Certain Other Countries

Homicide, Gender, and National Identity
in Late Nineteenth-Century England,
Ireland, Scotland, and Wales

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TO JOHN DOUGLAS CONLEY
WITH MUCH THANKS
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Acknowledgments

One of the ironies of studying violent crime for twenty-five years is that I have met very nice people. I am enormously grateful to Jeff Adler, for encouraging this project as well as for his friendship and his sage advice about history, teaching, and dogs.

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My friends and family continue to tolerate a process which does not get any easier. Their amazing patience keeps the issue of domestic discord a purely academic one.

Finally, thank you so much to Wendy Gunther-Canada, who has saved me both literally and figuratively more times than I can count. She is a wonderful scholar and the best friend imaginable.
No money is wasted which is employed in maintaining the administration of justice in the highest degree of efficiency. That administration is probably the one effectual check upon the ungoverned and ungovernable passions of rough and rude life. It is the great educator of the ignorant and the violent. (The Times)

Welshmen believed that if God ever did delegate his privilege of depriving a human being of his life to a man or a society, that this prerogative was withdrawn by his only son . . . it is no wonder that Welshmen are horrified at the idea of giving evidence against a guilty fiend in human form, being that the evidence will be the means of consigning him reeking with the innocent blood of his victim into the presence of his offended Maker, therefore to be hurled headlong into that abyss of torment. But the abolition of capital punishment would solve the problem, sponge out once and for ever that damned and infernal law by which poor, frail, impotent mortals usurp the power of the Omnipotent—a law conceived in revenge and executed in iniquitous cold-bloodedness. Let this be done and no murderer shall be screened or harbored in Wales. (Carmarthen Weekly Reporter)

By common consent of all thinkers on the subject of criminal jurisprudence, it is not the severity of punishments which deters from crime; it is the increasing certainty of detection and conviction which is really efficacious. To attain this certainty in ever increasing degree it is essential to convince the minds of witnesses, injured parties, and jurymen not merely that the general spirit of the law is mild, but that punishment is likely to be awarded not more than fairly proportionate to the crime. Capricious leniency occurring along with occasional unexplained severity is as injurious to the due operation of Criminal Courts as the bad system of excessive punishment. . . . Nor is there any great difficulty in seeing the general principles upon which punishments might be reduced to system, these being mainly two-fold—to weigh the mischief done by the criminal act and also the malice or anti-social nature displayed by the offender. (The Scotsman)
The moral of this occurrence is very trite. The case is not one for which a remedy can be suggested, as if it sprung out of any form of oppression, with which the legislature might deal. . . . The affair is rather an example of that passionate disposition which, we fear, marks the Irish character in some excess. Such passion will certainly be restrained to some extent by the certainty that punishment will follow its indulgence. Until, however, society is wonderfully improved, it would be too sanguine to entertain any confidence that we shall be quite free from the occasional blot upon our records of such melancholy transactions. (*Cork Examiner*)

Homicide has always held a special fascination for the public. Understanding what drives one human to take another’s life has been the stuff of countless works ranging from pulp fiction to scientific treatise. Ultimately determining why one individual killed another is always an act of speculation. The excuse offered by the killer, the motive suspected by the arresting officer, and the explanations offered by the prosecuting and defending attorneys rarely correspond exactly. If a caregiver kills an elderly, wealthy, and cantankerous relative, whether the perceived motive was greed, mercy, fatigue, or resentment will depend as much on the observer’s assumptions about human nature as the killer’s actual incentive at the time. Which assumptions dominate determines the fate of the accused killer and reveals a great deal about the values and beliefs of the large society. By examining homicide trials, their outcomes, and the rhetoric surrounding them, it is possible to glean a good deal of information about both common wisdom and practical realities. In the nineteenth-century United Kingdom, homicide trials provided a forum for discussing such issues as class, respectability, gender roles, family life, the role of the state, individual responsibility, the definition of insanity, the costs of industrialization, and the effects and regulation of firearms and alcohol. This book will compare the response to and perceptions of criminal homicides in England, Ireland, Scotland, and Wales between 1867 and 1892.

After the Act of Union abolished the Irish parliament in 1801, the four nations of the United Kingdom shared a common parliament for the first time. The last third of the nineteenth century was a time of considerable change in the United Kingdom. The Second Reform Bill of 1867 created the largest increase in the electorate in British history. Though the political changes arguably had little effect on the homicide rate, the post-Reform Act
Parliament did pass a great deal of legislation aimed at addressing social problems. Laissez-faire Liberalism was being challenged by a philosophy which accepted the ameliorative role of the state. Trade unions enjoyed greater legal protections and the working classes were becoming better organized and more vocal. Economically, though British preeminence was being challenged by Germany and the United States, the British people were still among the most prosperous in the world. Given the relative political, social, and economic stability of the period, homicide was almost completely limited to the personal. Even in Ireland where the Land agitation of the years 1879 to 1882 and the Home Rule crisis of the late 1880s inspired headlines in the British press referring to civil war in Ireland, fewer than 15 percent of homicides were in any way linked to the politics, land, or sectarian battles.

Throughout the United Kingdom, the temperance movement; reforms in education, housing, and public health; societies dedicated to the more humane treatment of women and children; as well as other cultural influences were leading to a decline in the overall number of homicides. The long-term trend throughout Europe toward a more civil and humane society in which interpersonal violence was increasingly condemned is part of what Norbert Elias has called “the civilizing process.” Though a number of factors may have contributed to the change, it is well established that the number of homicides being committed was declining. A number of historians have examined this process and the reasons for it.7

This work, however, has a different focus. Rather than trying to determine the actual number of homicides and why that number was declining, I am interested in the responses to homicides and what those responses reveal about the comparative cultures of the four nations of the United Kingdom. The quantitative evidence used in this study deals almost exclusively with homicide trials.8 While the incidence of homicide is obviously an important consideration, it is also very difficult to determine. The correlation between official statistics and the actual number of cases in which one human being willfully or recklessly killed another is problematic. Recent work has highlighted the problems historians face with English homicide statistics, and the Irish, Scottish, and Welsh figures are also uncertain.9

Instead of trying to explain homicide rates, this work will examine the way various factors influenced the reactions to homicides in the four nations of the United Kingdom. Despite the union of the parliaments, the late nineteenth-century images and experiences of the nations of the United Kingdom were strikingly different. While Ireland presented a constant problem for English politicians, Scotland was a bastion of good order and Wales was largely overlooked. The Irish were regularly portrayed in the British press as
violent barbarians, incapable of showing gratitude for the blessings of British rule. The Scots, on the other hand, were presented as progressive, well mannered, and seemingly happily assimilated. The occasional political or sectarian confrontations in Scotland were but pale imitations of the problems of Ireland. As for the Welsh, they seemed to suffer from the national version of coverture—like married couples in Blackstone, England and Wales had become one entity—England, except for those occasions when Welsh quaintness was a source of amusement.

There are of course complex historical explanations for the differences as well as many exceptions to the generalizations. England had conquered Wales in the late thirteenth century, which meant Wales had no modern political history as a separate nation. Nevertheless the Welsh language and cultural identity had survived. Wales had been particularly hard hit by the industrial revolution. Arguably the economic relationship between Wales and England was a colonial one with Welsh coal and Welsh miners providing the raw material to enrich English mine-owners and industrialists. Welsh industrial cities were also subject to some of the worst hardships of industrialization. In an 1876 article on crime statistics in the various regions of the United Kingdom, the Times noted that the crime rate in Glamorgan was the highest in Britain but chose to drop it from discussion as an exception. According to the leading historian of crime in nineteenth-century Wales, “In industrial Wales serious injury, and manslaughter were half-expected on pay nights, weekends and holidays, during industrial strife.”

Part of the United Kingdom since 1707, Scotland had enjoyed economic prosperity, had seen its citizens play a disproportionate role in the growth of the British Empire, and, despite occasional tensions, had enjoyed a greater sense of partnership with its southern neighbor than had Ireland. Scotland’s union with England had been peaceful if not completely voluntary. Scottish politicians took an active part in British politics and while there were certainly divisions in Scottish society, the differences had not been complicated by a conflation of religious or economic identity and Englishness. The breaking of the Highland clans, for all its pains, had largely been a conflict among the Scots themselves. Scotland had participated fully in the industrial revolution and while by no means an unmixed blessing, by the late nineteenth century Scotland had attained economic parity with England.

In stark contrast, when Ireland was brought into the United Kingdom in 1801 after a violent rebellion, the Catholicism of the majority of the Irish had still barred them from political office and the Protestant minority owned a vastly disproportionate share of the land. Discriminatory legislation had also stifled Ireland’s economic development. In the late nineteenth century,
Ireland was still 78 percent rural. Further, the Great Famine of the late 1840s had enhanced the long-held resentment.

Despite the common parliament, the four nations often reacted to very similar cases in very different ways which reflect fundamental distinctions in cultural values and assumptions. The first chapter examines procedural differences and general trends in trial outcomes. Chapter 2 looks specifically at issues of national identity. The third chapter focuses on class and gender and how these categories intersected in reactions to homicides in brawls. Chapter 4 further explores class and gender issues as they impacted trials of homicides within the family and involving courtship. In the late nineteenth century definitions of both masculinity and femininity were being challenged and the courts were heavily involved in both determining the definitions and in dealing with situations that contradicted the commonly accepted definitions. Chapter 5 carries the gender discussion into the relationship that was most likely to lead to homicide—marriage. Finally, chapter 6 looks at the ways that courts dealt with the many homicides involving children.

SOURCES

In order to be as comprehensive as possible within the realistic confines of time and space I have tried to find accounts of as many homicide trials as possible. In order to do so I relied heavily on the Times for English and Welsh trials. After going through the Times index for the period and reading every account of a murder or manslaughter trial, a coroner’s inquest, or a magistrate’s hearing on an alleged homicide, I then did further investigation in Welsh provincial newspapers when possible. For Scotland I initially read through the index of all criminal trials heard at the High Court of Judiciary and then looked for trial accounts in the Scotsman, the Glasgow Herald, and provincial newspapers. For Ireland I relied on the Outrage papers for a list of homicides and then traced those cases as possible in the Irish press. My final database consists of over seven thousand homicide reports and nearly six thousand homicide trials.

This work is heavily based on these primary sources. While I am enormously indebted to the contribution of other scholars, my bibliography is by no means exhaustive and I have consciously chosen not to engage in lengthy historiographical discussions in the text. There are three reasons for this choice. The first is that the field of criminal history has reached the stage where a full synthesis of current scholarship would require a longer work than this. I have tried to consult and cite those most relevant to this particular
work but omission is by no means intended as disrespect. Second, I hope, perhaps naively, that this work will appeal to readers beyond the growing but still small circle of scholars in the field. Academic conferences allow us to debate to our heart’s content. Finally, while the secondary works are readily available, much of the primary material is not. I wanted to focus on the trials themselves and contemporary reactions to them.
CHAPTER 1

Homicides—Procedures, Perceptions, and Statistics

FORTUNATE AND UNFORTUNATE MURDERS. It is difficult to account for the differences in the amount of interest displayed with regard to murders. The body of a murdered person is found one day stabbed to the heart, and all England is convulsed by the intelligence: latest particulars are given by the papers and eagerly devoured by the public, a large reward is offered by Government for the discovery of the murderer and all Scotland-Yard is on the alert. The body of another murdered person is found the next day with the skull fractured and little or no notice is taken of the circumstances the jury returning an open verdict, no reward is offered by Government the body is perhaps never identified but is buried in a nameless grave and there is an end of the matter. (*Pall Mall Gazette*, 1871)

The question of which homicides are significant and which are not is one that has plagued both contemporaries and historians of Victorian Britain. All too often the social history of homicides has focused on cases that inspired a fascination inversely proportional to their representativeness. But relying on quantitative evidence is equally problematic. Despite how difficult it might seem to ignore a dead body, a homicide victim does not exist in the official records simply because one person has killed another. A number of assumptions, decisions, and actions have to be taken by policemen, government officials, and even family members before a death is recorded as a homicide. Consequently homicide statistics are always suspect. The Victorians were aware of the discrepancy. In 1876 in an article examining the official judicial statistics, the *Times* insisted: “The absolute number of [recorded] murders tells us nothing. It only says how many murderers have been brought to justice.”

In a suspicious death in England, Ireland, or Wales, the initial decision about whether the death was to be treated as a homicide lay with the coroner’s inquest—an ancient proceeding which was subject to considerable human error. Nineteenth-century coroners were not required to possess any medical or legal expertise. In addition to simple ignorance, they might also be influenced by external pressures. Homicide investigations were expensive and officials might be reluctant to spend public funds to investigate the deaths of unimportant persons. For example, authorities in Kent were pleased when a stranger found with two stab wounds to the back was conveniently ruled a suicide. In 1882 the Times complained that during a five-year period coroner’s juries had returned a simple verdict of “found drowned” in nearly six hundred cases in which corpses had been found in the Thames. “Unhappily our careless English way of dealing with the bodies and effects of persons found drowned renders it improbable that the mystery which surrounds these deaths will ever be cleared up. . . . It is not a pleasant thing to reflect that there may be many ruffians prowling about London who have already committed riverside outrages with impunity.” But while the Times found the coroner’s juries lax, some judges found them overly zealous. English coroner’s juries regularly reported twice as many murders as did the police. One judge complained that “the members of the coroner’s jury were very often led away by sympathy or some surrounding incident to return a verdict or to express censure without real justification.”

In addition to the coroner’s jury, magistrates heard homicide charges. Even if the coroner’s jury failed to indict, the magistrates could send the accused before a grand jury for indictment. The redundancy could be an additional source of confusion and annoyance. In 1875 the Carmarthen Weekly Reporter noted that “the inhabitants of Carmarthen have happily but little knowledge of the official method of procedure in cases of manslaughter or murder.” But, the editorial continued, “to their unsophisticated minds” it seemed strange that after a coroner’s jury ruled a death accidental “the magistrates should then take up the same case and send the men for trial.” When the men were acquitted the newspaper complained that “[t]he law—that curious admixture of contradictions and absurdities, that emanation of the accumulated judicial wisdom of the past has insisted on a trial for no other reason that we can see except to increase the amount of the county rates.” But others complained that magistrates were too intimidated by ratepayers’ concern. The Spectator complained that magistrates in Northern England had been demoralized “by a false theory of social necessities that the few among them who think that murder by torture should at least be sent before tribunals empowered to give heavy sentences are censured by other magistrates for want of judgment, for-
getfulness of local circumstances and indifference to the permanent interests of the taxpayer.” After 1879 the newly instituted office of the public prosecutor could also begin homicide proceedings. Again the proponents of efficiency and economy were not necessarily pleased. When informed that “[t]he Public Prosecutor said he felt it to be his duty to take up any case in which a life had been lost,” one judge warned that “[i]f the Public Prosecutor does what you state, all I can say is that it will very soon become a public nuisance.”

But however expensive and redundant the proceedings of magistrates and coroner’s juries in England, Ireland, and Wales might be, they were public. In Scotland suspected homicides were investigated privately by the procurator fiscal of each county who decided whether or not to bring charges. As a Scottish judge pointed out to the House of Lords, “If the investigation did not result in a trial, then the whole evidence was kept secret. The number of such cases in which no trial took place was naturally very large, and of the merits of such cases or why they were not pushed to trial, the public always remains ignorant.” The system preserved privacy, but the Scotsman suggested, “Many retain that conviction that [the Scottish criminal justice system’s] benefits would be enhanced by increased publicity in the proceedings connected with its operation.”

