

Unfortunate wretches

CRIMINAL HISTORY

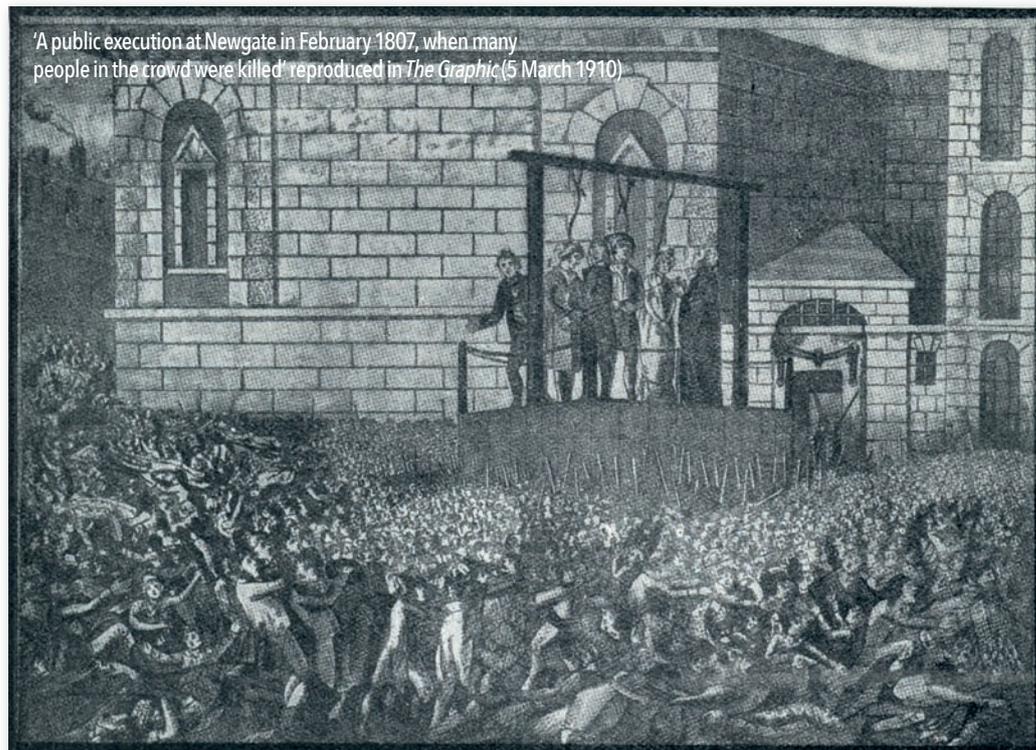


For her latest book, **Naomi Clifford** researched executed female felons – here, she tells us about her sources, and the stories they revealed

The poor are a problem to the social and family historian. They tended to depart life leaving no more than a record of their birth, marriage and death – and sometimes not even that. The women, whose surnames disappear on marriage, are even more obscure than the men. In general, it's only when they transgressed that members of the working class became noteworthy.

However, I found an abundance of information on female felons who were hanged in England and Wales for my book *Women and the Gallows 1797–1837*, and much of it was online, so some of the legwork had already been done for me. Richard Clark has published a list of all who were executed in the UK on his excellent website (www.capitalpunishmentuk.org), so my first tasks were to filter out the Scottish and Irish cases and to validate the remaining names. This I did by looking for them in the Criminal Registers (published on Ancestry), which list defendants appearing at the assize courts, along with the charge, the verdict and the sentence and, for those capitally convicted, a note on whether they were reprieved or executed.

The set of Registers is incomplete, so for some of the women I had to rely on other sources to confirm that they had indeed been hanged. Here the British Newspaper Archive (www.britishnewspaperarchive.co.uk) and Welsh Newspapers Online (<http://newspapers.library.wales/>) were invaluable, as they often also provided details of



the crime. I also Googled the names assiduously, and often, in order to turn up primary and secondary sources about the cases. The Google Books search (under the 'More' tab) was especially useful, and I was able to access online numerous contemporary pamphlets and court reports that had been scanned in archives across the world. I read William Hone's angry analysis of the vested interests and corruption that led to Eliza Fenning's death on the gallows at Newgate in 1815 (this was almost certainly a miscarriage of justice), and the court report on Sarah Lloyd's trial for theft in 1800 this way. The Old Bailey Online site (www.oldbaileyonline.org) is the most complete set of court records of any region in the UK. Quite apart from the insight gained from reading

real words in a real courtroom, it offers a larger picture: for instance, data downloaded using the 'Statistics' page helped me understand gender differences in fraud cases and the scale of infanticide cases and the resulting sentence.

FINDING A VOICE

One of my aims in writing the book was to find voices for these women, many of whom were victims of disadvantage, misogyny and poverty. Few of them had the skills or the confidence to speak in court and consequently had no real defence, managing at most a brief sentence of denial. Sarah Perry, a servant who killed her newborn baby in 1818, merely handed the judge a piece of paper pleading ignorance of the birthing process and fear of losing her place. Ironically, those who were lucky enough

to have the services of a barrister were rendered even more silent, because he spoke for them in court.

