

Reflections of the Public: Gender and Attitude Differences toward Infanticide and Murder

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Introduction

Infanticide is the intentional killing of an infant, typically unwanted children, also known as bastard children. Murder is the intentional killing of another adult and has been illegal for as long as anyone can remember. Both are heinous crimes, but people still continued to carry out these actions and pay the price for them. Evidently, not everyone accused of either of these crimes was found guilty, but early modern English society, specifically between 1730 and 1780, made it known that these crimes were frowned upon and these opinions increased in magnitude as time went on. This is evident when examining how the laws for both crimes changed over time, as well as the firsthand accounts of those who witnessed these trials as they happened, and their results via newspaper articles and *Ordinary's Accounts*, which were descriptions of criminals and their crimes.

There are a few questions that I answer in this paper. First, what is the legal history for these crimes? Not much research needs to be done to find this out, but without establishing it, it is difficult to answer and develop further questions about infanticide, murder, and the relationship they have in the world of English crime and society. I accomplished this by reading through numerous editions of *The Statutes at Large*. Next, I answer what were the differences between the trials and punishments of these crimes based on the defendant's gender between 1730 and 1780 and why did they exist? To answer this briefly, infanticide was considered a woman's crime, while men were convicted for murder more often than women between 1730 and 1780. Statistics from *The Old Bailey Online* does not provide an answer as to why this happens, but *Ordinary's Accounts* and some researchers' work on these subjects do provide

some insight for the question of why the differences happen. The final questions I answer are: how did the public feel about these crimes and what was the public's influence over potential punishments between 1730 and 1780? Newspapers and *Ordinary's Accounts* reveal attitudes towards those who committed the crime. In a general analysis, the public looked down upon those who committed acts of murder and infanticide. The public felt strong amounts of negativity towards these crimes and had a lot of influence over potential punishments given to those found guilty. According to *Ordinary's Accounts* and newspaper articles published between 1730 and 1780, it is clear that the public was highly invested in the investigations to bring people to trial for their crimes. As such, the public influenced the punishment of the accused. Simply stated, gender differences and public attitudes influenced verdicts and sentence outcomes in England between 1730 and 1780. Looking at how these crimes were dealt with, both by the legal system in place in Early Modern England and the population's influence over verdicts and sentencing, is crucial to understanding how and why the laws were applied for each crime in this period.

Sources and Methodology

As mentioned above, the primary sources used inform my thesis on public attitudes towards infanticide and murder. *The Old Bailey Online* is filled with numerous *Ordinary's Accounts*, which list people meant to be executed with a summary of their crime for which they were charged. These were socially didactic, meant to provide lessons to the public on why they should not commit a set of certain crimes. There are usually multiple people on one *Ordinary's Account* and all of them committed different crimes, however, it was common for the same crime to appear multiple times on one account or multiple people to be punished for the same crime. My other type of primary source is newspaper articles. Newspapers reveal a more direct viewpoint on how the public felt about these crimes. The articles were also didactic, but usually

either omitted the defendant's or victim's name to avoid libel issues. This was also done to protect the defendant and victim while also informing the public of what had happened; however, people usually knew what was going on regardless of the omission of the defendant or the victim's name. Finally, I utilized multiple volumes of the *Statutes at Large* to construct the legal history of each crime. These volumes are strictly used for the purpose stated above, due to their inability to thoroughly reflect gender differences for convictions and punishments, or to reflect public sentiments about these crimes. The *Statutes at Large* only demonstrate what the government thought should be illegal – it does not include the public, nor does it consistently voice what the public desires.

Secondary sources add to the historical background of each crime, but not necessarily from a legal standpoint. They provide context for gender differences between the two crimes and analysis on the public attitudes towards these crimes. Surprisingly, I was able to find more on women charged with murder and infanticide, than I was able to find on men who murdered. I believe that this has to do with the fact that women are not discussed as much as men throughout history, as well as the fact that if the crime involved a man, the sources do not explicitly state his gender in the article or monograph. In general, the sources simply state that their crime is related to murder. Due to this minor struggle with finding secondary sources not specifically focused on women and murder, I decided to look at the gender differences in trials and punishments because it significantly supplements understandings of public attitudes and gender differences for these crimes.