In addition to coroner’s juries and magistrates, homicides in Ireland were also reported in the Outrage papers prepared for the chief secretary by the police of each Irish county. These reports were predicated on the assumption that Irish homicides represented a level of sedition that was unknown in England and Wales. The Irish press often complained that the Outrage figures were exaggerated in order to justify coercive policies by the government. But by the late nineteenth century the figures were also indicative of a lack of clear instructions. The Outrage Papers included the name of the victim and the killer (if known) and a brief summary of the circumstances for every homicide the police deemed an outrage. However, there was no clear definition of “outrage.” In some counties the police reported every nonnatural death as an outrage, including cart accidents. Others reported only what they considered truly “outrageous conduct” and even failed to include domestic homicides. Unlike the Scottish records, which only reported cases if someone was formally charged with homicide, and the English and Welsh ones that depended on the decisions of coroners and magistrates, the Irish records included all violent deaths the local police deemed outrageous.

Given the vagaries involved in the official homicide records, it seems safer to base statistical comparison among the nations on the outcome of homicide trials rather than the number of reported homicides. Obviously the
number of homicide trials will vary according to the efficiency of the police, the willingness of authorities to spend money on investigations, and the willingness of coroner’s juries and magistrates or procurator fiscals to indict. But the statistics relating to trial outcomes are more likely to be an accurate reflection of what they purport to record than are estimates of the actual number of homicides. The rate of homicide trials per 100,000 population varied significantly among the nations and was changing over time. In the late 1860s, England and Wales had the highest rate of homicide trials per population, but that rate had fallen by 36 percent by 1892. The Irish had the lowest rate in the UK for the late 1860s, but their rate rose by 20 percent during the period so that by 1892, Ireland had the highest rate in the UK. Scotland was in the middle in 1867, but saw the steepest decline over the period. The Scottish rate dropped over 40 percent so that by 1892, its rate was the lowest in the UK, a full 20 percent lower than that of England and Wales.

In addition to the fact that the numbers are more reliable, jury trials provide at least some indication of public opinion. Though juries were limited to male property owners, the very premise of the jury trial assumes that they will represent community standards. Sentencing patterns reveal the views and concerns of authorities. Often capital sentences were carried out not so much because of the heinousness of a particular crime as because there was a sense that a particular type of offense was happening more frequently and the Home Office believed an example needed to be set. Public reactions to sentences as reflected in the press and sometimes in the streets are also particularly illuminating.

When a verdict failed to meet public expectations, the reaction was usually vocal. Applause or hisses within the courtroom often infuriated judges. When an acquittal was met with applause in an Edinburgh courtroom, the judge angrily announced, “We don’t sit here for marks of approbation or disapprobation.” But the vehemence inspired by unpopular verdicts indicates that on the whole the courts were expected to reflect the views of the larger community. After a case in Liverpool the Times reported, “[A]lthough his Lordship concurred with this verdict, there is no question that it is not in accord with general opinion. It was received with hissing, an unmistakable signal of disapprobation when it was delivered in court . . . the verdict was generally condemned.”

Comparing trial outcomes among the four nations presents a number of challenges. In England, Ireland, and Wales juries consisted of twelve men who were impaneled to reach a unanimous verdict. One dissenting voice meant no conviction. But, under the terms of the 1707 Act of Union, Scotland had maintained its own distinct legal system. Criminal trials in
Scotland were heard by a fifteen-member jury with the verdict determined by a simple majority. A vote of eight to seven could and did decide the fate of persons accused of capital murder. Scottish juries were not required to reveal their vote but in the majority of homicide cases between 1867 and 1892 the vote was recorded. In 41 percent of the cases in which a Scottish jury convicted the accused of some form of homicide, the verdict was not unanimous. Scottish juries also had three possible verdicts—guilty, not proven, and not guilty. While both of the latter two led to the liberation of the accused, juries clearly felt the distinction was significant. In crimes in which more than one defendant was involved, the same jury might find one of the parties not guilty while the verdict for another was not proven. The not-proven verdict provided a means of avoiding an unacceptable conviction without fully exonerating the accused.

Courts in Ireland and Wales operated under the rules of the English Common Law, but not always happily. For centuries English law had been used to coerce the Irish people, to confiscate their land, and to maintain religious discrimination. Even though de jure discrimination in Ireland had ended by the late nineteenth century, a legacy of bitterness and mistrust remained. The judges and jurors were Irish but the law was still English. In 1872 an Irish judge assured the Tyrone Grand jury: “I shall continue as I have done heretofore faithfully and fearlessly to administer and expand the laws of England [italics mine] and no other.” Irish defense attorneys regularly played on jurors’ fears that the system discriminated against the Irish. The need for jury unanimity meant that only one juror had to be persuaded that the accused was a victim of English law. In about 7 percent of homicide trials in Ireland, authorities eventually chose to release the accused rather than go to the expense and trouble of retrying a case in which a jury had failed to agree. Crown authorities chose not to prosecute at all in another 12 percent of cases in which an indictment had been brought when they felt it was unlikely that any Irish jury would convict. The central government also routinely moved trials from one district of Ireland to another in the hopes “persons who commit outrages can no longer rely upon the certainty of absolute impunity when they are tried in a place where neither intimidation nor favor can have any effect on the minds of the jury.”

Technically, there was no difference between English and Welsh procedures. In fact, Welsh and English cases were often heard at the same assize, and even when separate assizes were heard for Welsh districts, the judges were English. However, the Welsh faith in English justice was in some instances as limited as that of the Irish. The leading scholars on Welsh justice have concluded that in nineteenth-century Wales “two concepts of order, the official
and the popular” were in effect. Though homicides are less amenable to popular justice than lesser offenses, there is ample evidence that Welsh communities often believed in extralegal solutions. In addition to the question of homicides that were deliberately kept from official scrutiny, trials in Wales also faced serious language problems. Perhaps one of the most chilling lines from reports of Welsh trials is: “The sentence of death was then translated into Welsh for the information of the prisoner.” The issue of bilingualism in Welsh courts came to the forefront in 1874, when a county magistrate in Carmarthenshire reduced the local jury list from 164 to 45 names by striking all those who did not speak English. He explained that not speaking English was analogous to being deaf and dumb and it was “impossible to approve of men being left on the lists to try prisoners for their lives and liberties who would not understand what the English speaking witnesses, the council and the judges said to them. Keeping Welsh speakers is no doubt why Welsh juries have been and are spoken of with such contempt as to have become a proverb.” The editor of the *Carmarthen Journal* was quick to respond that “the true and indeed only function of the jury is ‘to give a true verdict according to the evidence’ and the mass of evidence heard in our courts was given in Welsh.”

Given the language problems, it is not surprising that Welsh juries were notorious for giving eccentric verdicts. A Welsh attorney wrote to the *Times* explaining that “of any twelve common jurors in mid-Wales, from one-half to three-fourth are absolutely ignorant for speaking purposes of more English than the monosyllables Yes and No. . . . The foreman, probably has as much knowledge as will enable him if you speak very slowly with a strong Welsh accent, and use none but the commonest words to follow a very brief and very clear statement of facts.” The attorney stressed that the English spoken in Welsh courtrooms was largely lost on the juries. “It is through the evidence of the Welsh-speaking witnesses only that the least glimmering of the matter in hand reaches the mind of the jury. . . . [T]he evidence of English witnesses is not translated at all.” The words of the legal experts were also largely wasted. “The eloquent speeches of counsel delivered in the most refined English accent and filled with technicalities and rhetorical flights are as absolutely unintelligible to the majority, if not to the whole of the jury as similar speeches in Welsh would be to the counsel of the Judge.” After the judge instructed the jury in unintelligible English, “the poor puzzled peasants put their heads together and come to a thoroughly independent decision.”

It is hardly surprising that as the *Carmarthen Weekly Reporter* noted, “Stupid findings are invariably attributed to the Welsh jurymen.”

The language difficulties created problems for judges and jurors alike. In
1871 the lord chancellor rejected a petition requesting that county court judges in Wales be required to be fluent in Welsh on the grounds that “a Judge selected for his Welsh requirements would become subject to mistrust on the part of an English litigant.” A Welsh MP responded that in mid-Wales four-fifths of the Welsh who appeared in court spoke Welsh as their primary language and probably half of them spoke no English. “I cannot but think that a Welsh litigant would have at least an equal ground for distrusting the decision of a Judge who cannot understand a word of his own language.”

Even the Times recognized the problem. The absence of Welsh speakers on the bench “absolutely saps the public confidence in it. . . . The Judge has practically to grope his way as best he can almost in the dark as it were.”

Like most disagreements between the Welsh and the English, the dispute was carried on politely but the miscommunication was serious.

As can be seen in table 1.1, the percentage of trials ending in acquittals did not vary much among the four nations. Between 1867 and 1892 English

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<tr>
<td><strong>Total</strong></td>
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<td><strong>%ng</strong></td>
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<tr>
<td><strong>%murder</strong></td>
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<tr>
<td><strong>%insane</strong></td>
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<tr>
<td>Ireland</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td><strong>%ng</strong></td>
</tr>
<tr>
<td><strong>%murder</strong></td>
</tr>
<tr>
<td><strong>%insane</strong></td>
</tr>
<tr>
<td>Scotland</td>
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<tr>
<td><strong>Total</strong></td>
</tr>
<tr>
<td><strong>%ng (including not proven)</strong></td>
</tr>
<tr>
<td><strong>%murder</strong></td>
</tr>
<tr>
<td><strong>%insane</strong></td>
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<tr>
<td>Wales</td>
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<td><strong>Total</strong></td>
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<tr>
<td><strong>%ng</strong></td>
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<td><strong>%murder</strong></td>
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juries acquitted in 27 percent of homicide trials, Welsh jurors in 32 percent, and the Irish in 29 percent. Scottish juries found 16 percent of defendants not guilty and the charges not proven in 13 percent of cases. Everywhere but Wales the trend was toward fewer acquittals. In England the percentage acquitted fell from 31 percent in the late 1860s and early 1870s to 26 percent by the early 1890s. Irish juries were also becoming less likely to acquit, with the figures dropping from 35 percent in the late 1860s to 25 percent by the early 1890s. The biggest change was in Scotland where the percentage of homicide defendants receiving verdicts of not guilty or not proven fell from 35 percent to 21 percent. However, which sorts of cases resulted in acquittal varied considerably from nation to nation.

Which types of trials were most likely to lead to acquittals did vary however. Other than in accidents, English juries were most likely to return a not-guilty verdict if the death had occurred while the killer was delivering what the jury perceived as a justified chastisement to a prisoner, an asylum inmate, or an unruly servant, apprentice, or student. Irish and Scottish juries were most likely to acquit when the motive for the homicide had been issues of land or politics. Welsh juries were most likely to excuse homicides that occurred during pranks.

These differences are particularly interesting when compared with which defendants were least likely to be acquitted. In England juries were least likely to acquit if the motive for the killing had been thwarted romance. This is in part because the killer in these cases was likely to use a lethal weapon, but it also points to some interesting assumptions about gender. A man might chastise his wife, his child, or his subordinate but not a woman he was courting. The Irish were hardest on defendants who had killed while seeking revenge. A planned assault based on a grudge did not square with the Irish assumption that homicides were the inadvertent result of uncontrolled passions. The Scots were hardest on poachers whose guilt was compounded by the combination of theft and homicide.

Trial outcomes throughout Britain were also very much affected by the common law tradition which allowed considerable leeway to judge and jurors in determining what the law actually was. Despite efforts at codification of the law and the regularization of procedures, the outcome of any late nineteenth-century homicide trial depended very much on the individual judge and jury. Lord Chief Justice Coleridge explained that he did not like to direct juries to particular verdicts. “It was impossible to devise an intellectual formula which would cover all the varying circumstances of different cases.” In 1884 the Times observed that Baron John Huddleston in advising a jury “had to do what English judges have frequently to do—under the guise of inter-
preting the law he had to make it.”

Baron William Channell even acknowledged that the jurors were also lawmakers when he told a jury, “[T]he law was an abstraction; in reality it meant the verdict of a jury, upon which depended its practical enforcement.”

DEFINING MURDER

Among the most contentious issues was the distinction between the capital offense of murder and the lesser crimes of manslaughter in Ireland, England, and Wales and culpable homicide in Scotland. The written law left considerable leeway for both judge and jurors in deciding between murder and manslaughter or culpable homicide. Manslaughter was formally defined as “unlawful and felonious killing of another without any malice express or implied.”

Culpable homicide was defined as “a killing caused by fault falling short of the evil intention required to constitute murder.” But malice and evil were fairly flexible terms in practice, and the judges often disagreed.

English Justice George Bramwell seemed to imply that no prior intent was required: “If a man without lawful cause and without circumstances to reduce it to manslaughter inflicted a deadly wound he was guilty of murder although the thought of doing it never entered his mind until the moment he gave it the fatal blow.”

Justice James Stephen argued that the method was crucial. “The rule he should lay down for their guidance was that if a man kills another by means which in all probability must cause his death, that crime amounted to murder unless there were circumstances which reduced it to manslaughter or justified the act.”

But his colleague Justice William Brett suggested jurors must consider the killer’s state of mind: “[I]f at the time he had command of his passions so as to have command also of his will and intention he would be guilty of murder; but if he had not much command of his passions, it would be open to the jury to convict him only of manslaughter.”

However, Justice Huddleston assured a jury that “the fact that the prisoner’s mind was distorted by evil and wicked passions was no defense.”

Provocation and self-defense were the most obvious mitigating factors. The degree of provocation required was also subject to debate. Justice Lush insisted that “mere quarrel of words did not constitute a provocation nor a single blow but a series of savage blows.”

Justice Cleasby concurred that “neither opprobrious language nor even a slap in the face would reduce the offence from murder to manslaughter but when a man was kicked and knocked down and blood made to flow it might be otherwise.”

But Justice
Mellor seems to have believed that the issue was the immediacy of the provocation: “Whether their verdict should be one of manslaughter or murder depended on whether the prisoner’s acts causing death were done in the heat of passion, arising under reasonable provocation, or not until after an interval of time sufficient either in fact or in legal presumption to allow the passion to subside and the control of reason to be resumed.”

Self-defense and the defense of others were also considered mitigation. But even so, prior intent was significant. Chief Justice Coleridge told a jury “if they believed the prisoner went out with the deliberate intention of taking someone’s life it would be murder, no matter whether he himself was attacked or not; but if they believed he had a bona fide belief that his life was in peril, but that such belief was unreasonable it was manslaughter and finally if he had grounds to believe his life was in danger then acquitted.” In a case in which a man had killed in defense of his sibling, Justice Field told the jury, “If they believed the deceased did no more than was necessary to prevent the prisoner beating his brother it was not manslaughter; but if he did more than was necessary, looking at the excited state of the prisoner’s mind at the time, than it would be manslaughter.”

Ultimately the issue was malicious intent, which was difficult both to define and to detect. In practice the jury’s assumptions about the killer’s state of mind were frequently based on the relationship between and status of the killer and the victim. When both were working class and the setting was a pub on Saturday night, authorities may have been less willing to assume malice. As the Times reported in one case, “Yesterday Samuel Chipperfield, a laborer, is alleged to have killed another laborer, named Samuel Betts, in a pub in Beerstreet, Norwich on Saturday night but the police have not found that Chipperfield had any ill-will against Betts and under these circumstances it seems probable that the case will resolve itself into one of manslaughter.”

