement in defense of their actions. By erasing the voice of the defendant, the Old Bailey cases show a biased perspective about the suspected actions and motives for the infanticide.

It is important to note that the Old Bailey primarily dealt with the crimes committed by non-elite persons, meaning that the sample of individuals documented under the Old Bailey represented a reoccurring character. Most represented by the Old Bailey infanticide proceedings were poor, unmarried, and working-class women who often live inside their employers lodging. Crimes committed by non-elite individuals often represent the stressors and hardships they faced. Their proceedings represent women who were driven to desperate measures to resolve their situations.

¹²*OBPO*. August 1728. Trial of Ann Ridoubt (t17280828-28).

A woman's occupation was inconsistently mentioned in the trial proceedings. However, frequent identification of the defendant's employer or housekeeper as a primary witness to the scene of the crime suggests her low-class position. The only occupations of defendants that were mentioned in Old Bailey cases were servants, charwomen, maids, and cooks.

2.1 Word Count

The most obvious change in the text of the proceedings was the dramatic increase of word count: between 1688 and 1821, accounts of infanticide cases increased dramatically in length. The shortest proceeding was Elizabeth Stevens (1711), deemed not guilty, containing 35 words.¹³ The longest was Mary Lewis (1793), deemed not guilty, containing 4,246 words.¹⁴ The shortest case with the verdict guilty was the 1690 proceeding against an anonymous woman identified only as "M- H-" containing 77 words, who was sentenced to death.¹⁵ The longest guilty case was that of Mary Frances Jones (1808), containing 4223 words. Jones was sentenced to one year imprisonment.¹⁶

The word count of the proceedings shows what court scribes felt was necessary to publish about the details of the crimes. A steady increase in the word count means that courts entertained more information to come to their verdicts. Although it is uncertain if longer written proceedings correlated to a longer trial, it shows that the courts felt inclined to document more substantial evidence to a proceeding.

¹³ *OBPO* May 1711. Trial of Elizabeth Stevens (t17110516-9).

¹⁴ *OBPO*. February 1793. Trial of MARY LEWIS otherwise GREENWOOD (t17930220-38).

¹⁵ *OBPO*. October 1690. Trial of M - H - (t16901015-2).

¹⁶ *OBPO*. April 1808. Trial of MARY FRANCES JONES (t18080406-35).

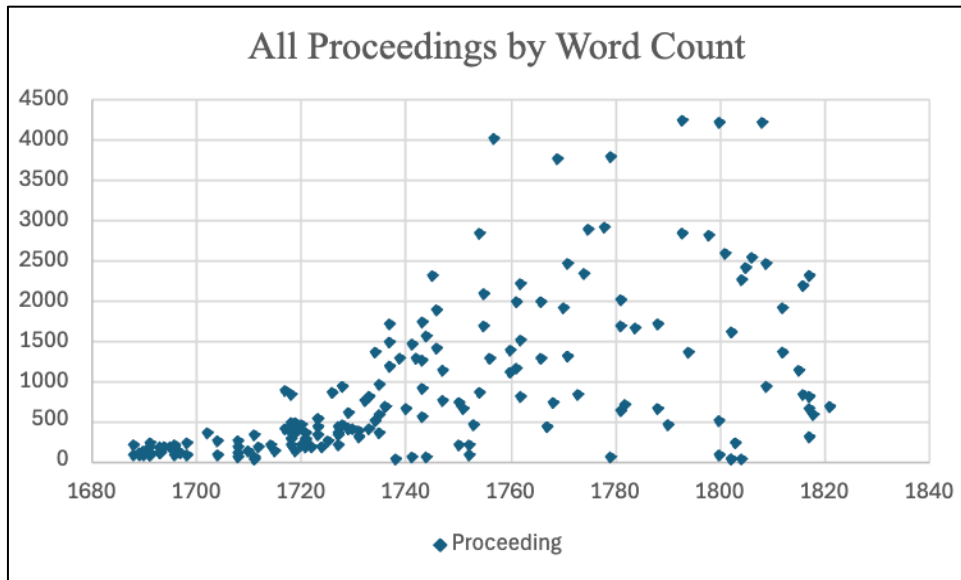


Figure 1. Court proceedings by Word Count.

From 1688 until 1717, court proceedings did not breach 400 words. These proceedings were incredibly brief and stated only basic facts such as the defendant's name, gender of infant, method of infanticide and verdict. Sometimes they would mention a witness, or details about the gruesomeness of the crime. These proceedings often contained only basic details and a verdict. It is deeply troubling that early in the period, so little was recorded in these women's proceedings, especially where execution was the sentence. Not only does this reflect a larger issue of women's circumstances being minimized, but it also denied these women a voice. Silencing these women perpetuated the erasure of their social and psychological factors for their crimes and instead limited their realities to only the facts of the proceedings.

After 1720, proceedings begin to show more variation in the word counts. The courts had included more personal information, and sometimes even contained statements from witnesses. Proceedings where the court deemed that guilt or innocence of a defendant was clear were kept brief. As an example, Hester George (1726) had the first proceeding to breach 800 words. Hester's case describes her whereabouts and the testimony from other members of the house, the

midwife, and even her own short defense.¹⁷ Hester declares she is a married woman, her husband was away at sea, and that she had made small provisions for the child. Hester was acquitted of the charges. Overall, Hester's proceeding shows a visible increase in attention to detail about her circumstances.

By the latter half of this period, 1750 to 1821, proceedings had increased not only in word count but also in quality. The notetakers later in the period demonstrate an effort to capture the voice and testimony not only of witnesses but also of the accused defendants. They eventually prove to become more specific their accounts not only the act of the crime, but also in the potential circumstances in which the defendant had faced. Examples may include describing the physical state of the defendant before the infanticide, or statements about her character and reputation. As an example, the proceeding of Elizabeth Tomlin (1809), a trial totaling 2,455 words contains extensive documentation of the examination of witnesses, with the specific questions and responses that were brought up in the trial.¹⁸ The judge asked several questions that sought to find the guilt or innocence of the defendant and to examine all possibilities of the situation. The elements of advocacy in Tomlin's proceeding are something that makes it distinct from the women before her.

Overall, through this research, examining a distinct increase in the length of the texts and the attention to detail is the first step in understanding the evolution of the Old Bailey Proceedings. Showing the increasing word count reflects attention and regard afforded to the defendants. Summarizing a proceeding that led to a defendant's execution in a few hundred words demonstrated a lack of understanding of the defendant and her potential surrounding circumstances that led her to commit her crime.

¹⁷ *OBPO*. October 1726. Trial of Hester George (t17261012-8).

¹⁸ *OBPO*. April 1809. Trial of ELIZABETH TOMLIN (t18090412-33).

2.2 Concealment and Taxation

The 1624 Infanticide Act highlighted that the practice of concealing an unmarried woman's birth was considered a capital crime when woman's child was found subsequently murdered.¹⁹ This law placed the burden of guilt on the mother. If she had no witnesses at the birth of the child, then she could be considered responsible of any subsequent harm that caused the death of the child. Even mothers who had late term miscarriages or stillborn births may have been accused of infanticide if they could have no witnesses prove the contrary. This act allowed for the weaponizing of the law to allow the judge to sentence almost any woman as guilty, even if she did show evidence of preparations to take care of the child (provisions), or financial account that figures of the house were aware of the pregnancy (taxation).

Infanticides occurred in secret, away from the gaze of the public in a space such as a woman's bedroom or the chamber pot. After the birth, she typically disposed of the body in the privy (chamber pot) or wrapped it in cloths to be hidden.²⁰ Other instances have documented witnesses finding the child abandoned in a field or mud pit. Lower class infanticidal women who lodged in their employer's house as a servant would commonly be caught by the people of the house, either by evidence of birth or by finding the corpse of the newborn.