The Legal History of Infanticide

There are only two major laws to discuss when examining infanticide in Early Modern England. The first major law was the 1624 statute, which determined a mother's guilt of the

crime of infanticide by two factors; her unmarried status and whether the infant's death was hidden.¹ This 1624 statute remained the primary law and only law to prevent the murdering of infants for centuries. In Marisha Caswell's analysis of the statute, she notes this statute only applied to unmarried women; married women could not be convicted.² The intent was to prevent sex out of wedlock, in addition to preventing the birth of bastard children and their potential murders if their parents truly did not want them. Despite this law being directed at unmarried women, some were able to escape charge or punishments if they were able to prove they were expecting the baby, pleading the belly (claiming pregnancy at the time of execution) or pretending to be married. This statute was repealed in 1803 which made proof of the murder of the child a requirement for conviction.³

However in 1662, a statute was passed that made abandoning children equivalent to infanticide, but punishments were less harsh than death, due to the baby's survival.⁴ While this did not affect the 1624 statute's power and purpose, (since it was a separate law), it added to the prevention of ridding oneself of an unwanted child. Additionally, Anne Marie Kilday discusses the laws passed to prevent infanticide as being a reflection of the social environment and societal standards of that time.⁵ Considering the targeted group of the infanticide laws, especially the 1624 statute, the laws were a reflection of society's standards. However, these standards persisted for almost 180 years, meaning that little changed in what was expected of women,

¹ Danby Pickering, "Statutes at Large," Vol. 7, 298, Hathitrust Digital Library, accessed October 27, 2018, <https://catalog.hathitrust.org/Record/002029730/Home>.

² Marisha Caswell, "Mothers, Wives, and Killers: Marital Status and Homicide in London, 1674-1790," In *Female Transgression in Early Modern Britain: Literary and Historical Explorations* (Surrey: Ashgate Publishing Limited, 2014), 112.

³ Historical Background," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed October 27, 2018. <https://www.oldbaileyonline.org/>.

⁴ Danby Pickering, "Statutes at Large," Vol. 8, 101, Hathitrust Digital Library, accessed October 27, 2018, <https://catalog.hathitrust.org/Record/002029730/Home>.

⁵ Anne-Marie Kilday, *A History of Infanticide in Britain, C. 1600 to the Present* (London: Palgrave Macmillan Limited, 2013), 21-22.

especially young, unmarried women. Kilday also establishes that infanticide has an “archetype”. The contents of Kilday’s “archetype” include the “unmarried mothers” clause that she seems to depict as a coincidence and the rarity of men being brought to trial.⁶

Upon further inspection of the 1624 statute, it specifically stated that the only people who could be charged were unmarried mothers. The inclusion of these factors into the “archetype” as a coincidence is not entirely true as unmarried mothers are clearly defined in the statute, but still a valid component to highlight. The further details on unmarried mothers of Kilday’s “archetype” are what is truly interesting as they are true coincidences, not defined in any of the laws in the legal history of infanticide. These details include the fact that the majority of unmarried women charged were employed in domestic services and that evidence was typically weak and uncorroborated.⁷ The latter part explains why there were few guilty convictions between 1730 and 1780 and the fact that women convicted of infanticide tended to be in domestic service work is an interesting reflection of society’s opinions of these women. Clearly, unmarried women in domestic service work were a target of the public when infanticide cases occurred. This was because their masters were already married and the blame for the bastard child’s existence was put on women who met this definition as unmarried women who also caused an affair.

The Legal History of Murder

The history of murder has more laws to cover than infanticide to get the full picture. In 1604, a statute was passed that made it impossible for people to claim the benefit of clergy for murder or manslaughter.⁸ Claiming of the benefit of clergy meant the accused had to prove they

⁶ Kilday, *A History of Infanticide in Britain, C. 1600 to the Present*, 24.

⁷ Kilday, *A History of Infanticide in Britain, C. 1600 to the Present*, 24-25.