English juries returned for manslaughter rather than murder in nearly half the convictions resulting from murder indictments, in some cases over the strong objections of the judge. In one case Justice Martin told a jury: “I am bound to tell you that your verdict is directly contrary to the evidence.” With only slightly less censure, Justice Denman told a Warwick jury that had returned a manslaughter verdict that ninety-nine out of one hundred juries would have said the crime was murder. Justice Martin insisted in a charge to a Chelmsford jury: “[I]t is your duty to act upon the law. You do not sit there with discretion to find this man guilty of murder and that man guilty of manslaughter as you may think proper according to your own view of the law. It is your duty to act upon the law as laid down by a judge.” But what law was laid down depended very much on which judge was presiding. In
England 32 percent of homicide convictions were for murder, but among judges who heard over fifty trials the percentage of convictions that were for the full offense ranged from just 10 percent for Justice Gillery Piggott to over 58 percent for Justice Montagu Smith.

In addition to the fact that different judges might offer different opinions, juries always had the option to disregard their instructions. After an English jury acquitted a man who had stabbed a neighbor who interfered when he was beating his wife, Justice Henry Keating told the prisoner: “The jury have found you not guilty on what grounds I am utterly at a loss to conceive but it is their province and not mine to decide. I merely make these observations in order that this verdict may not be an encouragement to you to commit acts of violence.” An Irish judge told a Limerick jury: “It was nothing to him if the jury discharged the prisoner, but it was everything to the county.” Another Irish judge was unable to show such sangfroid. When a Tipperary jury failed to convict, he shouted: “Take back that verdict. I will not take it. Do you think fracturing a man's skull is nothing? If you do I'd like to see it tried on yourself.” Similarly after the judge explained that there was no way to reach a verdict of culpable homicide, a Glasgow jury promptly returned a verdict of culpable homicide.

Despite the variations among judges and juries, English trials were still four times more likely to result in murder convictions than were homicide trials in Ireland and Scotland. Irish juries were so reluctant to return murder convictions that prosecutors often chose to indict only for “very serious manslaughter.” With the death sentence out of the equation, presumably it was easier to persuade an Irish jury to convict. Irish courts were also more willing to accept that homicides were the result of either accident or uncontrollable passion. An Irish judge explained that “[m]anslaughter was killing another without any malice.” According to Irish law books, “[I]n every case of proved homicide the law presumes malice but such presumptions may be rebutted.” But Irish courtrooms routinely ignored the presumption. Only 5 percent of Irish homicide trials led to murder convictions. Unless the motive was political, the Irish tendency to see homicides as unfortunate accidents meant that punishment should be light. In fact, 65 percent of persons convicted of homicide in Ireland between 1866 and 1892 served less than two years.

Scottish juries rarely returned murder convictions, though the figures are somewhat skewed by the fact that Scottish murder defendants were much more likely to plead guilty than were those of the other nations. Nearly a quarter of those indicted for murder in Scottish courtrooms pled guilty to culpable homicide as compared with fewer than 5 percent of English and
Irish defendants. This may be because the defendants felt that, given the thoroughness of the investigation before the trial, it was foolish to fight the charges. At any rate, when the decision was left to the jury in Scottish murder trials, the jurors returned a conviction for the full offense in 15 percent of cases.

As in England, the judges in Scotland sometimes disagreed on the distinction between murder and culpable homicide. Trials heard by Justice Moncreiff were over twice as likely to end in murder convictions as those heard by Justices Deas or Young. Scottish jurors also chose to ignore instructions on occasion. For example, after the judge assured a Glasgow jury that he “did not see a single thing in the case that could lead to any other verdict than murder,” the jury returned a unanimous verdict of culpable homicide. In another case a man pled guilty to culpable homicide after he stabbed a man on a footpath. The defendant was drunk and belligerent and simply attacked the first person he saw. The prosecution accepted the plea on the grounds that there could have been no prior malice since “they were complete strangers.” The presiding judge, Lord Young, announced that the attack was “what we are in the habit of calling murder,” but he sentenced the man to only fourteen years. In another case in which a strolling piper had stabbed a man he encountered on the road, the defense attempted to claim that the stabbing was the result of a quarrel, but Lord Armillan insisted “there were no degrees of malice in the Scottish law” and insisted on a murder verdict.

Though the numbers were small, the Welsh were more likely to return murder convictions than were the Irish or Scots but less likely than the English. The Carmarthen Weekly Reporter insisted that Welsh juries were reluctant to return murder convictions because of their religious conviction that the death penalty represented a usurpation of God’s sole authority over life and death.

Everywhere a murder conviction carried an automatic death sentence, though the Crown through the Home Office could commute the sentence. Juries gave their recommendations regarding mercy with their verdict and the presiding judge passed them on with his recommendations. In prominent cases, communities often presented petitions as well.

Even though the Home Office in London made the ultimate decision in all capital cases, there was considerable variation among the nations. Between 1867 and 1892 the Home Office allowed 58 percent of English death sentences to be carried out. Though the percentage of English death sentences being carried out remained relatively constant, the percentage of homicide trials in England which led to execution went from 16 percent for
the period 1867–1874 to 27 percent for the period 1885–1892. Death sen-
tences were most likely to be carried out when the murder had been com-
mitted in the course of another felony such as robbery or rape or when the
killer had been taking revenge on a woman (other than his wife) who had
spurned his romantic advances. About half of Welsh murder convictions
resulted in executions, but the numbers are so small it is hard to reach many
conclusions.

Irish juries were the least likely to return a murder conviction, but the
Home Office was also least likely to commute an Irish death sentence. Irish
defense attorneys routinely warned against “the foulest of all crimes, namely
the bringing about of judicial murder.”61 In one particularly grisly case in
which the accused had broken into a home and hacked a woman to death,
two jurors admitted they believed the defendant was guilty but as members
of the Anti-capital Punishment Society they would never vote to convict.62
Only 4 percent of Irish homicide trials ended with murder convictions. But
67 percent of those sentenced to death for murder in Ireland were executed.
There is a chicken-and-egg aspect to these figures. Because Irish death penal-
ties were the most likely to be carried out, it would seem wise for Irish juries
to be particularly cautious in risking them. On the other hand, given the dif-
ficulty in obtaining a murder verdict in Ireland, it might be that those who
were convicted were particularly deserving of harsh punishment. In fact,
those most likely to be executed in Ireland were convicted of murders in con-
nection with land or politics.

Scottish death sentences were the least likely to be carried out. Only 34
percent of the condemned in Scotland were executed. Given the fact that a
murder conviction in Scotland could be based on a majority of one, the need
for mercy may have been greater. But over half of the death sentences that
were commuted had been based on unanimous verdicts. Further, the jury had
been split in over a third of the cases in which the death sentence was carried
out. Nor was it simply a matter of the Home Office correcting for overzeal-
ous verdicts. Only 2 percent of all persons tried for homicide in Scotland
between 1867 and 1892 were executed. Those most at risk of actual execu-
tion in Scotland were those convicted of murder while poaching.

The sentences in manslaughter and culpable homicide convictions could
range from immediate release to life in prison. As the Scottish Justice Lord
Deas explained, culpable homicide “sometimes may be quite properly visited
with a few weeks improvement and at other times it is a crime which meets
the highest punishment of the law short of death.”63 Though sentencing in
manslaughter cases was at the discretion of the judge, the general sentencing
patterns give some indication of the relative weight given to various types of
homicide according to circumstances. The national averages varied. Sentences were lightest in Ireland, where the average sentence was three years (this includes all cases where the initial charge was homicide, though the conviction might have been for assault or a lesser charge). The Scottish average was nearly two years longer than the Irish, and the English and Welsh another year longer than that of the Scots. Of course, within nations judges varied as well.

INSANITY

The other possible outcome was a finding of insanity. The percentage of cases ending in insanity verdicts was remarkably similar among the four nations, all falling between 5 and 8 percent of cases. Everywhere domestic cases were the most likely to result in insanity verdicts, followed by cases involving blighted romances. But all of the complexity, indeterminacy, and ambiguity of the British legal system is clearly evident in the issue of insanity. There was no statutory definition of insanity. The definition given in the M’Naghten Rules that “the accused at the time of committing the act was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing: or, if he did know it, that he did not know he was doing what was wrong” was often cited in English cases. But in fact the definition of insanity in any given case was very much at the discretion of the judge and jury. The definition most often applied in Scottish courts derived from Hume, who stated that “[t]o serve the purpose of a defense in law, the disorder must amount to an absolute alienation of reason, such a disease as deprives the patient of the knowledge of the true aspect and position of things about him, hinders him from distinguishing friend or foe—and gives him up to the impulse of his own distempered fancy.” But, as in England, the definition was ultimately in the hands of the jury.

The instructions given by English judges indicate a considerable degree of disagreement. As an attorney explained to a Central Criminal Court jury in 1869, “[T]he question of insanity as applied to the criminal law was exceedingly difficult and one with respect to which many learned judges had differed in opinion.” Justice Brett insisted that the mere fact that the accused was insane or delusional did not suffice. While hearing a case in which a man had suddenly killed a coworker with an adze with no apparent motive, Brett told the jury: “No doubt the man was in a sense insane, that is he was probably under the influence of delusion and no doubt the act was sudden and there was no apparent motive for it; . . . but the question was not whether he
was of unsound mind, but whether he was so insane as not to know the
nature of the act.” The Maidstone jury returned a verdict of “guilty but not
accountable for his acts.” Since this was not a legal verdict, the clerk of the
Assize asked, “[T]hat is you acquit him on the grounds of insanity?” When
the jury agreed, Justice Brett then asked, “[I]nsanity in the sense I have
explained to you?” Once again the jury agreed.69

The confusion over the meaning of the jury’s initial verdict was addressed
in the Trial of Lunatics Act of 1883, which changed the procedures so that
persons found insane were no longer declared “not guilty on grounds of
insanity,” but rather “not responsible.” The change was largely semantic and
at least one judge claimed that its impact was minimal. Justice Williams
described the act as a “curious illustration of the way things were done in this
county. For although it was his duty to go to the court to preside over the
trial, it was only by the merest accident that the fact that such an Act had
been passed was made known to him and he became aware of that fact by
reading it in the newspaper. A copy of the Act was not delivered to him.”
Williams went on to add that “he was not aware of the reasons for passing
the Act.”70 His comment is particularly significant. All too often the statute
books and legal commentary seem to be only minimally connected to the
realities of courtrooms.

The Times suspected that English judges and medical experts were too
lenient. In 1883 a leading article described the case of a man who had mur-
dered his child as “only too fairly representative of a class of cases frequent in
English courts.” After outlining the man’s history of violence, the newspaper
noted that “those not uncommon symptoms of lawlessness and ruffianism
satisfied one doctor that the defendant was ‘a typical lunatic with dangerous
delusions.’” But to the newspaper’s satisfaction, “the jury were not convinced
by the familiar argument that a man who does anything particularly wicked
must be insane. . . . For years the plain men who sit in jury boxes have been
assailed by medical theorists who seek to discredit all the old homespun ideas
as to responsibility.”71 Three weeks later, when the sentence was commuted
on grounds of insanity, the Times suggested that the Home Office would do
well to ignore “theorists who gauge the extent of a criminal’s insanity by the
magnitude of his crime.”72 Cases in which the jury rejected an insanity plea
but the Home Office intervened after the fact and had the killer transferred
to an insane asylum were particularly galling as they seemed to undermine
the jury system altogether.73 But in England the trend favored the medical
men. Though the actual number of homicide trials ending in insanity ver-
dicts was constant, the percentage of homicide trials resulting in insanity ver-
dicts rose from 7 to 10 percent in the late 1880s.74
One of the main problems many people had with insanity pleas was that they suggested a lack of will and control, two key virtues for the Victorians. When a grocer who had killed his wife and brother-in-law out of unfounded jealousy claimed, “[I]t wasn’t me, it was my brain,” his plea exemplified the detachment between self and actions that many found objectionable. Justice Honyman complained that “uncontrollable impulse was ‘the cant of the day.’” Justice Huddleston cautioned a jury against “taking a cowardly refuge” in insanity verdicts. “It was not any idle frantic humour, not any eccentricity or something unanswerable or unexplained which would justify a verdict of insanity.” Justice Bramwell appeared to share this view. When a witness spoke of “homicidal mania,” Justice Bramwell interjected: “[Y]ou mean a morbid appetite to do wrong. If an insane man knew he was committing murder that man was responsible. It was not enough to have a homicidal mania. The object of the law was to guard against mischievous propensities and homicidal impulses. He did not believe in uncontrollable impulse at all.” But, as was often the case, the judge’s rhetoric during the trial did not square with the outcome. The accused was found insane and Justice Bramwell voiced his support of the verdict. “It would have been impossible, gentlemen, for such a man to be executed—too shocking and cruel. It is a very sad case and the man is deeply to be pitied.”

Some scholars have argued that this link between strength of will and insanity had rendered the insanity question a highly gendered one. Gender will be discussed in depth in chapter 3, but regarding insanity the homicide records indicate that the link between insanity and feminine nature may have been overstated. While women homicide defendants were more likely to be found insane than men (16 percent of female killers compared to 6 percent of men), 60 percent of accused killers who were found insane were men. Much has been made of the link between infanticide and insanity verdicts, but in fact the likelihood of an insanity verdict for a defendant accused of killing his or her own child was not highly influenced by gender. Twenty-three percent of English mothers accused of killing children were found insane, but so were 18 percent of English fathers.

The Irish were even less inclined to link insanity with femaleness. Nearly 90 percent of the Irish killers who were found insane were male. The killer most likely to be found insane in Ireland was a man who had killed his lover or an adult relative. Given the presumption that homicide was often the result of uncontrolled passion, it might be expected that the Irish were particularly likely to find insanity verdicts. But that was not the case; instead, Irish courts often saw uncontrollable impulses as a universal problem. Also, since sentences for manslaughter in Ireland were lighter than in other coun-
tries, an insanity plea might have been counterproductive. One judge even recommended that defendants not plead insanity "since it could mean being kept in an asylum for an extended period."81 Scottish homicide trials were the least likely to end in insanity verdicts. This may have been in part because Scottish courts were willing to find diminished capacity as a mitigating factor in homicide cases. In the Dingwall case in 1867, Lord Deas told a jury that while the defendant could not be found insane, they might return a finding of culpable homicide since his chronic drunkenness indicated diminished responsibility. This precedent was not always followed, however, even by Lord Deas.82 In fact, in 1875 the superintendent of the Glasgow Royal Asylum complained in the Times that "it is a grave defect in our criminal law that it does not recognize degrees of insanity and corresponding degrees of culpability. A jury should have the power not merely to commend a culprit to mercy and so mitigate his punishment, but to declare him entitled to a mitigation of punishment when they are satisfied that there exists mental weakness, although not to the extent of irresponsible insanity."83 The likelihood of an insanity verdict in a Scottish homicide trial was the same for men and women.