Women suspected of carrying a child while unwed were taxed by their employers or housekeepers for their condition. Even women who denied their gestation often could not hide it as the due date approached. Some women were open about their lying-in while other witnesses

¹⁹ Samantha Dix, and Victoria Reyes. "Infanticide in the Early Modern Period: The 1624 Statute." *New Histories, Crime & Punishment*, 3, no. 5 (2011).

²⁰ J.R. Dickinson and J.A. Sharpe. "Infanticide in early modern England: the Court of Great Sessions at Chester, 1650-1800, 45.

claimed that they never knew the woman was pregnant until they had come across the corpse of the child. The biggest issue that concealment fosters is that it does not allow for the proper witness to attest to a true stillborn birth or miscarriage. The lines between intentional and unforeseen death become blurred when the mother had been concealing the birth, even if they did not intend to end the newborn's life, the absence of witnesses could not support her claim. Childbirth in the early modern period was typically a communal event, a feminine space of support.²¹ Without the presence of a midwife, childbirth was painful and even dangerous.

Shame and indignity played a significant role in these women birthing alone—enough so for them to put their health at risk. Fear of social ostracism and legal repercussions drove these women to give birth without the support of midwives or women of the community. Without the presence of the defendant's personal testimony, it cannot be entirely understood if these women had murderous intent before the child was born.

Housekeepers who lodged married women would expect them to pay a tax for their condition of being pregnant. Taxation served as a form of moral discipline, although its realistic purpose was to account for extra amenities or lack of productivity from the mother. Even those women who denied the pregnancy often still paid their tax if demanded. Noting the presence of taxation in a proceeding represents a better chance for a woman to receive a verdict of not guilty; it showed in the trial that the people in the house were in fact aware of the unwed pregnancy and would subsequently lead to a better case being made against accusations of concealment of an illegitimate birth.

²¹ Linda A Pollock. "Childbearing and Female Bonding in Early Modern England." *Social History* 22, no. 3 (1997), 288.

Jane Plintoff (1718), who by her housekeeper was suspected of delivering a child, had taxed her with her condition. Jane, who lodged inside Mary Humphrey's house, was suspected of childbirth since she complained of falling ill. Later, when the house of office (privy) was emptied, the newborn's corpse was discovered in the filth. Jane Plintoff confessed that it was her newborn child and that she had miscarried it. She confessed she had put it in the vault because of her shame and inability to bear burying it. With all her circumstances considered, Jane was considered not guilty and acquitted.²²

On a similar note, Ann Leak (1723) was suspected by her housekeeper of being pregnant about a month before her due date. Her proceeding notes that her mistress accused her of being unmarried with child and taxed her for it. Ann had warned her mistress about a week before the birth, and after examining the defendant without the newborn had accused her of infanticide. Leak had hidden the child wrapped in cloths because of her shame of it being stillborn. Ann Leak claims the child was miscarried, but being at her full time, it is more likely the child was not born alive. All circumstances considered Ann Leak was acquitted of her charges and considered not guilty.²³

In both Ann Leak and Jane Plintoff's proceedings, the evidence of taxation works in their favor against the fact that technically the births were concealed. Because the people of the house were at least aware of the condition, they were able to make a case for the child truly being deceased upon or shortly after birth. Even in Ann Leak's case, where a midwife had come and determined that the newborn looked fully grown, and the presence of taxation and provisions had led the courts to acquit her.

²² *OBPO*. July 1718. Trial of Jane Plintoff (t17180709-5).

²³ *OBPO*. January 1723. Trial of Ann Leak (t17230116-37).

Taxation offered compelling evidence for the judge to consider against accusations of premeditated murder. But by itself, it was not sufficient to outright declare a woman innocent. In the case of Ann Morris (1722) her housekeeper was aware of her condition and of the fact that Ann Morris was extremely sick at the time of the birth. Even though Ann Morris gave birth in secrecy, a nearby witness had found the corpse of the newborn who had suffocated in the chamber pot a few days later. The midwife who examined the child declared that it was alive at the time of the birth, and its cause of death was by the hands of the mother throwing it into the chamber. Morris could not show any evidence of provisions, was marked guilty and was sentenced to death.²⁴

Conversely, the absence of taxes and provisions in an infanticide proceeding clearly demonstrated that the newborn's murder was premeditated. The concealment of the entire pregnancy, birth, and murder of the infant leads to a guilty verdict. Consider the case of Mary Forest:

Mary Forest, of Stepney Spinster, was Indicted for the Murder of her Male Bastard Infant, by strangling it with both Hands, on the 2d of August last of which it instantly died. It appeared that on the Date above said, a Child was found Dead in the Fields near Mile End, and prov'd to be the Prisoners. It further appear'd that the Child was born about 5 that Morning, the Prisoner calling no Person to her Assistance, neither had she made any Provision for the Birth of the Child as the Law requires. The Prisoner in her Defence said the Child was Still born, but no Proof appearing of that, the Jury found her guilty of the Indictment. ²⁵

The short proceeding of Mary Forest demonstrates that all her circumstances have worked against her. Witnesses of the birth cannot solely declare innocence. Paid taxes cannot solely declare innocence. Provisions cannot solely declare innocence. The absence of all three of these factors undoubtedly ensures a guilty ruling.

²⁴ *OBPO*. September 1722. Trial of Ann Morris (t17220907-5).

²⁵ *OBPO*. September 1710. Trial of Mary Forest (t17100906-10).

2.3 Marital Status

Illegitimate children were regarded not only as symptoms of social crisis, but they also registered personal, moral failures. The long-lasting ties between religious influences and the courts meant the moral principles against illegitimacy were used to assume a woman's character in court.

Bastardy was deviance from social order, and it was seen as the court's role to uphold social righteousness. Proof of marriage was treated as the most compelling indicator of innocence able to trump almost any evidence of violence upon the newborn.

The 1624 Infanticide Statute dictated that a married woman accused of infanticide was to be treated innocent until proven guilty.²⁶ This meant the judges were much more lenient towards married women regarding incriminating details of the crime. If a woman could prove she had a husband, even if he was overseas, evidence of the proceeding that was lacking in determining facts of the case worked in a married woman's favor. A married woman was less frequently accused of infanticide and none had been executed. Societal perceptions often linked married pregnancies to legitimate circumstances, with miscarriage being seen as a more plausible explanation than murder.²⁷ An unmarried woman had plenty more reasons to rid herself of the responsibility of an illegitimate child.

During the trial of married woman Alice Sawbridge (1693) the lack of evidence in her proceeding worked to her benefit. Workmen witnessed the corpse of a drowned male infant in a clay-pit. When discovering Alice Sawbridge as the mother, the proceeding explains that she had no proof of her involvement in the murder, and no explanation for the state of the infant.²⁸ With only 146 words recorded in her proceeding, she was declared not guilty. Because Alice was a

²⁶ Samantha Dix, and Victoria Reyes. "Infanticide in the Early Modern Period: The 1624v Statute."

²⁷ Mark Jackson. *New-Born Child Murder*, 4.

²⁸ *OBPO*. July 1693. Trial of Alice Sawbridge (t16930713-11).

married woman, and under the law of this time, no proof tying her to the crime or witnesses at the birth of her child meant she was acquitted. The concept of innocent until proven guilty not only allows many concerning facts of the crime to be overlooked, but judges also spent minimal time gathering evidence from potential witnesses.

Proceedings from later years often follow a thorough and more structured examination of the defendants. The criminal court brought charges against Elizabeth Harris in 1781 on evidence that she had cut her newborn child with scissors and had strangled by the neck. Several sworn witnesses attest to the state of the child and that had belonged to her. In her defense, Harris had claimed that she disposed of the infant because she felt shame that she had miscarried it. As Elizabeth was a married woman, the judges decided that the incisions along the neck could have easily been a mistake caused by the untangling the umbilical cord.