⁸ Pickering, “Statutes at Large,” Vol. 6, 84-85.

worked for the clergy of the church at the time. Clergy members could not be charged for a crime and people proved they were part of the clergy by reading the Bible to someone. In 1627, the crime of murder was put under the jurisdiction of martial law, which meant that the royal army had the ability to charge and punish criminals.⁹ Many years later in 1705, a statute was passed that allowed those accused of murder a trial by jury, but without the ability to appeal decisions or sentences the jury decided on.¹⁰ In 1707, a law was passed that enabled Scottish people to be charged with murder in Great Britain.¹¹ After this statute's passage for murder, the laws remained unchanged until 1752 with the passage of the Murder Act established much harsher punishments for murder than simply hanging a convicted murderer, such as dissection by surgeons or hanging in chains.¹²

There are many more laws against murder than against infanticide, which reflects how common murder was and how seriously it was taken as a crime. The brutality of the crime punishments worsened with some laws, and the expansion of jurisdiction added to this brutality as it increased the potential for murder trials to occur. There were some tendencies in the characteristics that classified who would typically commit murder. The typical murderer was a mistreated domestic worker, a prostitute or someone of relatively low status or low-status work.¹³ Since women tended to fill these roles, murder could have been a way to escape abusive husbands or masters. Murder was also a way that men, in particular, attempted to assert

⁹ Pickering, Vol. 7, 319.

¹⁰ Pickering, Vol. 11, 157.

¹¹ Pickering, Vol. 11, 380.

¹² "Historical Background," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed October 27, 2018, <https://www.oldbaileyonline.org/>.

¹³ Kate Clark, *Bad Companions: Six London Murderesses Who Shocked the World*, (Stroud: The History Press, 2013), 6, ProQuest Ebook Central.

dominance and increase others' opinions of their masculinity.¹⁴ All of these theories regarding who the typical murderer was, and the reasons behind the commission of the crime, reflect society's standards as well.

Gender Differences between Trials and Punishments

There appear to be differences between the trials and punishments based on the defendant's gender. To explore this, The Old Bailey Online has statistics that provide some basic insight into what the differences are. All of the statistics look at either the total trials or total guilty trials by gender and what the punishments were for each crime. The first table looks at the total number of trials that occurred between 1730 and 1780 for both murder and infanticide. The second table looks at the total number of guilty convictions there were between 1730 and 1780. The final table in this section looks solely at the punishments sentenced for murder given that infanticide convictions had the same punishment.

Table 1.1: Total Trials that Occurred Between 1730 and 1780¹⁵

	Infanticide	Murder
Men	4	515
Women	71	69
Total	75	584

Table 1.2: Total Trials with Guilty Convictions between 1730 and 1780¹⁶

	Infanticide	Murder
Men	0	283

¹⁴ Susan Dwyer Amussen, "The Part of a Christian Man": The Early Cultural Politics of Manhood in Early Modern England," in *Political Culture and Cultural Politics in Early Modern England*, by David Underdown, ed. Susan D. Amussen and Mark A. Kishlansky, (Manchester: Manchester University Press, 1995), 217.

¹⁵ "Statistics," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed October 27, 2018, <https://www.oldbaileyonline.org/>.

¹⁶ "Statistics," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed November 17, 2018, <https://www.oldbaileyonline.org/>.

Women	15	28
Total	15	311

When looking at the statistics provided by the Old Bailey Online, we can see numerical differences for men and women for trials, convictions, and punishments. Based solely off the trials and convictions, it is evident that infanticide was considered a “woman’s crime” and murder a “man’s crime.” Infanticide also appears to be significantly less common than murder, which means that attempts to prevent it, via legal means or punishments that were sentenced, were quite effective in comparison to murder. No one wanted to be known as a child murderer, more importantly, no one wanted to be executed for that particular crime. Murder also has a similar anomaly, with only 53 percent of the murder trials having guilty verdicts. A little over 50 percent is quite low considering how common murder accusations were compared to infanticide accusations. Aside from pleading the belly for women and claiming the benefit of clergy for all, there are not many explanations that explain the acquittal rates.