**DRINK AND RESPONSIBILITY**

In addition to the possible precedent of diminished responsibility, the Dingwall case was also cited as a precedent for accepting drunkenness as a form of mitigation. Everywhere alcohol was a frequent factor in homicides. In England and Wales alcohol was specifically mentioned in about a quarter of homicide cases. But Justice Huddleston told a jury that "[f]ive/sixths of cases in the calendar throughout the country might be traced to intoxication, for which there was no excuse whatsoever."84 It might well be that Huddleston's estimate was closer as alcohol may have been so common in homicides that it was not thought worthy of mention. Alcohol was reported as a contributing factor in 28 percent of Irish homicide cases, though, again, in many situations the presence of alcohol was probably deemed too obvious to mention. Parliamentary reports on crime in Ireland concluded that "[t]he great problem indicated by the statistics of Irish crime is how to deal with drunkenness and the crimes connected therewith."85 The Scots were the most likely to record the presence of drink in homicides. Either the killer, the victim, or both were reported to have been intoxicated in 40 percent of Scottish cases, but even this may be an understatement.

Despite the temperance movements found throughout the British Isles
during the late nineteenth century, drunkenness was still often taken for granted. After hearing a case in which two young men had killed a third during a fight in a pub, English Justice Grove “commented on the frequency of crimes of violence which arose from drunkenness, but he added that this vice was regarded unfortunately in so venial a light by a large class of the more uneducated people, that such an expression of opinion seemed to be wasted on them.” The punishment in the case was also venial—three months each. These circumstances were by no means unique to England. In Crieff, in central Scotland, a stabbing victim bled to death on his own front porch as neighbors and even a policeman passed by, assuming he was drunk. In a case from Glasgow in which a man had killed his wife using a hammer, a poker, an iron bar, and clogs, witnesses explained that both the accused and the victim were addicted to drink, “though otherwise they had borne a respectable character.” The same sorts of comments were heard in Irish courts. In Kilkenny, a man who had murdered his own child was described as “a very good man—with one exception—that he drank.”

Given these views, how much and whether drunkenness mitigated a homicide was always a moot point and judges themselves seemed ambivalent. When a man in Manchester was convicted of killing a friend by kicking him in the stomach, Justice Lopes told the jury the man had acted “while under the influence of drink and not from any feeling of animosity. Still life must be respected.” To show this respect, he sentenced him to three months. But other English judges felt differently. Justice Lush told a jury “if a man were lying in the road dead drunk waving a sword about and he thereby caused death he would not be guilty of murder, but nothing short of that would reduce the crime to manslaughter.” An English defense attorney argued that “while drunkenness is no legal excuse for crime, no man should in my judgment be put to death for murder committed while drunk.” But Justice Bovill staunchly announced the rationale for not accepting that argument: “Drunkenness voluntarily caused by a person was no answer whatever to a charge of murder and it did not reduce what would otherwise be murder to the crime of manslaughter. That was the law of the land and if it were not so, there would be no protection to society.”

But other judges did feel that drunkenness worked against a murder conviction. Justice Day told a jury, “I have ruled that if a man were in such a state of intoxication that he did not know the nature of his act or that his act was wrongful, his act would be excusable.” The prosecuting attorney cited a ruling by Justice Manisty that “disease brought about by a prisoner’s own act, e.g. delirium tremens caused by excessive drinking—was no excuse for committing a crime unless the disease so produced was permanent.” Manisty had
told a Manchester jury that “if the prisoner’s insanity was only temporary and produced by his own excesses the law did not excuse him.” But Justice Day explicitly rejected the precedent insisting that “the issue was insanity not its cause or whether it was temporary or permanent.” Lord Chief Justice Coleridge apparently agreed with Justice Day. In 1886 he told a jury that a “principle of the law was that a man must be taken to intend what was the natural consequences of his act . . . drunkenness was no excuse for acts done. . . . They must administer the law as they find it and it could not be perverted to meet any feelings of mercy.”

English juries were less likely to acquit drunken killers than sober ones. However, they did seem to find some mitigation in drunkenness as sober killers were more likely to be convicted of the full crime of murder than were drunken ones. However, the Home Office was more likely to let an execution go forward if the killer had been drunk. Welsh juries were slightly more likely to acquit drunken killers than sober ones. They were also nearly twice as likely to convict sober killers of murder as drunken ones. When a Welsh jury acquitted two men who had beaten and kicked a friend to death during a drunken fight, the judge said the verdict was proper but “gave them a severe caution for this mingling themselves up in a drunken row in which a fellow creature was sent unprepared to his great reckoning.” Though English and Welsh juries were less likely to return murder convictions if the killers had been drunk, judges were harsher in sentencing. In manslaughter convictions, the average sentence given to a drunken killer in England and Wales was eighteen months longer than for a sober one. English authorities may have been more concerned about drunken violence than were middle-class jury-men who were rarely threatened by it.

The situation was reversed in Ireland where defendants who had been drunk at the time of the homicide served shorter sentences and were much less likely to be executed. Only one of the fifty-four persons hanged for murder in Ireland during the period was reported to have been drunk at the time of the crime. Irish judges and jurors seemed to accept that drink was a good man’s failing. As one Irish judge said, “[I]t was very hard to know what punishment to mete out to a man who was ordinarily quiet and well behaved as long as he was sober but violent and uncontrolled when drunk.” This also follows general trends in which Irish courts were likely to see killers as victims of circumstances who were not fully accountable for their actions.

Despite the Dingwall precedent, the Scots were less tolerant of drink as an excuse for homicide. Killers reported as having been drunk at the time were convicted 82 percent of the time versus only 50 percent of those who had not been reported as drunk. Drunken killers in Scotland were seven times more
likely to hang than sober ones. When convicted of culpable homicide, 24 percent of those who had been drunk were sentenced to more than ten years in prison versus only 4 percent of the sober. Generally then, English, Irish, and Welsh jurors were more likely to see drink as mitigation whereas Scottish juries saw it as worsening the offense. This corresponds with a general trend for Scottish juries to be more likely to stress individual responsibility and the need for atonement.

ACCIDENTAL DEATHS

The focus of this book is on the relationships between killers and victims, but there were two categories of homicide in which there was no relationship. In 1873 an article in the *Daily News* titled “The Annual Massacre in England” noted, “In England and Wales, a population as large as that of the city of Winchester, is every year swept away by violent deaths, accompanied in many cases by mutilation.” The article went on to make some rather striking comparisons. First, it compared the slaughter to that of revolutionary France: “If every inhabitant of the two towns of Margate and of Melton Mowbray had been guillotined or drowned on the first of January 1871 there would have been hardly a larger number of violent deaths than actually occurred in this country during the year in question, while the total sum of suffering and torture endured by the victims would undoubtedly have been considerably smaller.” The next comparison was to the primitive outposts of the empire: “In 1871 an Englishman runs from seven to eight times as great risk of a violent death than an East Indian does from wild animals.” The article then returned to the French as the standard for horror. “The English are being slaughtered, steadily, certainly and remorselessly slain at a rate which every two years sacrifices as many victims as the Massacre of St. Bartholomew.” Clearly few things could be more outrageous than that Englishmen were as much in danger as Frenchmen or Indians.

The statistics were shocking: “Every day of the year forty-seven English people are killed with suffering and mutilation of the most excruciating kind.” What is most remarkable for our purposes is how little of this slaughter fell under the heading of homicide. Criminal homicides accounted for only 2.5 percent of the violent deaths in England and Wales. The inspiration for this hysterical rhetoric was the number of deaths in mining and railway accidents and the fact that the authorities seemed to be doing very little to prevent them. “Are the fitful and momentary outbursts of impatience such as are exerted on the occasion of some unusually fatal colliery or railway disas-
ter the only signs of concern we shall ever see in the face of the tragedies occurring every day and everywhere around us?"\(^9\)

For the United Kingdom as a whole, more than 7 percent of deaths reported as criminal homicide trials dealt with accidents, though the distribution varied considerably. While accidents constituted 5, 6, and 8 percent of homicide trials in Ireland, England, and Wales respectively, they made up 14 percent of the criminal homicides tried in Scotland. The Scots were much more likely to use the criminal court to investigate deaths from industrial or railway accidents—tragedies that authorities in the other countries were more likely to see as misadventures rather than crimes. Because there were no coroners' juries to investigate such deaths, Scottish judges often praised the use of the criminal courts as a scene for public investigation. Juries sometimes acquitted the defendants but passed resolutions condemning the industry for lax practices.\(^10\) But Scottish courts were also slightly more likely to convict in such cases than were other British courts. Even when there was no malice, the Scots were more likely to hold someone accountable. Scottish courts believed in atonement even when the sin had been unintentional. Lord Young summarized the situation at a Glasgow court: “They were cases of neglect on the part of persons of respectable character, but neglect which had been attended by serious and unexpected consequences.”\(^10\)

Predictably the number and types of accidental deaths which were treated as criminal varied among the nations. An investigation by the Statistical Society of Great Britain published in 1886 found that the accidental death rate in Scotland, England, and Wales was more than twice that of Ireland.\(^10\) Since most of the accidents were related to either mining, railway, or construction, the low Irish rates reflect that Ireland was so much less industrialized. Seventy-one percent of the homicide trials resulting from accidents in Ireland involved cars colliding or running over pedestrians. In most cases the driver had been intoxicated. But the Irish courts were very tolerant. Fewer than 20 percent of persons charged with criminal homicides in a traffic accident served any jail time as a result. However, as is often the case, the Irish figures are highly suspect as some county police departments chose to report vehicular homicides in the outrage figures and some did not. Nearly half of the reported cases were in Ulster where vehicular homicides were the subject of more than 6 percent of homicide trials.

Thirty-nine percent of English trials for accidental homicide resulted from road traffic accidents. Justice Bramwell complained to an Old Bailey jury that there was a "mistaken notion which drivers of vehicles too often entertained that the road belonged to them and that they had a sort of right to run over anybody that happened to come in their way."\(^10\) When a cabdriver ran over
and killed a woman in 1874, the *Times* reported that “[t]he only fact weighing against the prisoner was that he was intoxicated at the time, but he was driving at a steady, if not slow, pace and the scene was intensely dark.” The jury acquitted him. But this jury was more lenient than most. In England 70 percent of cart drivers tried for killing a pedestrian while driving drunk were convicted as opposed to only 25 percent of sober drivers. However, the sentences were always light.

Nor was negligence always considered criminal. English judges were divided over the criminality of negligent homicide. Justice Lindley told a jury hearing a manslaughter case in which an elderly man had died of complications after being run over that it “did not necessarily follow that they ought to convict because the prisoner had been guilty of some degree of negligence.” On the other hand, when two brewers were accused of running over an elderly deaf woman, Justice Stephen insisted that it was the “duty of those who drove to take care of the public and not the duty of the public to look out for persons who were driving at an excessive or dangerous pace.” The jury acquitted them, leading Justice Stephen to say that had they been convicted, he would have given them a severe sentence. Stephen never got a chance to act on this threat. The accused were acquitted in every accidental homicide case he heard during the period.

Judges were sometimes more condemnatory in their rhetoric than in their sentencing. John Baker, a fish hawker at Grays, drove his cart through a crowd of people, killing a pedestrian. When told he had killed a man, he said, “And a good job too! What business had he to be there?” Justice Hawkins said, “People had a right to walk in the road and were not to be driven over recklessly even if men were lying in the road drunk, anyone deliberately driving over them was guilty of murder.” However, after the jury convicted Baker, Hawkins sentenced him to only three months although he had several prior arrests. Two months later, a drunk who had driven over and killed a man while speeding was sentenced to five months. The judge said, “The public highways were open to all her Majesty’s subjects[,] the public had a right to pass along them and if the prisoner drove fast he did it at his own peril.” The pronouncement is interesting since it would seem the greater peril was for his victim. In England the average sentence for a homicide involving a horse-drawn vehicle was less than four months, and nearly 20 percent of convictions resulted in no jail time at all.

Only twelve Scots were tried for cart homicides, but half of them were convicted and all of the convicted served jail time. In 1869 at Peebles, Hames McGrath was sentenced to twelve months for running over a deaf and dumb woman in his gig. Two of his passengers were given nine months each as
accessories. But in another case, a drunken car driver who had killed a three-year-old child who was standing on a sidewalk won a not-proven verdict by a vote of eight to seven.

Cart accidents were more likely to lead to criminal charges, even though trains were far more lethal. The average annual death toll in rail accidents was more than a thousand. In 1869 a Times editorial urged, “A more punctilious reverence for human life must be encouraged. Homicidal negligence must be frowned down by society as well as homicidal anger. Railway companies are guilty as Companies, when they pound to pieces their passengers in one train by the engine of another.” But many English judges felt that carelessness on the railways was not criminal. Justice Cleasby told a jury if an engineer “was attending to his business and carrying out the regulations of the company in the ordinary way, he could not be held criminally liable because he had made a slight error in speed.” The man who had been driving a train at thirty miles per hour when he should have been going fifteen was acquitted. In another case, Justice Bramwell explained: “A man was not liable necessarily because he was unskilled or careless. He was criminally liable if the act was so negligent or careless that his fault could only be properly punished by a criminal conviction.” Of the fifty-three men tried for criminal negligence resulting in deaths on English and Welsh railways, only six served any jail time. The longest sentence—twelve months—went to a stationmaster who had left a teenager in charge. The collision had killed thirteen people, and Justice Hawkins said it had been “inexcusable to leave a fifteen year old boy who was working twelve hour days at 7 shillings, 6 pence a week in charge of the station.”

After a trial for a rail accident resulted in acquittals all around in 1869, the Times complained that the result demonstrated a flaw in the English character: “Foreigners who edify their countrymen with Letters on England may find a rich subject for their comments in a story which came to an end last week. With all our Anglo-Saxon recklessness we are not indifferent to human life, and the sacrifice in this case was so appalling that the whole machinery of our institutions was instantly set in motion for the purpose of detection and retribution.” But the efforts of the system had come to naught. “Nobody is punished for it is nobody’s fault. . . . What a picture of inconsequence, heedlessness and failure. Was there ever a people like these English?” Six months later the circumstances were repeated. After a railway collision at Nottingham was ruled accidental, the Times concluded: “Thus there has been a loss of seven human lives, an enormous amount of terror and suffering and no one is to blame.”

The worst rail accident in England during the period was at Thorpe in
September 1874 when a train collision killed twenty-five. The night manager of the station was convicted and sentenced to eight months. The *Times* was not content. “We do not know whether anybody is satisfied with this result. It has always seemed to us scarcely worth the trouble to hunt down such small game as station masters, engine drivers and telegraph clerks while the system which renders their blundering fatal escapes any effectual criticism.”

The *Scotsman* shared the concern of the *Times*, complaining that the railways were conducted with the “most common and culpable carelessness.” Officials, the editorial complained, played with lives “as a juggler plays with balls.” The *Scotsman* even suggested that the miracle was that more people were not killed. “Every day’s experience show men how much they are dependant for their safety upon the simple exercise of care on the part of other men and the wonder really is that so many people in places of responsibility do exercise the care necessary to avoid danger.” A third of the criminal charges brought for accidental deaths in Scotland stemmed from rail accidents, and Scottish juries often concluded that the problems were systematic. For example, in a case from Edinburgh, the jury acquitted the engineer and added their “disapprobation of the laxness which appears to have existed in the supervision of the working of this particular train.” Another jury passed a resolution “condemning the lax practice that has been proved particularly disregarding the rules of the railway company.” In 1878 an Edinburgh jury found the driver and signalman in a collision guilty, “but recommended them to the leniency of the court in respect the company were to blame in not having enforced the rule as to lighting the lamp at the distant signal post.”