Am I to understand you, that, if the child was so entangled with the string about its neck, it is possible that that wound might have been given in the attempt to disentangle it? - It might with an unskilful woman; especially with her, if she was not in her senses. I believe it is not an unusual thing for children to be entangled about the neck? - It is very common.²⁹

Elizabeth Harris's circumstances of the evidence against her being written off by the judge are a favor that an unmarried woman would never receive. The deliberate manipulation of evidence to fit in one's favor was strictly for married women who could be given the benefit of the doubt. Any argument, no matter how flimsy, could be used to assert the innocence of a married infanticide.

In contrast, the proceeding of Mary Baker (1693) demonstrates that when an unmarried woman comes to trial that she is to remain guilty until proven innocent. Mary Baker claimed her infant was stillborn, as she was also ill at the time of the birth, but since there were no witnesses

²⁹ *OBPO*. May 1781. Trial of ELIZABETH, the wife of Thomas HARRIS (t17810530-1).

at the time of the birth, she could not prove whether it was stillborn. Her proceeding concludes with, “Except such mother can prove that the child was born dead by one witness as least, then she shall be accounted guilty, which she could not prove; so she was found guilty of the murder.”³⁰ Mary Baker was executed 10 days later for her crimes.³¹ Mary Baker’s trial sets the stage for the shared fate that unmarried women suffered for infanticide crimes.

2.4 Provisions and the Lying-in

A woman who intended to keep her child was likely to accumulate many items necessary for motherhood. Pieces of cloth for swaddling, a bed, or clothing were bought or made. These were called provisions. An essential question to determining an infanticide crime was observing if the mother had the necessary items in preparation to care for the child. A mother who prepared provisions, and demonstrated proof in trial, was less likely to be found guilty because there was less of a chance that the infanticide was premeditated. A woman who made no provisions meant a woman who did not intend for the child to live after the birth.

Failure to make provisions made distinguishing evidence between stillborn births and infanticide. In the trial of Jane Simpson (1715) other employers or lodged women in the house found evidence Jane had just given birth. When they came to her bedside, they found the corpse of a child. Although they did not witness the actual birth, they believed Jane when she claims that the child was born dead. The proceeding notes that, “The Prisoner said she made some Provision for the Birth, and that it was born dead; and no body proving anything to the contrary, she was acquitted.”³² Although the details of the proceeding are short, it shows that because she

³⁰ *OBPO*. October 1693. Trial of Mary Baker (t16931012-32).

³¹ *OBPO*. *Ordinary of Newgate's Account* October 1693 (OA16931023).

³² *OBPO*. September 1715. Trial of Jane Simpson (t17150907-16).

had made provisions prior to childbirth, and had at least some witnesses, her word was taken as truth, and she was proved not guilty.

Similarly, the trial of Elizabeth Arthur (1717) tells of her circumstance of giving birth prematurely. She had concealed the birth and disposed of the corpse in the privy. Even though the court questioned the child's status of full development at birth, she still proved that provisions were prepared for the child. Upon further examination, the midwife declared the child did not seem fully mature. With all circumstances being considered, Elizabeth Arthur was acquitted.³³ Although the midwife in Elizabeth's proceeding serves as the defining piece of her innocence, her declaration of proper provisions made a good case for the circumstance of miscarriage.

In the case of absence of provisions, such that of Phebe Ward (1711), a proceeding could be easily turned to a guilty verdict. Even when uncontrollable circumstances such as the mother's illness during birth were brought up in the proceeding, the lack of preparation made it difficult to suggest accident over purposeful death. It is mentioned that she suffered with colic frequently before the birth, which she had concealed, and after the corpse of the child was found the lack of provisions outweighed all other circumstances.³⁴ Phebe was sentenced to death and executed 17 days later.³⁵

Provision evidence allows for an examination of the mother's potential motive. In a setting such as an infanticide case, provisions could serve as crucial evidence, allowing the woman to refute her charges and create a case for herself. Signs of preparations could challenge assumptions of premeditated murder and in several cases prove a woman innocent. The

³³ *OBPO*. September 1717. Trial of Elizabeth Arthur (t17170911-50).

³⁴ *OBPO*. December 1711. Trial of Phebe Ward (t17111205-21).

³⁵ *OBPO*. *Ordinary of Newgate's Account December 1711* (OA17111222).

occurrence of a miscarriage or stillborn birth needed to be considered as a possibility. Although infanticide was always the formal accusation and the court's first assumption, provisions allowed a mother to contradict the court's allegations of malice.

2.5 Violence and Evidence of Harm

The strongest evidence of infanticide, of course, was physical harm to the newborn infant. A vast majority of the Old Bailey proceedings explicitly mention commonly used methods of infanticide such as suffocation, drowning, strangling, or stabbing. Many proceedings attempted to distinguish between intentionally inflicted violence intended to end the newborn's life rather than the signs of physical evidence resulting from the mother's efforts to conceal the body.

More than half of the Old Bailey infanticide cases describe women who threw their newborn children down the privy, where the child had suffocated in the excrement. The woman would often defend herself saying that she felt such shame of her situation that she disposed of the corpse to hide the evidence.³⁶ Children who were thrown often broke limbs or received mortal bruises, but it is unclear whether these children died from the force or if infanticide had been at play before the disposal of the infant's body.

When indication of newborn violence is brought up in the courts during the earlier years, there is extraordinarily little time spent trying to decipher if it was result of the infanticide or the disposal of evidence. After the 1700s, more time is spent trying to distinguish the possible circumstances of the state of the corpse. Surgical and forensic evidence starts to take a more predominate role in the courtroom, as surgeons at the time developed different methods to analyze if the child had been born alive.

³⁶ *OBPO*. September 1717. Trial of Elizabeth Arthur (t17170911-50).

Surgeons' and coroners' methods of examining newborn corpses for evidence of cause of death significantly increased after 'An Act for giving a proper Reward to Coroners' was passed in 1751. The increasing need for medical evidence in a trial motivated more proceedings to contain more than just eyewitness evidence.³⁷ Two of the techniques used to examine newborn corpses involved testing their lungs and hands. Surgeons would extract the lungs from the child and put them in water. If they floated, it meant that the child had taken its first breath after birth and was alive at the time of birth.³⁸ In the case of Mary Mussen, floating was sufficient to warrant a guilty verdict.

From that I collected that the child was born alive, for I imagine the blood by the breath had been forced up into the nose thro' the wind-pipe; this was an argument with me to induce me to believe it, for no dead body breathes. I then open'd the body, and examin'd the state of the lungs, and found they had been inflated, there had wind passed into the lungs; the nature of the lungs is, when the animal has been alive and air has passed into them, that they will float in water; any animal that has never been alive, and breath has never passed into the lungs, they will sink in water. This is a positive proof to know that the child had been alive. From this circumstance I did conclude that the child had been alive, and gave it in as my judgment.³⁹

Surgeons would also take notes of the state of the hands. If they were expanded, the child would have been born alive. If clenched, it would have been stillborn.⁴⁰ Even though medical techniques at the time were still rudimentary, examination of the child by a surgeon had become one of the most powerful testimonies brought to the courtroom.

Sarah Harwood (1729) had looked for lodging the day before she had given birth. After the people of the house suspected evidence of birth, they came upon the infant's corpse in the vault. Sarah claims that she did not know she was near her time, and the child had dropped from her accidentally into the chamber below. She claims that she had never "laid her finger upon it to

³⁷ Mark Jackson. *New-born Child Murder*, 88-89.

³⁸ *OBPO*. April 1729. Trial of Sarah Harwood, alias Badger, alias Radford (t17290416-67).