Since there are a variety of punishments, the statistics will be looked at separately. For all of those found guilty of infanticide, they were sentenced to death, with hanging as the typical method. Looking briefly through the trial accounts of all 15 cases, it is not specified how they died.¹⁷ More brutal forms of punishment, such as burning or drawing and quartering, were reserved for crimes seen as less frequent and considered more heinous, such as petty treason in which a subordinate person, (by society’s standards), murdered someone of a superior position. An example of this crime would be a wife who had murdered her husband. The punishments for murder are quite complicated to discern since there are numerous cases.

¹⁷ "Statistics," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed November 17, 2018, <https://www.oldbaileyonline.org/>.

1.3 Murder Punishments between 1730 and 1780¹⁸

Multiple Punishments	29 men
Corporal Whipping	1 man
imprisonment	1 man
transportation	1 man
No punishment/respites	6 (5 men, 1 woman)
Death (Hanging)	144 (130 men, 14 women)
Hanging in Chains	5 men
Death and dissection	51 (46 men, 5 women)
Unknown sentence	133 men and women

In comparison to the variation of punishment for murder, infanticide seemed to have the most consistent punishment, even if the exact details of death are unknown. It also shows that juries took murder trials under more consideration than infanticide trials, especially with the sentencing of punishments. This is likely due to the fact that murder was more common than infanticide, and that murder investigations were more thorough, compared to that of infanticide. The commonality, in comparison to infanticide, might have also contributed to a sense of urgency to prevent more murders and murder trials in the future. The main similarities between the two crimes include the likelihood of being punished by death, public hanging being the most common form of execution. Death was the ultimate punishment because it was considered the most effective method of deterring future cases. Hanging was typically a public occasion. This was done to force the public to see what would happen to them if they attempted to partake in the crimes; they would face the same public humiliation. Given all of this, the low number of infanticide trials implies that the punishments and lessons taught were effective. It may also be implied that murder was prevented as a result of these punishments, not to the same degree, but

¹⁸ Statistics," Old Bailey Online - The Proceedings of the Old Bailey, 1674-1913 - Central Criminal Court, accessed November 17, 2018, <https://www.oldbaileyonline.org/>.

considering that it is a common crime that has been around for a prolonged amount of time, the numbers are quite low for guilty conviction trials.

Due to the complexity of discussing gender differences and the reason behind their existence, the gender difference for each crime will be discussed separately. According to Marisha Caswell, women who were married were acquitted 100 percent of the time simply because of this status. This is due to the language of the primary law for infanticide, the 1624 statute stating that women can only be convicted if they were single. Since the statute targeted unmarried women who had bastard children, many tried to prove they were married to avoid being convicted.¹⁹ This explains a part of the statistics that is astonishing. There were 75 cases and only 15 guilty verdicts. Since married women could not be convicted and were subsequently acquitted, the number of guilty verdicts is comparatively low to the number of trials. This questions the effectiveness of the attempts by the government and media in preventing infanticide.

Compared to murder, the laws and media were still effective in preventing infanticide due to the much lower frequency and the number of cases that occurred as mentioned in the statistics earlier. Caswell also argues that the prosecution was the key over convictions for infanticide because they were trying to “[shame and]... discipline the sexually illicit woman to expose her sin” as well as allowing juries “... to rely on the trials to reveal the sexual transgressions these women had attempted to hide.”²⁰ The weight of the trial over the conviction analysis that Caswell provides further explains why there were few cases of infanticide over the course of 50

¹⁹ Marisha Caswell, “Mothers, Wives, and Killers: Marital Status and Homicide in London, 1674-1790,” In *Female Transgression in Early Modern Britain: Literary and Historical Explorations* (Surrey: Ashgate Publishing Limited, 2014), 112.

²⁰ Marisha Caswell, “Mothers, Wives, and Killers: Marital Status and Homicide in London, 1674-1790,” In *Female Transgression in Early Modern Britain: Literary and Historical Explorations* (Surrey: Ashgate Publishing Limited, 2014), 116.

years. The trial brought more instances of shame and humiliation than guilty verdicts and death sentences. Therefore, the trials on infanticide were more about punishing by humiliation than fulfilling the conviction. As such, this was a far more preventative measure for this crime than the basic punishment of death.