But Scottish judges were also wary of letting individuals off. Justice Deas probably had this case in mind when a week later he heard charges against a stationmaster and a railway point man for a railway collision in Inverness. Justice Deas charged against the accused. “Even supposing the company were to blame for not strictly adhering to their published rules, that would never do away with the blame of the servants in plainly neglecting their duty. He held it would be dangerous to the public to go on encouraging acquittals in cases of this sort where such neglect was clearly proved.” The issue of personal responsibility was also stressed in a case heard by Lord Ardmillan in 1873. After hearing a stoker who had been involved in a collision testify that the engineer had “said someone should go back for the purpose of signaling the passenger trains to stop I considered that it was the brakeman’s duty and not mine to do this,” Lord Ardmillan promptly spoke up: “Allow me to tell you that where there is the slightest chance of danger every man should do what he can to prevent any accident taking place, and if you saw that the
right man was away you would never have been the wrong man to have done it, and you ought to have done it.” The brakeman also told the court, “I have been in the employment of the Railway Company for four years and have never got a rule-book.” Again Justice Ardmillan interrupted: “Allow me to recommend to you first to get a rule-book and then to make yourself master of what it is your duty to do, and just act like a man of sense and do your duty for it is not like a man of sense not to have a rule-book, and still less of those who employed you not to have supplied you with one.” Lord Ardmillan had no opportunity to issue a sentence in the case as the jury acquitted the accused brakeman and the stationmaster. However, Lord Ardmillan’s direction to “act like a man of sense and do your duty” was a frequent theme in Scottish courts.

Though rail accidents were more frequent in Britain, the deadliest railway accident of the period occurred in Armagh, Ireland, in 1889. Extra cars had been added to a Sunday school excursion train to carry six hundred extra passengers, but the locomotive was not powerful enough to carry them all up a hill. To correct the problem the engineer had the last ten cars detached so that he could get the front part over the hill. During acceleration, the front part of the train reversed slightly, tapping the back part which then rolled backward down a hill, crashing into an oncoming train. The passengers had no means of escape because the doors of the train cars had been sealed to prevent people entering without paying. Eighty-eight people were killed, many of them children. Four railway officials were tried for manslaughter and the prosecuting attorney urged the jurors to return a guilty verdict as “he was sure that it would be a lesson to other officials in the future. If [they] were found guilty, it would be for the Judge to pronounce punishment, which would be as lenient as possible.” But the Dublin jury acquitted them all. As in the cases from England and Scotland, the point of the trial seemed to be primarily to allow a public investigation of the circumstances rather than to punish those responsible.

MURDEROUS STRANGERS

At the other extreme was murder by strangers, including robbers, rapists, serial killers, and lunatics. Such crimes accounted for only 6 percent of homicide trials on the island of Britain and only 4 percent in Ireland. However, since such crimes are often the hardest to solve, the gap between the number of crimes and the numbers of trials is probably higher in this category than others. Certainly the popular image of “murder” conjured up a monstrous
stranger. In describing a tramp who had been arrested and charged with the murder of a family at Denham, the *Times* claimed, “T]he man, seen anywhere and under any circumstances would be judged to be of a particularly brutal type. His head indicating a thoroughly animal organization.”

But the assumption that killers looked different from other people was also challenged by the *Times*. In an article titled “Mild-Looking Murderers,” the newspaper described how surprising it was for observers at a murder trial to see “a mild-looking lad in the place of the ruffian they expected to behold. The disposition to suppose that men guilty of base crimes must necessarily look as brutal as their deeds is so common that novelists, who follow in this respect the temper of mankind, do not venture to portray murderers possessed of a comely countenance.” The *Times* warned that “the human visage is not altogether a trustworthy indication of character; heavy brows do not always stand for foul motives and frank and pleasant countenances are sometimes the masks of viler sorts of men.”

In addition to giving a false impression of how murderers looked, writers were also suspected of inciting further violence through sensationalism. Murder in late Victorian England usually brings to mind Jack the Ripper, perhaps the most famous multiple murderer in history. But the Ripper’s fame has as much to do with the media as with the crimes themselves. As the *Scotsman* pointed out in February 1891 when a woman was murdered at Whitechapel eighteen months after the Ripper cases, “there is, unfortunately nothing abnormal in the occurrence of a murder in a locality like Whitechapel. Or in the fact that the victim was a friendless and almost nameless street waif. Had the report come from any other quarter where crime and vice abounds, it would have attracted only passing notice.” At least sixty-eight women other than the known Ripper victims were found murdered and mutilated in England between 1867 and 1892. In 1873 the *Times* reported the accumulation of female body parts along the Embankment. After the corpse was more or less reassembled, the woman was buried without ever being identified.

Though the crime was not unprecedented, the publicity given the Ripper case did inspire imitators. In fact, over a third of the stranger murders committed in England between 1867 and 1892 happened in the three and a half years after the Ripper cases. Though some of these murders were clearly inspired by the Ripper case, it may also be that reporting became more vigilant. As the literacy rate rose and along with it the availability of the penny press, there were concerns that sensational coverage served to increase crime. When six months after the Ripper murders a young man was convicted of murder after nearly decapitating a ten-year-old girl, Justice Wills said the case
was “mysterious, very unusual and exceptional, an aimless motiveless crime,
probably the morbid result of reading the accounts of the horrors which of
late have appeared in the newspaper.”\textsuperscript{133} In 1892 the \textit{Times} complained that
“for many minds revolting crimes possess an unwholesome fascination,
which appear to be irresistible. Their owners positively gloat over stories of
cruelty and bloodshed. They crave for the minutest details of such histories
and are eager for the amnest information as to the lives, characters and
antecedents of the actors and the victims in all sensational crimes.” Nor was
such voyeurism limited to the masses: “The prurient curiosity which leads
large numbers of respectable people to saturate their minds with every inci-
dent they can collect relating to whoever happens to be the most notorious
scoundrel of the hour and to hanker for still further knowledge as one of the
most striking characteristics of this age.”\textsuperscript{134} Of course, the Victorian press was
lively before the Ripper case and murder had always made good copy. In
1878 a sailor who had murdered a shipmate explained: “For the last twenty
years I have read all kinds of books about all kinds of murders and I always
thought I would be hung.”\textsuperscript{135} A seventeen-year-old who murdered his landla-
dy in 1870 said he was led to it “by reading of recent murders and that he
had long taken a marked interest in perusing narratives of murders.”\textsuperscript{136}

The public was also drawn to visit the sites of horrific crimes. After a dou-
ble murder in London, the \textit{Times} reported, “The two squares where the mur-
ders were perpetrated have been visited by immense crowds, but of course
there is nothing to be seen there, the houses being closed up and under the
charge of the police.”\textsuperscript{137} When a man cut his sweetheart’s throat and then his
own in Wolverhampton, “hundreds of people were allowed to view the body,
which was laid out in a concert-room adjoining a publichouse.”\textsuperscript{138} Fifty thou-
sand people attended the funeral of a murdered boy in Liverpool.\textsuperscript{139} After a
murder in Kent, “upwards of 20,000 persons visited the scene of the murder
on Sunday, the majority coming from London.”\textsuperscript{140} In another case “the
marked desire to possess some memento of the horrible crime has shown
itself very prominently among the visitors to the cottage . . . a fir tree has
nearly been stripped and many loose articles abstracted. Buses and pleasure
vans provided for the trip.”\textsuperscript{141}

But when it came to morbid curiosity, the \textit{Times} believed the English were
superior to other nations. The newspaper offered the public reaction to the
execution of a murderer in America as an “illustration of the morbid interest
in criminals which has of late years been displayed in this country and in
France but which may perhaps claim America as the country of its origin.”
Sensationalism could all too easily lead to glorification. “A murderer, after all,
is a person of whom a civilized country may reasonably be ashamed but
according to another method of procedure, the commission of a murder is a
direct road to an amount of notoriety which many feeble-minded persons
would rush into crime in order to obtain.”

Among the horrifying aspects of stranger murders was that the victims
were often completely defenseless. Though the Ripper murdered prostitutes,
children were the victims of many of his imitators. Over a third of the vic-
tims of mutilation murders in England were children between the ages of two
and fifteen. An old man who murdered a twelve-year-old boy in Liverpool
confessed to his crime, insisting, “I was impelled to the crime while under the
influence of drink by a fit of murderous mania and a morbid curiosity to
observe the process of dying.” Less than two weeks after the Liverpool
cases, “a murder similar in some respects to those of Whitechapel” was
reported from Leeds where the mutilated body of a five-year-old girl was dis-
covered. A local man was arrested after his mother discovered the child’s body
in their cellar. The autopsy revealed forty to fifty wounds on the child’s
body. Six months later another five-year-old girl was found raped and
strangled in Brighton. A man who had been seen speaking with the child
was arrested. Though his attorney argued that the “[c]rime was so revolting
to humanity, that of itself it indicated insanity,” the jury convicted him after
a six-minute deliberation. Not only were children victims of crimes
inspired by the coverage of the Ripper murders, sometimes children com-
mited the crimes. At Winchester an eleven-year-old boy was accused of mur-
dering an eight-year-old boy in a deliberate copycat of the Ripper crimes.
The reported rate of child murders by strangers was more than twice as high
in England as it was in Ireland or Scotland. But the judicial responses were
predictable. Everywhere, when an arrest was made, the accused was either
convicted of murder or found insane. In England, when the victim of a
stranger murder was a child, two-thirds of convictions led to execution.
Another 20 percent of the English cases led to insanity verdicts. Three trials
for child murder by strangers were held in Scotland. Two led to murder con-
victions and the third to an insanity verdict. There were two Irish cases: a
man who had raped and murdered a six-year-old was executed and a young
lady who had murdered a little girl was found insane.

Motiveless murders were (and are) particularly frightening. However
wrong it may be to blame the victim, it is only human to derive comfort from
the notion that the victim demonstrated some behavior or characteristic
which can somehow be avoided by the rest of us. When a gang in Liverpool
beat a respectable working man to death when he refused to give them
money, suggesting that they “might work for their money, the same as he had
to,” the Spectator warned that such crimes were a sign of the end of civiliza-
tion. “The murderer had no grudge against the victim, did not so far as appears attempt to rob him, was not drunk to the point where he could understand nothing, but acted from sheer love of brutality, the pleasure of feeling his own power to kill.” Murder without a rational motive was “the most dangerous, perhaps, if not the wickedest of all crimes. The brave who kills for revenge, or the burglar who kills for booty[,] even the man who kills out of mere temper is easy to deal with, compared with the man who will commit murder almost in sport, out of a wanton desire to realize his own power.” In England, in cases where no clear motive was discovered in a murder between adult strangers, nearly two-thirds of those convicted were executed. Slightly less than a quarter of those tried were found insane. In Ireland 43 percent of the convicted were executed and 45 percent found insane.

Despite the implication in the English press that murders inspired by greed were preferable to motiveless ones, homicides during robberies also inspired shock and horror. When a middle-aged woman in Oxford was murdered in a public street by a beggar, Justice Brett commented that “it was strange that in this country a respectable woman, void of offense, apparently protected by an advanced civilization and organized police on a high road near her own home should meet her death by murder.” After hearing four cases of violent robberies, Justice Bramwell complained about the needless violence: “Why were they not content with robbery? Why did they hurt them? It was such an unreasonable piece of cruelty; it was such a savage, barbaric thing, it was unendurable.” Ironically, the judge suggested that violence was the best response. “People would be better off if they lived in a place where there was no law at all, and each man defended himself when he was attacked by shooting the person who did it.” In England 49 percent of those convicted of killing during a robbery were executed. For those convicted of manslaughter during a robbery, the average sentence was nearly twice as long as the average for all manslaughters. The Irish courts were also particularly hard on robbery homicides. A third of those convicted were executed, and sentences for robbery manslaughters were nearly two years longer than the average.

But the Scots seemed to have taken a different approach. The Scotsman suggested that expecting killers to have rational motives was unrealistic. “It is curious and a singular instance of the faith in humanity that human nature is unwilling to believe [murder] was committed except at the pressure of some powerful motive. We all find it hard to believe that human blood could ever be shed for the sake of shedding it . . . whether for example there may not be monsters who, when they have tasted blood, are impelled by a purposeless passion
to go on sipping it." Failure to accept that some killers might “take a delight in their deeds such as a wild beast experiences in slaughter” was naïve. “Why so gratuitously and commonly assume that all murders are traceable to vengeance and a desire of plunder?”152 Only twelve of the Scottish homicide trials involved cases in which an adult had killed an adult stranger without any explanation. None of the accused were executed and nearly half were found insane. Apparently the beastlike delight rendered them less culpable.

The Scottish courts were also more sympathetic to those who killed for plunder. Only one Scot was executed for killing someone during a robbery compared to seven Irishmen and thirty-four Englishmen. The average sentence given a Scot who killed someone during a robbery was less than half the average for England and only a third of the average for Ireland. For example, in Glasgow a young man had knocked an old woman down to steal her purse. She had died from injuries. He told police, “I am guilty of trying to snatch the old woman’s bag, but not of trying to hurt her in the least.” Though he had clearly acted with violence, the defense argued that she had died “of nervous shock acting on a weak, diseased heart.” The presiding judge said, “[I]t was a dreadful thing that old or infirm persons were not safe walking the streets of Glasgow in broad daylight.” But the young man was sentenced to only eighteen months.153

The other major felony that often occurred in connection with a homicide was rape.154 In England 46 percent of those convicted of killing a woman during a rape were executed. If a weapon was involved, the number rose to 88 percent. On the other hand, when no weapon was involved and the victim died of exposure or from the effects of trauma, a third of those convicted served less than two years. For example, in 1881, when five young laborers raped a drunken widow and then pushed her down the stairs, the murder charges against them were dropped after it was revealed that she had died of peritonitis. One man whom the victim had named before her death served sixteen months, two others were sentenced to six months each for indecent assault, and two were acquitted. However, Justice Hawkins did comment “on the atrocious aspect in which the case presented itself and also upon the unmanly and unfeeling way in which they had behaved.”155 In another case, a young woman had jumped into the canal to escape a young man who had attempted to rape her. He had made no attempt to rescue her and had watched as she drowned. The grand jury threw out the homicide charges against him but “desired to express the abhorrence which everyone must feel at such infamous conduct.”156

The Scottish courts were even less likely to take a hard line in rape homicides. Only one rape homicide in Scotland led to a murder conviction, and
half of the accused were acquitted outright. A master-builder in Edinburgh who raped a deaf-mute woman who was dying of heart and liver disease was initially accused of murder as her death “it is believed was hastened by the injuries she received.” But he was convicted only of assault and sentenced to fifteen months. Another man who confessed to smothering a widow with a pillow after raping her with a brush was allowed to plead guilty to culpable homicide and sentenced to five years. It was explained in mitigation that the man had been “drunk and dissipated since his return from India.” Another man who was charged with raping and killing a young woman in her father’s house was acquitted after it was revealed that her death was “from syncope caused by nervous trepidation.” Five miners were seen going into the home of a single woman in Glasgow; “the woman was not again seen till the following day when a neighbor found that she had received very severe usage from the men, her face and head being badly cut and swollen. She died Monday night.” They were all acquitted of all charges as were two miners charged with murdering a woman by “inserting a tin whistle into her private parts.”