³⁹ *OBPO*. May 1757. Trial of Mary Mussen (t17570526-22)

⁴⁰ *OBPO*. February 1718. Trial of Ann Mabe (t17180227-25).

hurt it”⁴¹ but the fall from the vault had undoubtedly ended the child’s life. Because of the ambiguity of the exact cause of death in the case of Sarah Harwood’s infant, the surgeon had taken the child to examine if its lungs were buoyant. After proving that they in fact floated, Sarah Harwood was found guilty of the murder and executed.

In other circumstances, proceedings that contained evidence of sheer brutality upon the child left no doubt that the harm inflicted was intentional. Evidence of extreme violence made it impossible for a woman to claim innocence against her charges. Skull fractures, deep lacerations, multiple mortal bruises, or burn marks indicated deliberate violence. Proceedings such as Anne Stephens (1691) demonstrate intentional evidence of harm.

Anne Stephens was Indicted for murdering her Female Bastard Infant Child, on the 4th Day of this instant January. The Evidence was, That she brought forth the Child privately in her Chamber, after which she conveyed it into the House of Office: which was plainly sworn against her, and that the Child's Jawbone was broke, and the Face of it was cut with a Pair of scissers, on the corner of the Mouth 2 Inches deep and one in length. She had nothing to say for her self, so was found Guilty.⁴²

Although Anne’s case declares that she did throw the child into the privy, evidence shows that the incisions and lacerations upon the child were done prior to the disposal of the body. Because of the severity of Anne Stephens case, and the fact that she made nothing in defense for herself in front of the court, she was sentenced guilty of the murder and executed 11 days later.

The Old Bailey cases from 1688 to 1821 note one single instance of an infanticide case being declared not guilty by insanity. Mary Tate (1714) was declared Non Compos Mentis or “of unsound mind.” She was discovered earlier in the day lying in the fields in a catatonic state, and she confessed she had delivered a child. She later confessed to a witness that she had wrapped the child in straw and thrust it into a burning kiln. The proceeding documents that many

⁴¹ *OBPO*. April 1729. Trial of Sarah Harwood, alias Badger, alias Radford (t17290416-67).

⁴² *OBPO*. January 1691. Trial of Anne Stephens (t16910115-15)

witnesses at the trial had noted that she did not seem like a person “well in her senses.”⁴³

Because of her mental circumstances being considered, as she spent most of her trial rambling nonsensically, she was declared not guilty and was acquitted of the charges.

3. Gender and Motivation

3.1 Gendered Thinking

Women had very limited access to the courts as a viable means of legal justice. Women could sue over matters concerning their honor, but the public spectacle and even humiliation that resulted often made many women hesitant to believe they would maintain credibility in a legal settling.⁴⁴ Poor unmarried women were already seen as sexually irresponsible and insane; the uncertainty of the legal space worked against women, rarely for them.

The categorization of infanticide as a “woman’s crime” feeds into the gendered belief that only women were responsible for the circumstances that caused them to commit infanticide. Infanticide was inherently tied to notions of female insanity, poverty, and illegitimacy.⁴⁵ Unmarried women in early modern times were condemned by their local social structures, mainly parishes and church charity efforts, out of fear that their rapid production of illegitimate children was too great of a financial burden.^{46 47} Even widowed women would eventually be

⁴³ *OBPO*. June 1714. Trial of Mary Tate (t17140630-38).

⁴⁴ Jennifer Kermode, and Garthine Walker. *Women, Crime and the Courts in Early Modern England*. (Chapel Hill: University of North Carolina Press, 1994), 34-36.

⁴⁵ Rabin, Dana. “Beyond “Lewd Women” and “Wanton Wenches”: Infanticide and Child-Murder in the Long Eighteenth Century” in *Writing British Infanticide* ed. Jennifer Thorn (Newark: University of Delaware Press, 2003), 45.

⁴⁶ Patricia Crawford and Laura Gowing. *Women’s Worlds in Seventeenth-Century England*. (London; Routledge, 2000), 194.

⁴⁷ Willen, Diane. “Women in the Public Sphere in Early Modern England: The Case of the Urban Working Poor.” *The Sixteenth Century Journal* 19, no. 4 (1988): 561.

reduced to economic dependency without the support of a working spouses' salary. Rather than focusing on the living realities and issues of low-class women in the 17th century, legal figures were still trying to figure out if a woman's testimony counted as half a person or not a person at all.⁴⁸ The general dismissive language that was used to document women's lives at the time only reinforces their marginalization.

Because gestation and birth are strictly feminine events, men only being required for conception, men were absolved of any accountability. Poor women were susceptible of becoming pregnant, either by force of rape or by noncommittal fathers. Their stories would become erased, and the narrative would shift its focus to the obscenity of women's actions. The realm of infanticide convictions is arguably limited to only single women, as married couples and unwed fathers carried no responsibility for the death of infants.⁴⁹

The most vivid evidence of the gendered thinking of infanticide: men make only a brief appearance as culprits in Old Bailey proceedings. During the entire period between 1688 to 1821, men were accused only twice. The first being William Nun, accused alongside of Grace Gates (1752), for the strangling and drowning of a stillborn child. In the second case, James Field was accused in 1766 for drowning the child of the woman who lived with him. It is unclear whether Field and his partner were married. Both he and William Nun were acquitted.

In the more general sphere, prejudices against women and their fueling of the infanticide crisis fail to ask: where are the fathers? The only hints that are gathered from the Old Bailey exist in Ordinary accounts, which may mention the position of the child's father if given at the last

⁴⁸ Jennifer Kermode, and Garthine Walker. *Women, Crime and the Courts in Early Modern England*, 26.

⁴⁹ Dana Rabin. "Beyond "Lewd Women" and "Wanton Wenches", 45.

dying speech of the defendant. In a larger picture, men are absent from the narrative of infanticide because they were largely exempt from persecution if absent.

Parishes and local governing forces made large efforts to wed expecting couples to preserve and uphold social order and economic stability. In particular, “Under laws of 1733 and 1809 if an unmarried girl became pregnant, she had only to name the putative father—with no other evidence required—and the parish poor law authority would haul him before the magistrates, where he would have to undertake to pay maintenance at the courts' discretion (usually 2 to 3 shillings a week) or go to prison.”⁵⁰ Laws such as these show the significance of the discussion around the situational factors of women resorting to infanticide. Because of this law, parishes—and even nearby families—attempted to force the fathers of the child to marry the pregnant girl, in which several women refused.⁵¹ Ignoring the broader complexities of their involvement, the forced union of the illegitimate child’s parents fails to consider the possibility that these men could be abusive or neglectful.

3.2 Emotion and Language

The prejudices against how the judge, notetaker, or Ordinary documented thoughts about women’s acts of infanticide are best exemplified through an analysis of their word choices and tone. The evolution of emotional language used to describe women’s circumstances became increasingly prominent over time. This language would not fit a 21st Century perception of female autonomy, but nonetheless demonstrates the beginning of a progressive change that allowed women to start making their own statements of defense in their trials.

⁵⁰ Lionel Rose, *Massacre of the Innocents*, 24.

⁵¹ Lionel Rose, *Massacre of the Innocents*, 24.

The very first trial that conveys emotional language is that of Mary Radford (1732) the account of which contains 532 words.⁵² Radford's trial signifies a turning point in which historians question how infanticide cases had been perceived by the courts.⁵³ What reasoning had the courts now to prove these women guilty, when they before had so easily sentenced them to an early death?

Before Radford, court officials showed no concern regarding the most fundamental questioning of the most essential point: why had these women murdered their innocent children? Although the proceedings don't always reflect the actual dialogue in the trial verbatim, they certainly reflect how the courts wanted their audiences to perceive these crimes. None of these proceedings recorded in the first thirty-six years include any mention of a woman's testimony or defense. Most of them seldom list any reasoning or discussion about the woman's situation, and unfortunately, her punishment was always death.

Later in the 1700s, court proceedings began to include more documentation regarding the language of emotion. Dana Rabin credits this change to the social and cultural movement of the 'culture of sensibility,' a fundamental change that emphasized empathy and emotional responsiveness.⁵⁴ This increase in seeing the humanity of these prisoners of infanticide engaged a substantially more important change in the legislature later in 1803.