Often it was only when the women had no hope of reprieve that their words were recorded. In the short time they had left, they might confess to their gaolers (and those words might find their way into the newspapers) or, like Mary Voce, convicted of poisoning her baby in 1802, speak about their crimes to a minister of religion. At least three execution broadsides, cheap one-page tabloid sheets for sale at the hanging, were published about Mary, each of which detailed her dreadful crime and her contrition. Harvard Law School has made its extensive collection of execution broadsides available online (<http://broad sides.law.harvard.edu>) and many others

are included in Leigh Yetter's monumental six-volume *Public Execution in England, 1573–1868*, which is available at the British Library.

Unfortunately, however, broadsides are known to be unreliable and, indeed, some were works of complete fiction – but there is one resource where the authentic words of women (and men) facing the gallows has been preserved: the Bank of England. The Bank Restriction Act of 1797 brought into existence one and two pound notes for the first time; because these were ludicrously easy to copy forgers cases rocketed. Letters to the Bank from the scores of people who were convicted and condemned to death or transportation, in which they pleaded for a reprieve or financial relief, are available in a volume of *Prisoners' Letters to the Bank of England* (edited by Deirdre Palk (Boydell & Brewer, 2007)), and also at www.british-history.ac.uk/london-record-soc/vol42. It was here that I found the heart-rending letters of Charlotte Newman, who was

convicted of passing off a one pound note and condemned to death in 1818, and the Bank's frosty rebuff. She was hanged at Newgate days later.

As the book began to take shape, I turned my focus to the illustrations. I wanted to include as many images of the women themselves as possible. From the archives of the Royal College of Surgeons in London I licensed a sketch of Eliza Ross on the anatomist's slab (she, who was convicted of murdering in order to sell her victim for dissection, was herself dissected by an anatomist). A portrait of Ross in life was also available in the Wellcome Collection's image bank (<https://wellcomecollection.org/>) for free use. From the British Library, I ordered a scan of a drawing of Ann Hurle, one of the few middle-class women in my book, who was hanged at Newgate for fraud in 1804, which I found in an edition of *The Newgate Calendar*. Other images came from the Yale Center for British Art (<https://britishart.yale.edu/collections>) and the US Library



'Newgate Chapel' by Thomas Rowlandson, 1809

of Congress's British Cartoon Prints Collection, from the photography website Flickr (used with permission) and from antique prints I bought on eBay.

I managed to find out something about each of the 131 women and their crimes and these brief histories form a chronological section at the back of the book. Some of the things the women did were undoubtedly heinous, but others now seem shockingly

minor: setting fire to a hayrick or stealing sheep, for instance.

The finality of capital punishment, which allowed for no rehabilitation or restitution, caused many to oppose its use for any crime but murder. By 1837, the end point of the book, the penal code had been heavily revised, and public execution ended in 1868, but it took another hundred years to achieve the end of capital punishment altogether. ■

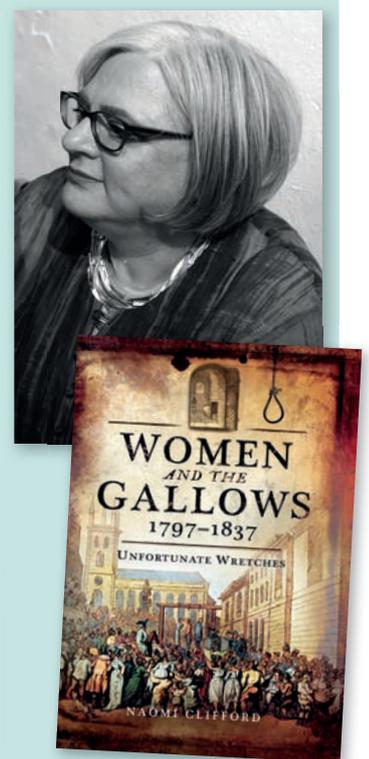
Infanticide and the courts

Women convicted of killing their infants suffered different fates, as Naomi's research shows

In 1805, 17-year-old Mary Morgan gave birth to a daughter alone in the upstairs room of a manor house in Wales. Abandoned by the child's father and facing dismissal from her job as an under-cook should the baby be discovered, she cut the child's throat with a penknife. But she was quickly found out, charged with murder and found guilty. The judge who heard her case felt strongly that executing her would send an appropriate message to other young women and she was hanged within days on a tree at Presteigne.

Mary was unusual. Many infanticide cases never reached court and those that did often ended in acquittal or a lesser charge. In London, 48 prosecutions resulted in only two hangings. In Wales, between 1730 and 1830, there were only three – juries simply did not see infanticide as a threat to society in the way that, say, poisoning a husband was. There was also a strong belief that God had designed the female body for reproduction, not for destruction on the gallows.

There was also some understanding of postnatal mental illness, which was labelled 'milk fever' and viewed as a physical condition. It was recognised by the court in York that Mary Thorpe was suffering from it when she tied tape around her baby's neck and drowned him in 1800, but her actions were deemed too premeditated to deserve mercy and she was hanged. 22 years later, east Londoner Ann Mountford decapitated her baby but was treated with more leniency. She was acquitted as a lunatic and sent to an asylum.



Women and the Gallows 1797-1837: Unfortunate Wretches by Naomi Clifford, is out now, published by Pen & Sword