The Irish courts took a much different stance. When a homicide victim had been raped, the accused was more than four times more likely to be convicted of murder and executed in Ireland than in Scotland. The average sentence given to an Irishman convicted of manslaughter during sexual assaults was six times longer than the average sentence in Irish manslaughter cases. Even when no weapon was used, as was true in 90 percent of Irish cases, a quarter of those convicted were executed and the average sentence for manslaughter convictions connected with sexual assaults was over fifteen years.

The number of homicide trials dealing with rapes and robberies is small, which makes drawing larger conclusions from the trial results particularly perilous. However, it does appear that the English and Irish courts were much more likely to accept the premise that such crimes were more heinous than other homicides, whereas the Scots were apt to see deaths that occurred during robberies or rapes as unfortunate accidents unless the presence of a weapon provided proof of intent. The results may represent the fact that the accused in the Scottish cases, though not necessarily acquainted with the victims, were usually local men. Even when a murderer was shown to be a native, he was often presented as a member of a brutal alien subspecies.

Of course, most homicides were not committed by homicidal strangers or robbers or rapists. In fact, most killers had no prior record of criminality. The defendant in most homicide trials was a friend or relative of the victim, and this is what makes the criminal courts such an important source in examining
basic cultural values. How do judges and jurors respond when the killer is not inherently Other but is a local man or woman responding to difficult circumstances? The choices made reveal a great deal about underlying assumptions regarding gender, power, class, and the boundaries between public and personal responsibility.

**VERDICTS, SENTENCES, AND NATIONAL CULTURE**

The verdicts and sentences in homicide trials were made by a great many different people who were rarely of one mind, but the overall patterns do reveal certain assumptions. The English courts were increasingly willing to use the full extent of the law's power. The percentage of homicide trials which led to executions rose from 9 percent to 15 percent between 1867 and 1892. By contrast, Irish homicides tended to be seen in two ways—one was as the unfortunate result of a drunken brawl. The sentences in such cases (which made up nearly half of all Irish homicide trials) were very light. More worrying to officials were political assassinations—such crimes were often impossible to prosecute, but when a conviction was obtained, the killer almost invariably hanged. In Scotland the number and types of homicides being tried changed very little during the period. The number of homicide trials remained very low and most involved deaths that were unintentional if not purely accidental. Scottish courts insisted on atonement for the loss of human life, but the sentences on the whole were moderate. The rate of executions per 100,000 population was about two and a half times higher in England, Ireland, and Wales than it was in Scotland where the lower rate of reported homicides may have assured people that harsher measures were not needed.

Within these general trends, the most socially and culturally revealing elements are the respective social status, ethnicity, gender, age, familial ties, provocative behavior, and prior reputation of the killers and victims. The interaction between killer and victim was crucial in determining not only which deaths were considered criminal homicides, but also how judges, jurors, the press, and the public viewed them. However, the same factors that might make execution more likely in one nation might be considered mitigation in another. Despite the Union of Parliaments, the United Kingdom was still a collection of diverse cultures.
Notes

LIST OF ABBREVIATIONS

CCC Central Criminal Court
INA Irish National Archives
NAS National Archives of Scotland

INTRODUCTION

1. The Times, 21 December 1872, 9ef.
2. Carmarthen Weekly Reporter, 4 December 1869.
3. Scotsman 1 October 1879.
5. In addition to the works cited below that deal with Britain, a number of scholars in American and European history have also examined the cultural and social meaning of homicide. Vandal, Rethinking Southern Violence: Homicides in Post-Civil War Louisiana, 1866–1884; Monkkonen, Murder in New York; Adler, First in Violence, Deepest in Dirt: Homicide in Chicago, 1875–1920; Adler, “My Mother-in-law Is to Blame, But I’ll Walk on Her Neck Yet’: Homicide in Late Nineteenth-Century Chicago”; Monkkonen, Crime, Justice, History; Brown, No Duty to Retreat: Violence and Values in American History and Society; McGrath, Gunfighters, Highwaymen and Vigilantes: Violence on the Frontier; Lane, Violent Death in the City: Suicide, Accident and Murder in Nineteenth-Century Philadelphia; and Ayers, Vengeance and Justice: Crime and Punishment in the 19th-Century American South. For a social science perspective, see Daly and Wilson, Homicide, and Archer and Gartner, Violence and Crime in Cross-National Perspective.
6. The dates for this study were initially determined by technical issues involving the sources. As is true with all historical work they are ultimately arbitrary.


9. On the problems with English statistics, see Taylor, “Rationing Crime: The Political Economy of Criminal Statistics since the 1850s,” and John Archer, “The Violence We Have Lost? Body Counts, Historians and Interpersonal Violence in England.” The statistics used here are based on all homicide trials reported in the *Times* between 1867 and 1892. Regarding the many variations and complications of the English justice system, see King, *Crime, Justice, and Discretion in England 1740–1820*. Though it deals with an earlier period, King brilliantly assesses the process in all its diversity. Also see May, *The Bar and the Old Bailey, 1750–1850*.


13. The *Times*, 6 January 1876, 3f. Also see Jones, *Crime in Nineteenth-Century Wales, 78*.


15. Irish history is in a boom period. Some of the most impressive studies of the nineteenth century are Lee, *The Modernisation of Irish Society 1848–1918*; W. E. Vaughan, *Ireland under the Union*; and Hoppen, *Ireland since 1800: Conflict and Conformity*. 
CHAPTER ONE

1. Quoted in the *Times*, 29 September 1871, 3f.


4. *Maidstone and Kentish Journal*, 16, 19, 23 April 1859. For other examples see Conley, *The Unwritten Law*, 55. Also see Archer, “‘The Violence We Have Lost'? Body Counts, Historians and Interpersonal Violence in England.”

5. The *Times*, 15 June 1882, 4a.

6. For example, the *Times* noted that between 1860 and 1869 the coroner’s inquest reported 2,495 murders in England and Wales, though only 376 people were actually convicted of murder. The *Times*, 31 March 1871, 4c.


8. The *Times*, 11 August 1874, 4f. Howard Taylor has argued that the decline in the number of homicides reported in England and Wales is primarily the result of the reluctance of authorities to pay for homicide investigations. Taylor, “Rationing Crime: The Political Economy of Criminal Statistics since the 1850s.”

9. The *Times*, 29 October 1885, 4a.

10. *Scotsman*, 14 June 1881. The statistics for Scotland in this study are based on the records of the High Court of Justiciary in the National Archives of Scotland (AD 14) and the minute books of High Court circuits.

11. *Scotsman*, 25 September 1877. The National Archives of Scotland have extremely good records for the criminals the Fiscals brought before the criminal courts in Scotland; but there is no official record of those whose actions warranted investigation but no prosecution. The *Scotsman* reported that in 1875, eighty-eight cases were investigated by the procurator fiscal as potential homicides and only fifty-four led to criminal trials. In 1876 forty-eight trials resulted from ninety-two investigations. *Scotsman*, 30 May 1878.

12. Irish National Archives (INA), Return of Outrages Reported to the Constabulary Office, 1848–1878; 1879–1892, CSO ICR, vols. 1–2. A fire in the Irish Public Record Office destroyed most of the nineteenth-century Irish court records. The National Archives in Dublin (the successor to the Irish PRO has some assize and quarter sessions grand jury books, depositions, and/or records of indictments from seventeen Irish counties for the period 1867–1892. Though the records are sparse for most counties, the surviving records for Cavan, Kilkenny, Limerick, and Roscommon appear to be complete. Overall, about 3 percent of the homicides in the surviving trial records are not in the Outrage Papers, but there is no consistency from county to county. For a study of Irish homicides over a longer period, see O’Donnell, “Lethal Violence in Ireland, 1841–2003: Famine, Celibacy, and Parental Pacification.”

14. Though comparing rates is complicated by the fact that while the population on the Isle of Britain was growing during the period, Ireland's population was declining rapidly. This means that if the actual number of homicides occurring annually held constant throughout the United Kingdom, Ireland's homicide rate per 100,000 would rise while Britain's would decline. Further, the smaller the population the more drastically a slight variation in the number of actual homicides per year will alter the rate.

15. For an example of this, see Wiener, *Men of Blood*, 266.
17. The *Times*, 27 August 1867, 9c.
19. The *Times*, 17 July 1872, 7e.
24. The *Times*, 17 November 1871, 4f.
26. In 1885, in a homicide case from Betwsycoed, the defense objected to the admission of the dying deposition because while the victim had given it in Welsh, it had been written down in English because the magistrate did not speak Welsh. *North Wales Chronicle*, 31 October 1885.
27. The *Times*, 14 November 1871.
28. The *Times*, 29 May 1885, 5d.
29. The *Times*, 8 May 1886, 5c. For more on this point, see Conley, *The Unwritten Law*.
30. The *Times*, 7 November 1884, 10b.
31. The *Times*, 13 March 13, 1868, 11c.
32. 24&25 Victoria, c.100, s.6.
34. The *Times*, 24 September 1874, 9a.
35. The *Times*, 16 July 1873, 12d.
36. The *Times*, 11 December 1868, 11c.
37. The *Times*, 28 October 1878, 11d.
38. The *Times*, 21 August 1868, 8e.
39. The *Times*, 9 December 1870, 9c.
40. The *Times*, 21 December 1874, 10d.
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41. The *Times*, 15 July 1868, 11e.
42. The *Times*, 11 April 1876, 11d.
43. The *Times*, 4 July 1876, 10f.
44. The *Times*, 25 March 1872, 11b.
45. The *Times*, 18 November 1885, 7b.
46. The *Times*, 22 July 1867, 11b.
47. The *Times*, 18 July 1872, 12f.
51. For examples, see *Kilkenny Journal*, 7 March 1885; and *Cavan Weekly News*, 14 July 1870.
52. See Conley, *Melancholy Accidents*, 2. The sentiment is also like the one suggested by James Averill in his essay on anger and aggression: “If the rules of anger are met, the response may be interpreted as a passion rather than an action.” Averill, *Anger and Aggression: An Essay on Emotion*, 125.
58. NAS AD 14 73/323; *Glasgow Herald*, 12 April 1873; *Scotsman*, 12 and 16 April 1873.
64. See Walker, *The Historical Perspective*, vol. 1 of *Crime and Insanity in England*, especially the preface where he discusses the myths perpetuated by earlier historians. Also see Guy, “On Insanity and Crime and On the Plea of Insanity in Criminal Cases.”
65. The M’Naghten Rules were based on the answers given by the English judges when called before the House of Lords in 1843 after a man who had assassinated the prime minister’s private secretary was found insane. The public outcry over the verdict prompted the Lords to submit a number of questions to the judges, who replied though with the proviso that English law did not lend itself to discussions in the abstract.
68. The Times, 19 August 1879, 9a.
69. The Times, 24 July 1875, 13ce.
70. The Times, 13 September 1883, 8a.
71. The Times, 20 October 1883, 9d.
72. The Times, 6 November, 6e.
73. For example, see the Times, 27 February 1886, 12a; 6 October 1883, 5d; 6 November 1883, 6e; 11 April 1892, 6b.
74. For a discussion of the debate between medical experts and legal authorities over the insanity defense in the period 1840–1870, see Smith, Trial by Medicine.
75. The Times, 15 January 1873, 10e.
76. The Times, 29 November 1876, 3f.
77. The Times, 7 November 1878, 10d.
79. The definitive work on the treatment of the insane in Ireland during this period is Finane, Insanity and the Insane in Post-Famine Ireland. Regarding the ratio of male to female admissions, see pages 130–31.
80. Kilkenny Journal, 11 October 1884; everywhere, “committed as a criminal lunatic” meant detention at “Her Majesty’s Pleasure,” which in essence meant until the Home Secretary authorized discharge. Smith, Trial by Medicine, 23.
81. NAS AD 67/192; the Scotsman, 21 September 1867; Glasgow Herald, 20 September 1867; Walker, Crime and Insanity in England, vol. 1, 142; Smith, Trial by Medicine, 85–89.
82. The Times, 28 September 1875, 8c.
83. The Times, 14 March 1878, 10c.
86. The Times, 9 April 1873, 10f.
87. NAS AD 14 74/553, Glasgow Herald, 12 September 1874; AD14 87/169; Glasgow Herald, 26 August 1887.
89. The Times, 18 July 1878, 10c.
90. The Times, 26 October 1877, 11e.
91. The Times, 26 May 1886, 5d.
92. The Times, 16 July 1869, 11c.
93. The Times, 2 November 1878, 11b.
94. The Times, 25 January 1886, 10d; for another example of one judge expressly refusing to accept a precedent set by another, see The Times, 26 October 1877, 11d.
96. The *Times*, 6 May 1886, 7e.
100. *Scotsman*, 8 October 1874; for examples, see NAS, AD14 73/321, 73/45, 84/287 77/89.
102. Walford, “On the Number of Deaths from Accidents, Negligence, Violence and Misadventure in the United Kingdom and Some Other Countries.”
103. The *Times*, 25 August 1873, 9d.
104. The *Times*, 31 October 1874, 11c.
105. The *Times*, 31 July 1879, 11e.
106. The *Times*, 12 January 1882, 4e.
107. The *Times*, 1 August 1892, 10a.
108. The *Times*, 26 October 1892, 4e.
110. NAS AD14 73/84; *Glasgow Herald*, 3 October 1873.
111. A study for the Statistical Society performed in 1881 found that between 1867 and 1879 an average of 1,076 people per year were killed in railway accidents in England and Wales. Walford, “On the Number of Deaths from Accidents,” 488. According to the *Times* in 1875, 1,290 people were killed in rail accidents in the United Kingdom and another 5,755 were injured. The *Times*, 17 April 1876, 7f.
112. The *Times*, 1 October 1869, 7c.
113. The *Times*, 28 March 1878, 11f.
114. The *Times*, 18 March 1876, 13d.
115. The *Times*, 20 March 1877, 11d.
116. The *Times*, 29 March 1869, 6f.
117. The *Times*, 20 October 1869, 7e.
118. The *Times*, 8 April 1875, 11d.
119. The *Times*, 9 April 1875, 9e.
120. *Scotsman*, 5 September 1868.
121. *Scotsman*, 2 June 1868.
122. NAS AD14 73/321; *Glasgow Herald*, 11 April 1873.
124. NAS AD14 73/125; *Inverness Advertiser*, 22 April 1873.
125. *Scotsman*, 26 April 1873.
126. The *Times*, 9 November 1889, 9c; 26 October 1889, 9e; 28 October 1889, 7b.
127. The *Times*, 26 May 1870, 9d. Late nineteenth-century criminologists were fascinated by the physical attributes of criminals, though British experts were more skeptical than their European counterparts. See Wiener, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830–1914*. On the European developments, see Gibson, *Born to Crime: Cesare Lombroso and the Origins of Biological Criminology*.
128. The *Times*, 20 March 1868, 9d.
129. A number of scholars have examined the Victorian press and its fascination

130. The Ripper murders have also inspired many historians. One of the best works on the larger context of the crime is Walkowitz, “Jack the Ripper and the Myth of Male Violence.”