The remaining twenty-three trials in the last ninety-seven years of this period (1724-1821) included more conversation about witnesses, testimonies, and attention to the personalities of the women accused. This era shows an outstanding improvement in compiling evidence,

⁵² *OBPO*. January 1723. Trial of Mary Radford (t17230116-38).

⁵³ Dana Rabin. "Bodies of evidence, states of mind: infanticide, emotion and sensibility in eighteenth-century England" in *Infanticide: historical perspectives on child murder and concealment, 1550-2000*. Edited by Mark Jackson. (Ashgate, 2002), 83.

⁵⁴ Dana Rabin, "Bodies of evidence, states of mind", 83.

testimony, medical advice, and even sympathy for defendants. Proceedings such as Jane Cornforth's (1774) had fifteen witnesses testify about her actions, character, and unlikeliness to commit such an atrocity before giving her sentence.

Lydia Lane. I have known her from a child; I never heard any thing bad by her, nor to the contrary of her being a tender humane girl.

Matthias Dale. I have known the prisoner six years: she is very tender and affectionate to wards children; she is humane and charitable.

Francis Gray. I have known her two years, though but little till the last six months, and at that time she was a very tender good sort of a girl: I heard her say she put the child to bed to keep it warm.

John Davis. I have known her eight months: she bore a good character, she was charitable and humane to the poor when they came to the door, and very kind to children.⁵⁵

Jane's witnesses show an overwhelming amount of support for her character, and unlikeliness to commit a gruesome crime like infanticide. The significance of Cornforth's trial is that even though she was sentenced as guilty, and executed for her crimes, the judge spent ample time proving her true involvement in the infanticide. Unlike those before Cornforth, the judge needed very little rationale to sentence a woman to death. The inclusion of several midwives and surgeons that play a role in determining her guilt serve as a marker of progress for this period, allowing the debate between incriminating and exculpatory evidence guide the trial instead of the judge's intuition.

The documented trial of Mary Mussen in 1757, one of the longest and most detailed of this period, perfectly encapsulated the most concrete elements that exist in an infanticide trial. Starting with the formal accusation, the nature of the infanticide, questioning about witnesses, and attestation of medical evidence (as seen above), the case finally concludes with an examination of character of the defendant through witness testimony.⁵⁶ Mussen's trial

⁵⁵ *OBPO*. May 1774. Trial of JANE CORNFORTH (t17740518-23).

⁵⁶ *OBPO*. May 1757. Trial of Mary Mussen (t17570526-22)

exemplifies a pivotal shift in judicial documentation, and a comprehensive increase in legal deliberation.

The increase of attention to emotion and questioning highlights that the court's judges had felt some motivation to account for the actions of these women and build a larger case for why they were justified to receive the death sentence. There is a clear increase in these proceedings in which the courts searched for an explanation of how a woman could bring herself to commit infanticide.⁵⁷ While the courts would increase instances of witness testimony and the evaluation of evidence, the Old Bailey still would seldom include the personal testimony of the defendant. Though this is not to say that the defendant had not made a verbal statement: the courts simply did not want to make the testimonies public.

3.3 Ordinary Accounts and Public Shame

Public spectacle and drama shaped a very peculiar and slightly sadistic history of British infanticide. Public shame itself evolved into an overly dramatic and passionate tool of infanticide deterrence. Dramatic retellings and 'warnings' demonstrate insight into how public perception and hysteria shaped attitudes towards infanticide. British society treated literature regarding death and castigating evil as a favored pastime.

English pamphlet literature and sermons dramatized the details of the crime and distributed it for the community to read. Other documented stories included sermons drafted by devout Christians warning their followers to heed those sinful precedents.

My Soul was the more deeply affected with her condition, *partly*, because she belonged to my Flock, and had received the Seal of the Covenant from my hands, and was under my Charge...*But she is now gone, and hath given up her account to the Judge of all.* Yet her example remains, and

⁵⁷ Dana Rabin, "Bodies of evidence, states of mind.", 89.

stands for the Warning of others. And doubtless God expects that *the living should lay it to heart*, and learn lessons of Caution thereby⁵⁸

These published sermons give great insight into institutional perceptions of infanticide, but withdraw history from the individual themselves. Public spectacle removes the empathy of the motivation and circumstances behind infanticide and instead focuses on debasing infanticidal women.

Sometimes, the Ordinary's accounts in the Old Bailey included short biographies of those sentenced to death. The Ordinary may have provided spoken spiritual guidance in the final hours before execution, noting that even after the severity of their crimes, the condemned would be able to repent and find God in the afterlife.⁵⁹ Accounts include heavy use of biblical imagery and commonly began with a sermon, calling to question why these people had devolved to such sin. After, each prisoner was given a small section in which the Ordinary transcribed their final statement: a last dying speech. Exemplified with Anne Stephens' trial in 1691, she became pregnant with an illegitimate child and the father refused marriage. She declares that because of her shame, she had marred and cast her newborn into a chamber pot and therefore ended its life.

She said, That Satan had brought her from one sin to another, because she had not led a good Life, but was Careless of her Duty to God, and was not contented with the Mean Condition of a Servant. She wept, but I told her, That her Tears could not wash off so deep dyed a Sin, but only the efficacy of Christ's Blood shed, applyed by Faith, to make her Heart truly and deeply Penitent She warns all persons to preserve their Chastity, and to take heed of the beginning of any Wantonness in their Conversation, lest it spread to Grosser Acts, and end in such Barbarous Murder, to conceal Shame and avoid the Fear of Poverty.⁶⁰

Ordinary accounts such as Anne's were published alongside the court proceedings, sold for a few pence, and were heavily desired. Not only was this material very engaging for the community

⁵⁸ Samuel Willard, *Impenitent Sinners Warned of their Misery and Summoned to Judgment Delivered in Two Sermons, the Former on the Sabbath, Nov. 6, the Other on the Lecture Following, Nov. 10, 1698, Occasioned by the Amazing Instance of a Miserable Creature Who Stood Condemned for Murdering Her Infant Begotten in Whoredom : To which are Subjoyned the Solemn Words Spoken to Her on those Opportunities, Published for the Warning of Others / by Samuel Willard*. Boston (Mass.): 1698.

⁵⁹ Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775*. (London: Hambledon Continuum, 2007), 10.

⁶⁰ *OBPO, Ordinary of Newgate's Account* January 1691, (OA16910126).

but it also gave the courts the power to shape the perception of the crimes and engage an agenda. They provide one of the closest forms of literature that is available to hear the perceptions and motivations for why they committed such dark crimes. If the courts would not include their voices, they would have to declare their stories themselves.

The irony of the Ordinary accounts is that they serve as the closest form of a documented personal statement for the women executed for infanticide. It was at a woman's last dying moment that she would be able to truly convey her story to the public, and confess her sins to God. Many of the Ordinary accounts transcribe the details of the stories and circumstances that these women lived.

Mary Mott, Condemned for killing her Male Bastard Child, she said, that he who begat it, promised her Marriage: When she was quick with Child, she sent him notice of it, but he ran away, and took no Care of her, so distrusting Gods Providence how she should maintain the Child, she put it up in a Basket, and exposed it in a Gutter, to starving. She said that she had an hard cruel heart, for which she now Relents, as also, for Sabbath breaking, for Drunkenness, and the frequent neglect of Prayer and all other Religious Dutys.⁶¹

Evidence in her Ordinary account, such as the circumstance of her being abandoned by the father of her child, is information that was never included in a proceeding. Mary Mott's Ordinary account also shows that, as a poor woman, she had no way to sustain her child without the assistance of the father. Alternatively, Mott's trial proceeding only mentions a few facts about the witness who had found her deceased child, and her sworn statement that the child was born dead. Reading only her documented proceeding limits so much of the emotionally appealing evidence of her circumstances.