Now for women and murder, Kirsten Saxton argued that women who committed murder tended to be more notable simply because of society's expectation that women were more gentle than men, causing murderesses to stand out more than their male counterpart.²¹ Saxton also argues that murderesses defy the typical concepts of femininity of the time period, and those women considered the act of murder as a key to their sexual and subjective identity.²² Murder was a way for women to challenge domesticity, especially in abusive situations, and build on early feminism.²³

Nonetheless, what Saxton says about defying typical expectations of domesticity is important and often explained why women murdered. To interpret Saxton's statements about this idea she presents, women murdered for some semblance of freedom and power, even if it meant giving up their life if caught and punished for the crime. This gain of power then defies the traditional concept people had of women as it showed that some could not be made submissive to their male superiors, whether that was their husbands, family or other people of power. However, since women were overtly subjugated between 1730 and 1780, there were few murder cases with women as defendants and few convictions. This is what causes the shock factor that Saxton mentions as the women convicted and accused are no longer seen as gentle and nonviolent. The small number of cases makes murderesses stand out in comparison to the male cases of murder.

²¹ Kirsten T. Saxton, *Narratives of Women and Murder in England, 1680-1760: Deadly Plots* (London: Routledge, 2017), 7.

²² Saxton, *Narratives of Women and Murder*, 10.

²³ Saxton, *Narratives of Women and Murder*, 55.

There is not much to say about men and murder, simply because research targeting men specifically, as opposed to murder as a whole, is surprisingly difficult to find. However, there does seem to be the commonality that murderous men are trying to gain something as well, as noted when viewing The Old Bailey Online *Ordinary's Accounts* and newspapers. The gains could be money, asserting power and dominance, or displaying masculinity, as Susan Amussen discusses.²⁴ Compared to the reasons why women committed murder, men seem to be highly oriented at gaining something as opposed to escaping unfavorable conditions. However, both genders were looking to gain power or a sense of it from the commission of the crime. Otherwise, there are few similarities between male and female defendants of murder. Taking all of this into consideration, these gender differences exist partially because of how the laws were written at the time, but also because of the intentions behind the crime. The differences in punishments, however, are such because the public viewed women as gentler beings. The crime would have to be immensely heinous in order for a woman to earn a punishment as harsh as death and dissection.

Public Attitudes Towards Murder and Infanticide

The public attitudes people had towards murder and infanticide have been preserved in the *Ordinary's Accounts* and newspapers. In a report in the *Ordinary's Account* from March 3, 1737, a woman named Mary Shrewsbury is being executed for killing and nearly decapitating her bastard child. Most of the account is summarizing her life and the crime, but at the end of it, Shrewsbury is essentially shamed for her crime, as are future infanticide convicts when the Ordinary says, "I represented to her the Atrociusness of such horrid cruelty, which she did not

²⁴ Amussen, "The Part of a Christian Man," 217.

disown, but acknowledg'd that she was punish'd most deservedly and justly.”²⁵ This is only one example of how these public executions and accounts were meant to prevent the commission of these crimes. For another infanticide case, the *Ordinary's Account* from May 18, 1743, discusses Sarah Wilmhurst, who killed her female bastard child by suffocation. What is interesting about Wilmhurst's case is that she was married at the time, but the child was considered a bastard child because of the assumption that it arose from the affair she had while living with her father for an extended period of time.²⁶ Unlike the account from 1737, there is no mention of language to prevent this crime and to show that Wilmhurst felt guilty. Instead, they emphasized the fact that she had an affair and described the details of the murder. This indicates another way of how English society used *Ordinary's Accounts* to prevent the crime – by shaming sex out of wedlock.