132. The *Times*, 8 September 10c; 9 September, 12a; 10 September, 12b; 12 September, 6b; 23 October, 8f, 1873.

133. The *Times*, 22 February 1889, 10e.

134. The *Times*, 3 May 1892, 9d.

135. The *Times*, 15 July 1878, 11d.

136. The *Times*, 31 March 1870, 10f.

137. The *Times*, 16 May 1870, 12e.

138. The *Times*, 12 January 1878.

139. The *Times*, 21 May 1891, 6c.

140. The *Times*, 9 May 1871, 12b.

141. The *Times*, 30 May 1869, 12e.

142. The *Times*, 7 August 1870, 7c.

143. The *Times*, 21 May 1891, 6c; 21 August 1891, 12c.

144. The *Times*, 11 June 1891, 9e; 23 June 1891, 11c; 3 August, 9f, 1891.

145. The *Times*, 12 December 1891, 9f; 21 December 10e, 1891.

146. The *Times*, 8 April 1892, 12b.


148. Quoted in The *Times*, 11 August 1874, 4f.


150. The *Times*, 11 December 1874, 11f.

151. *Scotsman*, 12 April 1878.

152. *Scotsman*, 27 May 1870.

153. *Scotsman*, 10 April 1879.


155. The *Times*, 24 November, 11c; 26 November 12b, 1882.

156. The *Times*, 3 August 1882, 9b.


158. NAS 69/36; *Glasgow Herald*, 2 August; 6 October 1869.

159. NAS 90/71; *Glasgow Herald*, 4 July 1890; *Scotsman*, 4 July 1890.

160. NAS 73/34; *Scotsman*, 6 November 1872; NAS 92/14.
CHAPTER TWO

1. Most of the work on the making of the British national identity focuses on earlier periods than the one covered here. The leading work is Colley, Britons: Forging the Nation 1707–1837.


3. The Times, 6 May 1868, 14f.

4. The Times, 11 December 1877, 9e.

5. The Times, 21 March 1887, 6e. For the major study of this idea in an earlier period, see Colley, Britons: Forging the Nation 1707–1837.


7. The Times, 13 October 1887, 11d.

8. The Times, 21 March 1887, 6e.

9. The Times, 12 May 1886, 7c. While an argument could be made that the late nineteenth-century English were a relatively orderly lot, this was a very recent development. See Shoemaker, The London Mob: Violence and Disorder in Eighteenth-Century England.

10. The Times, 4 October 1881, 10d.

11. The Times, 24 November 1888, 11e.


13. The Times, 20 December 1876, 10d.

14. The Times, 9 September 1874, 8c.

15. The Times, 3 August 1888, 10a. On youth gangs, see Davies, “Youth Gangs, Masculinity and Violence in Late Victorian Manchester and Salford.”

16. The Times, 28 August 1883, 9e.

17. The Times, 21 December 1872, 9ef.

18. Quoted in the Times, 11 August 1874, 4f.

19. The Times, 11 August 1890, 6f.

20. Quoted in the Times, 18 December 1874, 9f. On the idea of the working classes as an alien world, see Dodd, “Englishness and the National Culture.”

21. The Times, 8 October 1877, 9bd.

22. The Times, 22 August 1882, 7bc.

23. For a full account, see Waldron, Maamtrasna: The Murders and the Mystery.

24. The Times, 21 August 1882, 5d.

25. The Times, 16 November 1882, 6c.


27. The Times 24 May 1871, 12c.

28. Though backwardness and superstition were not limited to Wales. In 1875 the Times reported a case from Warwick “that shows that there is a general belief in witchcraft at Long Compton and other villages of South Warwickshire among a certain class of the agrarian population.” A man of “good character” had stabbed an eighty-year-old woman with a pitchfork because he “was and still is under the impression
that there are fifteen or sixteen witches who live in the village and that she was one of them, and that they had bewitched him and prevented him from doing his work.” Justice Bramwell said he “never remembered a sadder case than seeing a half-witted man stand charged with the murder of a poor inoffensive old woman, whom he had killed under an impulse arising from a belief in witchcraft which would be discreditable to a set of savages.” The defendant was found insane. *Times*, 17 December 1875.

32. *The Times*, 25 December 1889, 7d.
34. *The Times*, 26 December 1887, 8a–e.
36. *Carmarthen Weekly Reporter*, 29 June 1870

37. *North Wales Chronicle*, 30 May 1885. Some English editors even acknowledged the tendency to create stories from a safe distance. The *Maidstone and Kentish Journal* reported “in the old days of journalism it was said to be the custom to ‘kill a child in Liverpool’ or invent some other mild and vague catastrophe of the kind, whenever a corner paragraph was required to fill the newspapers.” *Maidstone and Kentish Journal*, 29 November 1875.


42. *The Times*, 26 July 1876, 11d.
43. *Herald of Wales*, 10 September 1892.
44. *North Wales Chronicle*, 4 June 1881.
47. *Scotsman*, 9 December 1868.

52. At the battle of Bannockburn in 1314 a Scottish army under the leadership of Robert Bruce won a decisive victory against the English, thus ending the threat of the English conquest of Scotland.

55. *Scotsman*, 29 September 1890.
59. Scotsman 12 June 1879.
60. Scotsman, 9 June 1881.
61. Scotsman, 27 November 1882.
62. Scotsman, 8 January 1884.
63. Scotsman, 18 May 1886.
64. Scotsman, 21 May 1886.
65. Scotsman, 11 June 1886.
66. Dundee Advertiser, 5 January 1889.
67. Scotsman, 21 August 1891.
68. Scotsman, 30 May 1888.
70. Kilkenny Journal, 3 March 1875.
73. Limerick Reporter, 1 November 1881.
74. Clonmel Chronicle, 9 July 1892.
75. Kilkenny Journal, 2 January 1889.
76. Munster News, 26 March 1870.
77. Kilkenny Journal, 26 June 1872.
78. The Times, 6 January 1876.
79. The Times, 28 October 1875, 6a.
81. The Times, 6 February 1873, 11c.
82. The Times 16 January 1869, 11f.
83. The Times, 3 March 1870, 11e.
84. The Times, 8 September 1868, 10a.
85. The Times, 5 December 1868, 11a.
87. Scotsman, 18 May 1886.
88. Ibid.
89. Ibid.
90. The Times, 6 January 1876, 3e.
91. Glasgow Herald, 17 September 1875.
93. NAS AD 14 70/275; Glasgow Herald, 11 January 1870.
94. NAS AD 14 72/112; Glasgow Herald, 25 September 1872; 15 July 1872; the Times, 15 July 1872, 7d.
95. NAS AD 14 69/3, Glasgow Herald, 22 April 1869; the Times, 5 January 1869, 9d.
96. NAS AD 14 78/143; *Glasgow Herald*, 14 September 1878.
103. *Carmarthen Weekly Reporter*, 31 August 1877.
105. *North Wales Guardian*, 13 November 1880. Note the use of the spelling “Briton,” which usually referred to the earliest Celtic occupants of Britain, that is, the ancestors of the Welsh who had been displaced by the Anglo-Saxon ancestors of the English.
106. The *Times*, 20 July 1871, 10f; 18 October 1870, 5d.
107. The *Times*, 18 December 1871, 11d.
109. The *Times*, 29 July 1878, 4c.
110. The *Times*, 4 August 1882, 5f.
111. For more on ethnic battles, see Conley, “War among Savages: Homicide and Ethnicity in the Victorian United Kingdom.” Also see Swift, “Another Stafford-Street Row: Law, Order and the Irish in Mid-Victorian Wolverhampton,” and “Crime and the Irish in Nineteenth-Century Britain.”
112. For example, see the *Times*, 19 April 1867, 11e (Belgium); 16 August 1869, 4d (Italy); 25 September 1869, 9b (France); 28 December 1872, 8a–c (United States); 3 January 1873 3e (United States and France).
113. The *Times* 15 June 1872, 12c.
114. The *Times*, 17 August 1867, 11a.
115. The *Times*, 26 December 1874, 4b; 14 January 1875, 7c.
117. The *Times*, 24 June 1867, 9b.
119. The *Times*, 13 April 1867, 11d.
120. The *Times*, 17 November 1879, 11f.
121. *Dundee Advertiser*, 16 September 1867.
127. The *Times*, 30 July 1885, 12b.
130. INA Return of outrages for Cavan 1870.
132. The *Times*, 17 April 1889, 6f.
133. The *Times*, 8 August 1877, 11f.
134. The *Times*, 21 December 1887, 7e.
135. The *Times*, 31 July 31, 1890, 3e.
136. The *Times*, 13 September 1890, 12b.
137. The *Times*, 6 February 1891, 9b, 6b.
138. The *Times*, 24 November 1869, 8b.
139. For a very different interpretation of gun regulation in England, see Malcolm, *Guns and Violence: The English Experience*.
140. The *Times*, 8 August 1867, 11b.
141. The *Times*, 26 November 1881, 12b.
142. The *Times*, 24 September 1881, 9e.
143. The *Times*, 8 February 1890, 12d.
144. The *Times*, 14 August 1868, 9a.
145. The *Times*, 10 April 1876, 11b; 11 April 1876, 11d.
146. The *Times*, 21 December 1887, 7e.
147. The *Times*, 19 October 1881, 4b.
148. NAS AD 14 77/222; *Scotsman*, 11 September 1867, 13 September 1877.
149. *Scotsman*, 28 April 1870; NAS AD 14 70/209.
150. NAS AD 14 78/314; *Glasgow Herald*, 9 September 1878.
152. *Herald of Wales*, 2 January 1892.

**CHAPTER THREE**

1. To get some sense of the complexity and the ongoing debates, see Cannadine, *The Rise and Fall of Class in Britain*.
2. Quoted in the *Times*, 29 January 1872, 5e.
3. The *Times*, 14 April 1879, 3f.
4. The *Times*, 26 February 1879, 10c.
5. The *Times*, 11 August 1874, 4f; 18 December 1874, 11f.
6. The *Times*, 6 July 1880, 12b.
7. The *Times*, July 14, 1879, 8b.
8. The *Times*, 1 August 1879, 11d.
9. The *Times*, 1 August 1879, 11e.
10. The *Times*, 12 August 1879, 9c–d.
11. Basing the punishment on the status of the victim rather than that of the accused harkens back to Celtic and Anglo-Saxon traditions in which the compensation a killer was required to pay was specifically based on the wergild or man-worth of the victim.
12. The *Times*, 10 February 1887, 6f.
13. The *Times*, 2 December 1875, 5a.
14. The argument that English courts were growing less tolerant has been made in Wiener, *Men of Blood*; Wood, *Shadow of Our Refinement*; and in a more nuanced argument in Emsley, *Hard Men*.
15. The *Times*, 29 March 1870, 11e.
16. The *Times*, 31 January 1868, 9b.
17. The average sentence for manslaughter convictions between 1867 and 1879 was 76.7 months, for 1880 to 1892 it was 78 months.
18. The *Times*, 26 March 1878, 4c.
19. The *Times*, 28 February, 12a; 2 March 1882, 7e.
21. The *Times*, 3 August 1888, 10a.
24. The *Times*, 9 April 1875, 11e.
25. The *Times*, 7 March 1876, 5f.
26. The *Times*, 18 October 1883, 3d.
27. The *Times*, 22 January 1880, 11d.
28. The *Times*, 29 July 1880, 11d.
29. The *Times*, 7 May 1874, 10e.
30. The *Times*, 5 March 1877, 11b.
31. The *Times*, 17 December 1888, 10f.
32. The *Times*, 18 July 1878, 11c.
33. The *Times*, 5 March 1877, 10f.
34. The *Times*, 4 February 1879, 6f.
35. The *Times*, 13 June 1867, 11c.
36. The *Times*, 8 May 1879, 4d.
37. The *Times*, 9 April 1875, 11e; on this point, see Emsley, *Hard Men*, chap. 3.
38. The *Times*, 22 January 1880, 11d.
39. The *Times*, 20 August 1868, 11a.
42. The *Times*, 13 March 1867, 12d.
44. *Carmarthen Weekly Reporter*, 13 December 1873.
45. *Scotsman*, 10 April 1868.
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46. Scotsman, 5 November 1868.
47. Scotsman, 14 December 1886.
48. NAS AD 14 73/156; Glasgow Herald, 25 December 1873.
49. NAS AD 14 75/57; Glasgow Herald, 14 September 1875; the Times, 15 September 1875.
50. Quoted in Mitchison, A History of Scotland, 142. Also see Brown, Bloodfeud in Scotland 1573–1625: Violence, Justice and Politics in an Early Modern Society; Whatley, “How Tame Were the Scottish Lowlanders during the Eighteenth Century?”
51. NAS AD14 67/226
52. NAS AD14 74/356; Glasgow Herald, 27 April 1874.
53. NAS AD14 91/170; Dundee Advertiser, 4 September 1891.
54. On drink, violence, and recreation among the working classes, see T. C. Smout, A Century of the Scottish People, 1830–1950, chap. 6, esp. 133–39.
55. Glasgow Herald, 23 December 1868.
56. NAS AD14 91/19; Glasgow Herald, 5 March 1891.
57. NAS AD14 74/30; Glasgow Herald, 9 October 1874.
58. For further discussion of class and violence in Ireland, see Clark, Social Origins of the Irish Land War, and “The Importance of Agrarian Classes: Agrarian Class Structure and Collective Action in Nineteenth-Century Ireland.”
59. Limerick Reporter, 12 December 1881; Mayo Examiner, 13 July 1889.
60. Roscommon Journal, 12 March 1892.
61. Cavan Weekly News, 2 March 1877
63. For more on Irish attitudes toward brawls, see Conley, “The Agreeable Recreation of Fighting.”
64. Roscommon Journal, 16 July 1887.
65. Limerick Report, 12 July 1892.
66. NAS AD14 86/223; Scotsman, 23 June 1886; Scotsman, 24 April 1886.
67. INA, 1888.
68. The Times, 3 July 1884, 9e.
69. The Times, 9 April 1875, 9c.
70. Scotsman, 16 April 1873.
71. Scotsman, 17 June 1879.
74. For a list and brief account of all the women executed in Britain between 1843 and 1955, see Wilson, Murderess: A Study of the Women Executed in Britain since 1843.
75. The Times, 8 July 1870, 4d; 3 July 1879, 11c; 1 April 1879, 5e. For a different, feminist reading of the Webster case, see D’Cruze, Murder, 52–58.

76. NAS AD14 74/285; Glasgow Herald, 10 May 1876.


78. The Times, 13 February 1891, 8c; 27 February 1891, 7e.

79. Quoted in the Times, 4 June 1867, 13a.

80. The Times, 26 June 1880, 12d.

81. Excerpt in the Times, 12 April 1872.

82. Scotsman, 19 March 1878.

83. INA Carlow Assize Files 1891; Carlow Sentinel, 14, 18 July 1891; Limerick Chronicle, 25 January 1873.

84. The Times, 18 July 1879, 4f.

85. The Times, 7 January 1867, 9f.

86. Glasgow Herald, 28 December 1872; NAS 72/130.

87. Kilkenny Journal, 4 January 1882. For other examples, see Conley, Melancholy Accidents, 95–97.

88. The Times, 14 August 1873, 8e.

89. The Times, 4 March 1869, 11b.

90. The Times, 11 March 1874, 14b.

91. The Times, 28 February 1879, 11c.

92. The Times, 4 February 1875, 12a.

93. Limerick Reporter, 20 October 1871; 8 March 1872.

94. Glasgow Herald, 11 April 1867.

95. Scotsman, 5 December 1882.

96. Glasgow Herald, 16 August 1889.

97. The Times, 5 August 1870, 9c.

98. The Times, 4 January 1869, 10a.

99. The Times, 4 December 1890, 9c.

100. The Times, 17 January 1872, 12d.

CHAPTER FOUR

Notes to Chapter 4

Century.” For more on the contribution this trend made to violence, see Conley, *Melancholy Accidents*, chapters 2 and 3.