Ordinary Accounts only exist for those sentenced guilty of their crimes awaiting execution. The Ordinary accounts, dependent upon which Ordinary was employed during the execution, would document things about the journey from Newgate to the gallows of Tyburn, a

⁶¹ *OBPO. Ordinary of Newgate's Account* December 1691 (OA16911218).

list of criminals awaiting execution, the order of the hangings, religious guidance for the crimes of those accused, and/or the temperaments of the audience gathered to watch. All Ordinary Accounts at least included a statement about behavioral observations of the accused awaiting their early death.

Mary Mott, was seemingly very Penitent, Crying out for Pardoning Mercy from God; for so bloody a Fact, as the Murther of the Innocent Child; but being overwhelmed with Grief, she could not express her sorrow for her sins, and particularly for that for which she Dyed.⁶²

It is unfortunate that many of the unmarried woman sentenced to death for their crimes had only been allowed to have their stories and struggles conveyed at their last living moments.

Ordinary's' accounts also have served as an incredible tool to understanding how execution had served as not only a method of deterrence against crimes, but as a vulnerable space for those awaiting their fates.

4. Social Systems of Justice and Deterrence

4.1 Execution as Punishment

The proceedings of the Old Bailey list execution as the only punishment for those sentenced guilty of infanticide. The early modern legislators' detestation of infanticide crimes led them to mitigate the chances of a partial verdict; therefore the death sentence was the only fate awaiting infanticidal women. The violent nature of hanging at the gallows reflects the severity of the crime, as acts of homicide were considered one of the greatest atrocities against mankind.⁶³

Executions functioned to display the authority of the state while also bringing a sense of public justice to the people: to eradicate those who had failed to see with the eyes of God before them.

⁶² OBPO. *Ordinary of Newgate's Account* December 1691 (OA16911218).

⁶³ Markus Eder. *"At the Instigation of the Devil": Capital Punishment and the Assize in the Early Modern England, 1670-1730*. (Hilgertshausen-Tandern, Germany: 2009), 29.

Aside from infanticide, the early decades of the Old Bailey mention a plethora of crime punishments such as burning in the hand, whipping, standing at the pillory, transportation, and amercement.⁶⁴ None of these methods were as popular as the death penalty.

The spectacle of execution conveys a sense of sought vengeance desired against criminals. Executions were a popular event, as illustrated in William Hogarth's etching of *The Idle 'Prentice Executed at Tyburn*, which demonstrates hundreds of people gathered to observe the gallows.



Figure 2. William Hogarth, *The Idle 'Prentice Executed at Tyburn: Industry and Idleness*, plate 11, September 30, 1747, etching and engraving, courtesy of The Metropolitan Museum of Art.

⁶⁴ *OBPO*. September 1696. Punishment summary (s16960909-1).

Nearby structures were built to accommodate the large crowds gathered to attend the gallows. Buildings and homes with better views of the hangings had sold seats to eager viewers. Executions were mainly held at the gallows of Tyburn, until concerns about public safety and security arose, and executions were moved in 1783 to a more private location in Newgate.⁶⁵

Public executions, in theory, were created as a method of deterrence, to show the public what fate that awaited them if they were to follow in similar footsteps to the criminals strung up on the gallows. The last dying speeches of the prisoners served as cautionary tales, urging other to avoid committing similar crimes.

Hester Rowden desired to warn all servants to do their duty to God and their superiors, and to be sober, diligent, and watchful over themselves; not neglecting the duties of private prayer and public worship as she had done.

They were attended and prayed with the usual time at the place of execution; and patiently resigned their lives.

The crowd of spectators was very numerous both on foot and in carriages, who, in general, behaved decently, and, it is hoped, were warned by these sad examples of justice.⁶⁶

The spectacle, although morbid to the 21st-Century mind, brought many people together to create a collective of shared morals and a sense of justice to the consequences of transgression. The Ordinary accounts which had described the scenes of the executions had been popular amongst the public.

As a response to the increase of violent homicidal crimes, the 1751 Murder Act required executions to be carried out within two days of sentencing, to limit the chances that a person's sentence would be pardoned or respited.⁶⁷ In circumstances of women's crimes, if she could prove a state of pregnancy, she could have her sentence respited. The only case this is reflected in is the trial of Maragret Price.

⁶⁵ Andrea McKenzie, *Tyburn's Martyrs*, 6-11.

⁶⁶ *OBPO. Ordinary of Newgate's Account* October 1761 (OA17611005).

⁶⁷ 25 George II c.37: The Murder Act

Elizabeth Starr, Elizabeth Perry, Anne Povey, Elizabeth Hutton, Elizabeth Wright, Margaret Price, and Jane Atkinson, pleaded their Bellies; and a Jury of Matrons were Impanelled, who found all to be with quick Child.⁶⁸

The only circumstance of a case being respited from 1688 to 1821 lies in Price's trial, as the ability to get pregnant so close to having already given birth would have been impossible for many. The evidence of pregnancy upon execution also was not exculpation, as women were subsequently executed after they had given birth to the new child.

But if the culture of public executions had brought legal authority to the courts and a sense of justice to the people, then why had infanticide sentences fallen to imprisonment at the turn of the 19th Century? Slowly, with the developments of the Romantic era of England, people had realized that Stuart era laws were now considered unfit to deal with the landscape of the legal scene. Although hanging for infanticide was not abolished until 1922, Lord Ellenborough's 1803 Act declared that ample evidence was needed to declare a woman guilty of murder.⁶⁹ Infanticide was to be treated like any other crime, that a woman was innocent until proven guilty.⁷⁰ Even though Lord Ellenborough sought to make the death penalty more accessible to lower crimes such as stabbings and burnings, he inadvertently replaced the notion that women only guilty of the concealment of their bastard children could not be executed on that count alone.⁷¹

Imprisonment was enacted immediately, as in the following year, Ann Smith's trial accounts her hiding the body of her deceased bastard child in the privy. Because no evidence could truly try Smith as the perpetrator, she was only guilty of the concealment, and she was

⁶⁸ *OBPO*. September 1696. Punishment summary (s16960909-1).

⁶⁹ Harry Potter. *Hanging in Judgment: Religion and the Death Penalty in England*. (New York: Continuum, 1993).

⁷⁰ Lionel Rose. *Massacre of the Innocents*, 70.

⁷¹ 43 George III c.58. Lord Ellenborough's Act.

sentenced to two years in the house of correction.⁷² Imprisonment as a punishment sparked debate on what social justice had meant at the time. Did it matter more to early modern society that these ‘horrid women’ had been eradicated from the face of the earth? Or was the trial and punishment enough to serve as a sense of judicial duty?

4.2 Infanticide and Not Alternative Methods

The question of women's infanticide points toward a social crisis for legitimacy, court defense, explanation of judicial murder, and a deep-rooted dilemma according to outdated laws regarding unmarried women. Even so, why was there such aversion to alternative methods of relieving child burden? This work has exhausted the points of the legal framework surrounding how infanticide cases have been treated, yet there is still much to analyze surrounding the social and personal connotations of women's infanticide in Britain. Parishes during the eighteenth century were already the primary source for several other figures of poor communities. Parishes’ charity certainly existed but was an exhausted resource and maintained no certainty for quality of life. The economic strain of the impoverished resulted in many parishioners turning pregnant single women away, to deter the already rising amount of unemployed.⁷³

The courts also observed the economic strain of the parishes on the community and responded through legislative action that prevented the exacerbation of the parish’s work. If the mothers could not care for the child and continuously resorted to state or religious funds, the courts applied more responsibility to the individual figures responsible for the illegitimate pregnancy. Under the ‘Act for the Relief of Parishes’ passed in 1733, parishes were no longer bound to accept these cases of bastardy and allowed justices of the peace to apprehend any man

⁷² *OBPO*. July 1804. Trial of ANN SMITH (t18040704-16).