The final *Ordinary's Account* that will be examined is from October 5, 1761, which discusses Hester Rowden, a woman who also killed her female bastard child by suffocation. This is the only account to not detail the life of the defendant and the only one to name witnesses to the crime. Harsh language of the commission of the crime was used, such as the term “unnatural murder” as well as negative descriptions of her reactions to her trial and arrest such as “...seemed much terrified and disturbed” and “... so overcome with sorrow and dejection of spirit...” to imply that others will feel the same way.²⁷ The common tactics to prevent infanticide are the usage of harsh language about committing the crime, showing that the defendant felt remorse for their actions and describing the crime in detail or sometimes briefly. Based on the *Ordinary's Accounts* alone, their methods proved to be effective in preventing the crime because they both

²⁵ *Ordinary of Newgate's Account*, March 1737 (OA17370303), *Old Bailey Proceedings Online*, accessed November 18, 2018, www.oldbaileyonline.org, version 8.0.

²⁶ *Ordinary of Newgate's Account*, May 1743 (OA17430518), *Old Bailey Proceedings Online*, accessed November 18, 2018, www.oldbaileyonline.org, version 8.0.

²⁷ *Ordinary of Newgate's Account*, October 1761 (OA17611005), *Old Bailey Proceedings Online*, accessed November 18, 2018, www.oldbaileyonline.org, version 8.0.

described the action and discussed the defendants in undesirable ways. This also caused the public to view these criminals as undesirable people, so they did not want to be seen as undesirable themselves, especially posthumously. People want a positive legacy, especially after their death, and the *Ordinary's Accounts* displaying individuals for their crimes in public, thereby ruining their legacy, was an effective deterrent.

Looking at *Ordinary's Accounts* for murder, there are some similarities in the language used in that they were harsh. However, I argue that the language to prevent murder is much harsher than the language used to prevent infanticide. When looking at the case of John Young on the *Ordinary's Account* from June 1, 1730, the ordinary says that "... actual commission of the sin of Murder, and a continual Practice of lying, drinking, whoring, and with many other infamous Vices."²⁸ Murder has always been a sin for religious and legal reasons, but it seems that they also used murder to prevent other sins from occurring aside from murder itself. According to this account, murder is equivalent to lying, which seemed like two drastically different things, but they are both sins that society felt a need to prevent. When looking at the *Ordinary's Account* from June 4th, 1770, three men were sentenced to be hanged after confessing for committing murder: Charles Stevens, Henry Hughes, and Henry Holyoak. Initially, they all denied committing murder and confessed to committing several robberies instead. They insisted that the murder was not premeditated, as they had only been trying to rob the man of his money. They claimed their victim died because they were acting in self-defense because they were trying to leave the man alone instead of continuing their attempt to rob him. Their victim had started to swing a long knife at them which caused Stevens to shoot the victim, leading to his death. The account then goes on to describe the life of each criminal with only Holyoak maintaining his

²⁸ *Ordinary of Newgate's Account*, June 1730 (OA17300601), *Old Bailey Proceedings Online*, accessed November 18, 2018, www.oldbaileyonline.org, version 8.0.

innocence of murder and showing remorse.²⁹ Compared to the other *Ordinary's Account* from 1730, this account does not use harsh language to instill shame and guilt as a method to prevent the crime. They simply describe the remorse each felt and the details of the crime, investigation, and trial. Forty years between the two accounts mentioned shows that the attempts to prevent the crime changed over time, from attacking the character of the criminal to describing the guilt the criminals felt instead.

The newspapers at the time were also quite revealing of the opinions towards these crimes. While the newspapers aim to discuss the basic details of the crime, they also have the tendency to exaggerate and construct narratives of the crime beyond these basic details. One newspaper article from November 18th, 1730 depicts a narrative of a murder that was premeditated. The article is titled as an "Extract of a private Letter from Exon, Nov. 14," not only to show the date and how recent the letter was delivered, but to also provide a source of the information. While it was not known if the person was murdered, the contents of the letter's excerpt include threats of arson, robbery, murder, and ransom signed by an anonymous person. If the man the letter was sent to did not bring the required ransom to the required location, then the threats of arson, robbery, and murder would be carried out against him.³⁰ While the murder of the man that the letter was addressed to is unknown or if it even occurred, the threat was still real and likely. This is an example of how premeditated murders would likely occur. While it provided the details, it was a paraphrase of the original letter, not even a quoted excerpt. The fact that the article was already an excerpt means that much information was omitted, but the

²⁹ *Ordinary of Newgate's Account*, June 1770 (OA17700604), *Old Bailey Proceedings Online*, accessed December 9, 2018, www.oldbaileyonline.org, version 8.0.