⁷³ Mark Jackson, *New-born Child Murder*. 37.

named as the father of a bastard child and to commit him to prison unless he gave assurances that he would indemnify the parish against the charge of the child.”⁷⁴ Although this act does give a sense of agency to mothers who prior may not have had any power over the fathers of their children, it fails to address that these men may have been abusive or neglectful.

Single motherhood was out of the question. Since most of these single women were living in their employers' lodgings and working as domestic servants, the state of their pregnancy often was concealed up until evidence of birth was found. Even if these women cared for the child, it was forbidden by their employers and even cast down upon socially. “The prevailing cultural expectation was that illegitimate children should be physically separated from their birth mothers, in preference for care by nurses and boarding schools arranged by fathers or by a paternal representative.”⁷⁵ Unfortunately, these poor single mothers could not afford boarding schools, as they could barely subsidize themselves. The courts were still aiming to cushion the economic strains in the problems of illegitimacy instead of the ethical dilemma of impoverished motherhood.

With all systems working against these unmarried women, the notion of infanticide seemed like a desperate but necessary measure to these women burdened with a bastard child. The courts had assumed that the shame associated with the concealment and infanticide from these unmarried women (along with the legal consequences) would have deterred these expecting mothers from murdering their newborns.⁷⁶ Conversely, the stigma of bearing illegitimate children only escalated these behaviors. Illegitimate children were more likely to

⁷⁴ Mark Jackson, *New-born Child Murder*. 37.

⁷⁵ Kate Gibson, *Mothering Illegitimate Children in Late Eighteenth-Century England*. Past & Present, Volume 246, Issue Supplement 15, (December 2020): 117–144.

⁷⁶ Mark Jackson, *New-born Child Murder*. 35.

become victims of infanticide especially when abortive methods were too risky.⁷⁷ As many tried to conceal the evidence of birth and its product to escape the consequences, it had only enacted the contrary. Women were desperate to escape any social shame and burden upon the birth of their illegitimate children.

Early modern era laws turned a blind eye to the use of abortifacient taken before the quickening. Still, abortion was generally socially looked down upon. Because of the early modern notions of the fetus not being considered a person before the quickening (movement of the fetus), early term abortion was not considered as murder.⁷⁸ Consumption of herbs and plants would be used to lessen the changes of fertility, and even some more powerful herbs such as rue could be used as an abortifacient. Most of the knowledge was on passed by women orally, as many texts do not explicitly mention how to use them.⁷⁹

Most abortive methods during this time posed too great a risk to be considered. It is also unknown if safe abortive methods existed at the time, or if they were inaccessible for poor women to obtain. Abortive methods also in later years were condemned because only women and midwives had knowledge about their uses, therefore taking power away from the hegemony of ecclesiastical and legal power over women's reproduction.

Most of the information about abortive methods that survived detailed the risks that abortion played, specifically with the risk of becoming infertile, or death. Abortifacient poisoning was unfortunately common among poor women who may not have had the knowledge

⁷⁷ Alan Macfarlane. "Illegitimacy and illegitimates in English history." *Bastardy and its comparative history*. (1980), 71.

⁷⁸ Carla Spivack. "To Bring down the Flowers: The Cultural Context of Abortion Law in Early Modern England." *William & Mary Journal of Race, Gender, and Social Justice* 14, no. 1 (2007): 109.

⁷⁹ Alex Gradwohl. Gradwohl, Alex. "Herbal Abortifacients and Their Classical Heritage in Tudor England." *Penn History Review*, n.d., 46.

to appropriately take correct dosages or compounds.⁸⁰ For many women, abortion was out of the question. Infanticide carried less risk to a woman's body by killing the infant after it had left her own body.

Child abandonment also served as an alternative to infanticide and was widely used amongst early modern London's growing population. Women would often leave the newborn child on the doorstep of a nearby parish or hospital to free themselves from the burden. Many of the women who did commit infanticide, may not have had the opportunity to find a place to anonymously abandon their children. As many of the women had lived in their employers' houses, they may not have been able let the child cry, as to alert other people in the house that a child had been delivered.

Child abandonment also had the risk of social ostracization against the recipients of the newborn. A woman who left the child at the doorstep of a man or family nearby could have led to community gossip about him being the putative father.⁸¹ Abandonment of a child required at least some advanced planning, which many women may have not had. Infanticide, overall, while having high risks and the steepest punishment, may have been the only method these women saw as viable for eliminating the unwanted burden of a newborn child.

Concluding Thoughts

Infanticide crimes by nature have a complex relationship because of the intimate nature between a mother and her child. These dynamics challenged the societal expectations of the mother as a nurturing figure and instead reflected the mother as a monster: disturbed and unnatural.

⁸⁰ Dana Rabin. "Beyond "Lewd Women" and "Wanton Wenches", 47.

⁸¹ Patricia Crawford and Laura Gowing. *Women's Worlds in Seventeenth-Century England*. (London; Routledge, 2000), 194.

Infanticide crimes place the mother as the immediate suspect, erasing the potential of circumstances outside of the female narrative. Infanticide, simply put, was a woman's crime.

By assessing not only the quantitative and qualitative evidence in the proceedings and accounts of the trials in the Old Bailey, while also considering the changes in legislature, economic strains, and societal pressures of shame and spectacle, can gather a well-rounded perception of the infanticide problem from 1688 to 1821. This specific period harnesses exemplary change in the courts' perception of morality where unmarried women would be sentenced to death earlier in this timeframe under consideration, but later, would only receive a prison sentence. These changes can offer insight into how the Old Bailey judges saw humanity by those perpetrators who had taken it from an infant.

Infanticide was a brutal, gory, and traumatizing act. Abortion was extremely risky and had lasting effects to health, some as severe as death. Abandonment of illegitimate children risked legal and financial consequences against not only the mother but on the state. Women did not commit infanticide out of convenience. The fear and shame that shapes this era had driven these women to desperate measures to liberate them of their burdens. If there is one thing to take away from this era it is that the infanticide crisis was never about newborn children. Married men and women accused of infanticide never experienced the same culpability and prosecution that poor unmarried women did. The infanticide crisis was about regulating and punishing poor unmarried women who did not conform to the standards of patriarchy.