³⁰ "Extract of a Private Letter from Exon, Nov. 14," *London Evening Post*, 19 Nov. 1730. *17th and 18th Century Nichols Newspapers Collection*, <http://tinyurl.galegroup.com/tinyurl/8Ayta3>, accessed October 29, 2018.

paraphrase omits even more information. This is quite common in newspapers from the 1730s which were fill with paraphrased, short articles.

Other articles simply list that someone was convicted of committing murder along with a list of others convicted for other crimes, mainly robbery and theft. An article from January 1770 in the *Gazetteer and New Daily Advertiser* does this listing of crimes, with the names of the criminals and their committed crimes. The only thing omitted from all crimes are the victims' names.³¹ This seems to dehumanize the criminals as they are simply relegated to a list of names and what crime they committed. There is no discussion of the details of the crime, or even who their victims were. This dehumanization is another way to prevent a murder from being committed, but also shows how negatively the public saw murderers; essentially as non-human. People want to be known as more than just a name and even less so a name that is associated with criminal acts, so this reflects that murder was frowned upon.

Conclusion

Going into this essay, I set out to answer three questions meant to establish the legal histories of infanticide and murder, the gender differences that existed with the trials and punishments of each crime, and to discern how the public felt about these crimes in an effort to prevent their occurrence. The major gender differences between the crimes is that infanticide trials tended to be against women and murder trials tended to be against men. In addition, the

³¹ *Gazetteer and New Daily Advertiser* (London, England), Monday, January 1, 1770; Issue 12, 741. *17th-18th Century Burney Collection Newspapers*.
http://find.galegroup.com/bncn/retrieve.do?sgHitCountType=&scale=0.33&orientation=&sort=DateAscend&docLevel=FASCIMILE&prodId=BBCN&tabID=T012&subjectParam=&searchId=R4&resultListType=RESULT_LIST&searchType=AdvancedSearchForm¤tPosition=1&pageIndex=0&qrySerId=Locale%28en%2C%29%3AFQE%3D%28tx%2CNone%2C6%29murder%3AAnd%3AFQE%3D%28rn%2CNone%2C13%29%22Z2000365866%22%24&retrieveFormat=MULTIPAGE_DOCUMENT&subjectAction=&inPS=true&userGroupName=ucmerced&pageNumber=&sgCurrentPosition=&docId=Z2000365866¤tPosition=1&workId=&relevancePageBatch=Z2000365866&contentSet=LTO&callistoContentSet=UBER2&resultListType=RESULT_LIST&reformatPage=N&docPage=article&retrieveFormat=MULTIPAGE_DOCUMENT&newScale=1.00&docPage=article&enlarge=&recNum=&newOrientation=0.

intentions behind the crimes differed between men and women. Women tended to commit murder to escape a powerless condition, while men sought to prove and gain something from it. However, both genders also used murder to gain or show power in some way. The only difference between the punishments sentenced for each crime was that infanticide had the same sentence for each guilty verdict, while murder had a variety of sentences.

The public treated these crimes as sins because of their significant levels of brutality in comparison to other actions that English society had considered sinful, but also because they wanted those who committed the crimes to be profusely ashamed. Seeing this shame on criminals prevented others from partaking in these crimes. People did not want the same embarrassment as those that have been found guilty of crimes. As seen by the statistics provided by the Old Bailey, these public attitudes were more than likely highly effective between 1730 and 1780, due to the low rates of guilty verdicts at this time. Even though murder had hundreds of cases in this time period, the number is still far under 1,000 which does not compare to the population size of the entire country of England. This shows how influential the public's negative attitudes towards these crimes were in preventing them. All of this information, from the *Ordinary's Accounts* and newspaper opinions to the gender differences, impacted how the legal history for each crime was shaped and practiced, which is essential to the history of Early Modern England as a whole.

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