Bibliography

- Dickinson, J.R. and Sharpe, J.A. "Infanticide in early modern England: the Court of Great Sessions at Chester, 1650-1800" in *Infanticide: historical perspectives on child murder and concealment, 1550-2000*. Edited by Mark Jackson. Ashgate, 2002.
- Dix, Samantha, and Victoria Reyes. "Infanticide in the Early Modern Period: The 1624v Statute." *New Histories, Crime & Punishment*, 3, no. 5 (2011).
- Eder, Markus. *"At the Instigation of the Devil": Capital Punishment and the Assize in the Early Modern England, 1670-1730*. Hilgertshausen-Tandern, Germany: M. Eder, 2009.
- Gibson, Kate. "Mothering Illegitimate Children in Late Eighteenth-Century England." *Past & Present* 246, no. Supplement 15 (December 1, 2020): 117–44.
<https://doi.org/10.1093/pastj/gtaa034>.
- Gradwohl, Alex. "Herbal Abortifacients and Their Classical Heritage in Tudor England." *Penn History Review*, n.d., 44–72.
- Hogarth, William. *The Idle 'Prentice Executed at Tyburn: Industry and Idleness, plate 11*, September 30, 1747, etching and engraving, courtesy of The Metropolitan Museum of Art. <https://www.metmuseum.org/art/collection/search/399844>
- Jackson, Mark. *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000*. Aldershot, Hants, England; Ashgate, 2002.
- Jackson, Mark. *New-born Child Murder: Women, Illegitimacy and the Courts in Eighteenth Century England*. Manchester; Manchester University Press, 1996.
- Kermode, Jennifer, and Garthine Walker. *Women, Crime and the Courts in Early Modern England*. Chapel Hill: University of North Carolina Press, 1994.
- Macfarlane, Alan. "Illegitimacy and illegitimates in English history." *Bastardy and its comparative history* 71 (1980).
- McKenzie, Andrea. *Tyburn's Martyrs: Execution in England, 1675-1775*. London: Hambledon Continuum, 2007.
- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) A search for all records where the offense was infanticide, the verdict was guilty, the earliest year is 1688 and the latest year is 1821. Available at:
https://www.oldbaileyonline.org/search/keyword?offence=infanticide&verdict=guilty&year_gte=1688&year_lte=1821#results.
- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) *Ordinary of Newgate's Account* December 1691 (OA16911218). Available at:
<https://www.oldbaileyonline.org/record/OA16911218>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) *Ordinary of Newgate's Account* December 1711 (OA17111222). Available at: <https://www.oldbaileyonline.org/record/OA17111222>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) *Ordinary of Newgate's Account* January 1691 (OA16910126). Available at: <https://www.oldbaileyonline.org/record/OA16910126>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) *Ordinary of Newgate's Account* October 1693 (OA16931023). Available at: <https://www.oldbaileyonline.org/record/OA16931023>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) *Ordinary of Newgate's Account* October 1761 (OA17611005). Available at: <https://www.oldbaileyonline.org/record/OA17611005>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) April 1729. Trial of Sarah Harwood, alias Badger, alias Radford (t17290416-67). Available at: <https://www.oldbaileyonline.org/record/t17290416-67?text=harwood>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) April 1808. Trial of MARY FRANCES JONES (t18080406-35). Available at: <https://www.oldbaileyonline.org/record/t18080406-35?text=jones>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) April 1809. Trial of ELIZABETH TOMLIN (t18090412-33). Available at: <https://www.oldbaileyonline.org/record/t18090412-33?text=tomlin>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) August 1728. Trial of Ann Ridoubt (t17280828-28). Available at: <https://www.oldbaileyonline.org/record/t17280828-28?text=god>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) December 1711. Trial of Phebe Ward (t17111205-21). Available at: <https://www.oldbaileyonline.org/record/t17111205-21?text=ward>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) February 1718. Trial of Ann Mabe (t17180227-25). Available at: <https://www.oldbaileyonline.org/record/t17180227-25?text=mabe>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) February 1793. Trial of MARY LEWIS otherwise GREENWOOD (t17930220-38). Available at: <https://www.oldbaileyonline.org/record/t17930220-38?text=lewis>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) January 1712. Trial of Anne Nichols (t17120111-9). Available at:
<https://www.oldbaileyonline.org/record/t17120111-9?text=nichols>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) January 1723. Trial of Mary Radford (t17230116-38). Available at:
<https://www.oldbaileyonline.org/record/t17230116-38?text=Mary%20Redford>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) January 1723. Trial of Ann Leak (t17230116-37). Available at:
<https://www.oldbaileyonline.org/record/t17230116-37?text=leak>.

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) July 1693. Trial of Alice Sawbridge (t16930713-11). Available at:
<https://www.oldbaileyonline.org/record/t16930713-11?text=sawbridge>.

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) July 1689. Trial of Elizabeth Moulton (t16890703-19). Available at:
<https://www.oldbaileyonline.org/record/t16890703-19?text=Elizabeth%20deal>.

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) July 1718. Trial of Jane Plintoff (t17180709-5). Available at: <https://www.oldbaileyonline.org/record/t17180709-5?text=plintoff>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) July 1804. Trial of ANN SMITH (t18040704-16). Available at:
<https://www.oldbaileyonline.org/record/t18040704-16?text=Mary>.

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) May 1711. Trial of Elizabeth Stevens (t17110516-9). Available at:
<https://www.oldbaileyonline.org/record/t17110516-9?text=stevens>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) May 1757. Trial of Mary Mussen (t17570526-22). Available at:
<https://www.oldbaileyonline.org/record/t17570526-22?text=Float>.

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) May 1774. Trial of JANE CORNFORTH (t17740518-23). Available at:
<https://www.oldbaileyonline.org/record/t17740518-23?text=Jane%20cornforth>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) May 1781. Trial of ELIZABETH, the wife of Thomas HARRIS (t17810530-1). Available at:
<https://www.oldbaileyonline.org/record/t17810530-1?text=harris>

Old Bailey Proceedings Online (www.oldbaileyonline.org, version 9.0) October 1690. Trial of M - H - (t16901015-2). Available at: <https://www.oldbaileyonline.org/record/t16901015-2>.

- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) September 1696. Punishment summary (s16960909-1). Available at: <https://www.oldbaileyonline.org/record/s16960909-1>.
- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) September 1710. Trial of Mary Forest (t17100906-10). Available at: <https://www.oldbaileyonline.org/record/t17100906-10?text=forest>
- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) September 1715. Trial of Jane Simpson (t17150907-16). Available at: <https://www.oldbaileyonline.org/record/t17150907-16?text=simpson>
- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) September 1717. Trial of Elizabeth Arthur (t17170911-50). Available at: <https://www.oldbaileyonline.org/record/t17170911-50?text=arthur>
- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) September 1722. Trial of Ann Morris (t17220907-5). Available at: <https://www.oldbaileyonline.org/record/t17220907-5?text=morris>
- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) October 1693. Trial of Mary Baker (t16931012-32). Available at: <https://www.oldbaileyonline.org/record/t16931012-32?text=Mary>.
- Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 9.0) October 1726. Trial of Hester George (t17261012-8). Available at: <https://www.oldbaileyonline.org/record/t17261012-8?text=george>
- Pollock, Linda A. "Childbearing and Female Bonding in Early Modern England." *Social History* 22, no. 3 (1997): 286–306. <http://www.jstor.org/stable/4286442>.
- Potter, Harry. *Hanging in Judgment: Religion and the Death Penalty in England*. New York: Continuum, 1993.
- Rabin, Dana. "Beyond "Lewd Women" and "Wanton Wenches": Infanticide and Child-Murder in the Long Eighteenth Century" in *Writing British Infanticide* ed. Jennifer Thorn (Newark: University of Delaware Press, 2003).
- Rabin, Dana. "Bodies of evidence, states of mind: infanticide, emotion and sensibility in eighteenth-century England" in *Infanticide: historical perspectives on child murder and concealment, 1550-2000*. Edited by Mark Jackson. Ashgate, 2002.
- Rose, Lionel. *Massacre of the Innocents: Infanticide in Great Britain 1800-1939*. United Kingdom: Taylor & Francis, 2015.

Spivack, Carla. "To Bring down the Flowers: The Cultural Context of Abortion Law in Early Modern England." *William & Mary Journal of Race, Gender, and Social Justice* 14, no. 1 (2007): 107–51.

Willard, Samuel, 1640-1707. *Impenitent Sinners Warned of their Misery and Summoned to Judgment Delivered in Two Sermons, the Former on the Sabbath, Nov. 6, the Other on the Lecture Following, Nov. 10, 1698, Occasioned by the Amazing Instance of a Miserable Creature Who Stood Condemned for Murdering Her Infant Begotten in Whoredom : To which are Subjoyned the Solemn Words Spoken to Her on those Opportunities, Published for the Warning of Others / by Samuel Willard.* Boston (Mass.): 1698.

<https://uoregon.idm.oclc.org/login?url=https://www.proquest.com/books/impenitent-sinners-warned-their-misery-summoned/docview/2248495798/se-2>.

Willen, Diane. "Women in the Public Sphere in Early Modern England: The Case of the Urban Working Poor." *The Sixteenth Century Journal* 19, no. 4 (1988): 559–75.
<https://doi.org/10.2307/2540987>.