2. INA, Outrage returns, Roscommon, 1885, 7.
3. The *Times*, 1 May 1883, 12c.
4. NAS AD14 71/324; *Glasgow Herald*, 20 November 1871.
5. The *Times*, 26 June 1885, 7e.
6. The *Times*, 20 December 1870, 3f; 30 March 1871, 11d.
7. The *Times*, 3 May 1887, 10f; Outrage papers 1883, 7.
8. The *Times*, 27 January, 9f; 29 June, 11f; 31 January, 7e; 1 February, 7e–f; 4 February, 6c; 18 February, 12c, 1890.
9. The *Times*, 18 March 3e; 21 March 10e–f, 1890.
10. The *Times* 22 March, 4f; 7 April 9e; 10 April 8c; 2 April 7b; 5 April 10b; 7 April 9c; 8 April, 3f; 9 April, 7f, 12b; 10 April, 6a, 1890.
11. The *Times*, 28 October 1884, 8d.
12. The *Times*, 28 February 1870, 5f; 8 April 1870, 11f. For other examples, see the *Times*, 3 March 1870, 11a; 13 April 1876, 9f; 14 April 1876, 8f; 5 August 1876, 11d.
13. The *Times*, 2 March 1871, 11d.
14. The *Times*, 16 November 1877, 10e.
15. INA, Outrage returns Limerick, 1872, 10; *Limerick Reporter*, 25 February 1873.
16. The *Times*, 9 December 1886.
17. The *Times*, 23 March 1890, 5e.
18. INA Outrage Papers, Mayo 1880.
20. NAS AD 14 82/279; *Glasgow Herald*, 14 April 1882.
22. NAS AD 14 72/323; *Scotsman*, 23 January 1872.
23. NAS AD 14 72/113; *Glasgow Herald*, 27 September 1872.
24. NAD AD 14 77/116; *Glasgow Herald*, 25 April 1877.
25. The *Times*, 4 November 1873, 7d; 18 December 1873, 12a.
26. The *Times*, 12 October 1888, 5e; 15 December 1888, 12b.
27. The *Times*, 28 June 1883, 7e.
28. The *Times*, 15 January 1879, 11d; 4 August 1886, 6f.
29. The *Times*, 9 March 1867, 11e.
30. The *Times*, 15 April 15, 1878, 10f.
33. NAS AD 14 90/52; *Glasgow Herald*, 26 February 1890.
34. NAS AD14 89/119; *Glasgow Herald*, 17 October 1889; the *Times*, 28 July 1889, 6f.
35. NAS AD14 85/88; *Glasgow Herald*, 20 October 1888.
36. The *Times*, 18 January 1879, 11f.
37. The *Times*, 6 February 12b.
40. Limerick Reporter, 9 July 1880.
41. NAS AD 14 89/208; Glasgow Herald, 22 February 1889.
42. For another example, see NAS AD14 83/2; Scotsman, 13 March 1883.
43. NAS AD14 83/162; Glasgow Herald, 28 August 1883; 20 October 1883.
44. NAS AD14 70/147; Glasgow Herald, 29 December 1870.
45. Pall Mall Gazette, quoted in the Times, 19 March 1875, 8a.
46. The Times, 22 November 1881, 12b.
47. The Times, 3 December 1873, 12a.
48. NAS AD 14 91/122; Glasgow Herald, 8 May 1891.
49. The Times, 16 March 16, 1877, 11b.
50. The Times, 13 August 1874, 11c.
51. The Times, 2 April 1874, 11e.
52. The Times, 4 August 1889, 10de.
53. The Times, 18 February 1888, 11b.
54. The Times, 8 July 1876, 13e.
55. The Times, 31 July 1885, 10e.
56. The Times, 3 August 1874; 14 January 1886; 18 February 1888.
57. Glasgow Herald, 8 September 1878.
58. Glasgow Herald, 10 May 1892.
59. NAS AD14 82/319; Dundee Advertiser, 2 February 1882.
60. The Times, 26 July 1886, 6d; INA Return of Outrages, Cork 1886.
61. The Times, 1 May 1879, 11d.
62. Scotsman, 15–17 September 1890.
63. The Times, 24 October, 10c; 25 October, 12a, 1890.
64. The Times, 12 July 1871, 12f.
65. The Times, 17 July 1871, 12d–f.
66. Dundee Advertiser, 16 September 1867.
67. The Times, 14 March 1878, 10c.
68. The Times, 12 November 1887, 9e. For an analysis of romantic homicides in nineteenth-century America, see Hatton, “He murdered her because he loved her.”
69. The Times, 30 July 1884, 11c.
70. Dundee Advertiser, 6 February 1888.
71. Scotsman, 30 March 1878.
72. The Times, 6 April 1869, 4e.
73. The Times, 31 July 1877, 3e; 9 November, 1877, 8e.
75. Carmarthen Weekly Report, 2 November 1877; Llanelly Guardian, 26 July 1877; the Times, 2 November 1877, 10d.
76. The Times, 17 June 1871, 10f.
77. Ibid., 12d–f.
78. INA Return of Outrages, Tipperary, 1869.
79. The Times, 29 July, 1884, 5d.
80. NAS AD14 68/52; Scotsman, 15 January 1868.
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2. The Times, 21 October 1873, 5d.
3. The Times, 18 March 1869, 4d.
5. Carmarthen Weekly Reporter, 4 April 1884.
8. Limerick Reporter, 1 November 1881.
10. Scotsman, 12 April 1878. For an earlier period, see Leneman, “A Tyrant and

13. The Times, 1 December 1886, 8c.
14. The Times, 6 May 1886, 7e.
15. The Times, 29 June 1876, 13e.


17. Scotsman, 12 April 1878.
18. The Times, 16 March 1869, 5e.
20. The Times, 8 March 1875, 11b.
22. The Scotsman, 24 April 1875.
23. The Times, 18 December 1874, 9e.

24. NAS AD14 87/149; Glasgow Herald, 26 October 1886.
26. The Times, 2 August 1890, 10d; 31 July 1891, 4f; 9 August 1879, 10f; 26 October 1877, 11d; 16 September 1874, 5e.
27. The Times, 6 January 1869, 11e.
28. The Times, 31 October 1876, 9a.
29. The Times, July 11 1867, 11e.
31. The Times, 11 December 1869, 11d.
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83. Quoted in the Times, 1 August 1872, 4f.
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86. See Dobash and McLaughlin, “The Punishment of Women in Nineteenth-Century Scotland: Prisons and Inebriate Institutions.”
87. Scotsman, 12 April 1878.
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100. Ibid., 9c–d.

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104. The *Times*, 12 October 1871, 5d.

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110. Spectator, quoted in the *Times*, 29 January 1872, 5e. Not all the *Times* correspondents were so sympathetic. One wit actually amused himself by writing Latin puns about the crime.

111. Limerick Reporter, 15 August 1883.

112. The *Times*, 15 December 1887, 6a–b.

113. The *Times*, 17 December 1887, 9a.

114. The *Times*, 19 December 1887, 7a–b.

115. *Scotsman* 2 January 1873.

116. Lang’s is one of eight cases from England and Scotland in which husbands had killed their wives by vaginally penetrating them with foreign objects. While in most cases the crime appears to have been at least in part one of drunkenness, the motive often usually involved a suspicion of infidelity. Only one of these cases led to a conviction in Scotland: a miner was sentenced to fifteen years. As a miner he would have been entitled to no benefit of the doubt based on class, as was clearly the case with Lang. All of the English cases resulted in sentences of penal servitude for manslaughter. The judge’s comment in a case which was not fatal suggests that the symbolic intent was clear. Lord Deas suggested that a man who had stabbed his sweetheart “intended to either destroy her life or destroy her as a woman. It was difficult to say which of the two was the most atrocious.” NAS AD73/119; the *Times*, 2 February 1873, 12a; *Glasgow Herald*, 4 February 1873; NAS AD 67/219; *Glasgow Herald*, 16 September 1867.

117. *Glasgow Herald*, 24 January 1873; *Scotsman*, 24 April 1873; NAS AD14 73/23.

118. NAS AD 14 78/341.


120. *Scotsman*, 11 May 1878.

121. The *Times*, 11 May 1878, 12e.

122. *Scotsman*, 1 June 1878.

123. NAS AD14 91/154.
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124. Ibid.
125. The Times, 21 October 1873, 5d.
126. The Times, November 25, 1869, 11a.
127. Glasgow Herald, 14 May 1880.
128. Mayo Examiner, 23 July 1892.
129. The Times, 11 March 1873, 11d; Carmarthen Weekly Reporter, 29 March 1873.
130. Scotsman, 1 September 1890.
131. The Times, 1 February 1887, 10e.
132. The Times, 11 June 1878, 10d.
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134. The Times, 8 October, 1888, 11d.
135. The Times, 21 September 1871, 11c.
136. The Times, 27 May 1881, 12a.
137. Scotsman, 17 April 1878.
138. Scotsman, 9 March 1868.
139. The Times, 8 August 1889, 7b. On female poisoners, see Robb, “Circe in Crinoline: Domestic Poisonings in Victorian England.” Also see Emsley, Elements of Murder, 171–96 for an account of Florence Maybrick, one of the period’s most celebrated suspected poisoners.
140. The Times, 7 May 1879, 7f.
141. The Times, 19 July 1875, 11e.
142. The Times, 18 November 1887, 12b.
143. The Times, 12 July 1871, 11b.
144. The Times, 22 February 1877, 11c; PRO ASSI36, Box 22.
145. Limerick Reporter, 11 December 1879; Outrage paper, Limerick 1879; the Times, 18 December 1879, 4f.
146. Scotsman, 28 March 1878; the Times, 28 March 1878, 11a.
147. NAS AD14 78/244; Glasgow Herald, 5 and 6 September 1878; Scotsman, 21 June 1878.
148. The Times, 19 March 1888, 7f.
149. Carmarthen Weekly Reporter, 4 April 1884.
150. Carmarthen Weekly Reporter, 9 May 1884.

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2. The Times, 26 May 1870, 9f.
3. The Times, 8 August 1878, 10a.
5. Some scholars suggest that infanticides should not be included in general studies of homicides. On the problems of counting infanticides, see Emmerich, “Trials of Women for Homicide in Nineteenth-Century England”; Emsley, Crime

6. The Times, 22 January 1890, 10a.
7. The Times, 12 March 1874, 12a.
11. The Times, 14 July 1870, 9d–e.
14. Hoff and Yeates suggest that many child homicides reported as accidents were actually similar to the case described below:

At the Petty Session of Clonmel yesterday two women named Rourke and Cummins were prosecuted for having on April 22 burnt a child three years old, named John Dillon by placing him naked on a hot shovel. The act was the result of gross superstition on their part, the two women alleging that he was an old man left by the fairies as a substitute for a real child whom they had taken from its mother. The charge was proved against Rourke and she was sentenced to a week's imprisonment, the magistrate being of the opinion that as she had been in custody since the occurrence the addition of a week's imprisonment would satisfy the demands of justice. He strongly characterized the ignorance and superstition which she had shown. (The Times, 26 May 1884, 8b)

16. The Times, 29 February 1888, 12a.
18. “The statute 43 George 3, c 58 which repeals the 21 Jac1.c 27 and the Irish
Act 6 Anne provides that the trials in England and Ireland of women charged with
the murder of any issue of their bodies which being born alive would be by law be
bastard shall be proved by the like rules of evidence and presumption as are allowed
to take place in respect to other trials for murder.” And the statute further enacts

that it shall and may be lawful for the jury, by whose verdict any pris-
isoner charged with such murder as aforesaid shall be acquitted, to find,
in case it shall so appear in evidence that the prisoner was delivered of
issue of her body, male or female, which if born alive, would have been
bastard; and that she did, by secret burying, or otherwise, endeavor to
conceal the birth thereof; and thereupon it shall be lawful for the court
before which such prisoners shall have been tried to adjudge that such
prisoner shall be committed to the common gaol. Or house of correc-
tion. For any time not exceeding two years. Included in Criminal Law
Consolidation Act of the 24 and 25 Victoria. C.100, s.60—misd-
emeanor maximum penalty of 2 years.

Scotland Statute 49 Geo.3, c. 14 enacts that

if any woman in Scotland shall conceal her being with child during the
whole period of her pregnancy and shall not call for and make use of
help or assistance in the birth and if the child be found dead or be miss-
ing, the mother being lawfully convicted thereof shall be imprisoned for
a period not exceeding two years, in such common gaol or prison as the
court before which she is tried shall direct and appoint.

19. The Times, 8 April 1886, 12c.
21. Weekly Mail, 17 May 1890; the Times, July 28, 1890, 4d.
22. The Times, 11 December 1891, 6f.
23. The Times, 29 October 1886, 10d.
24. The Times, 1 April 1867, 11b.
25. The Times, 18 December 1874, 9d.
28. Carmarthen Weekly Reporter, 8 September 1876; 16 December 1876.
29. The Times, 8 August 1881, 9f.
30. NAS 89/185; Glasgow Herald, 23 January 1889.
31. NAS 68/311; Scotsman, 7 July 1868.
32. Roscommon Journal, 1 October 1881. INA Limerick Quarter Sessions Grand
Jury Books, 1886. The popular attitude toward illegitimacy is hard to discern. In her
study of folklore, Anne O’Connor found evidence of sympathy for the unwed moth-
er, including a story in which a curate who defies a priest’s orders and gives last rites
to an unwed mother is blessed by the Virgin and inherits the benefice after the Virgin
helps bring about the priest’s death. O’Connor, “Women in Irish Folklore: The
Testimony Regarding Illegitimacy, Abortion and Infanticide,” 316.
35. The *Times*, 7 March 1867, 11b.
37. INA Crown Files of Assize, 1892.
38. NAS, 86/22; *Scotsman*, 18 May 1886.
39. The *Times*, 22 November 1883, 7c.
41. The *Times*, 31 May 1886, 6e.
42. The *Times*, 14 July 1870, 9e.
43. The *Times*, 16 March 1869, 4d.
44. The *Times*, 9 May 1879, 11d.
45. The *Times*, 2 August 1878, 4a.
46. The *Times*, 29 July 1878, 4c; 16 August 1878, 5c.
47. The *Times*, 24 November 1876, 10f; 1 December 1876, 11c.
49. The *Times*, 19 December 1868, 11d.
50. The *Times*, 19 May 1890, 7d.
51. The *Times*, 6 December 1890, 8f.
52. NAS AD 14 90/18; *Inverness Courier*, 9 May 1890.
53. NAS AD 14, 82/345; *Dundee Advertiser*, 12 April 1882.
54. NAS 76.306; *Daily Free Press*, 6 April 1876.
55. *Glasgow Herald*, 24 August 1882.
59. The *Times*, 14 July 1870, 9e.
60. The *Times*, 16 March 1868, 11c.
61. The *Times*, 14 July 1870, 9d.
62. The *Times*, 1 April 1876, 12a.
63. The *Times*, 7 March 1867, 11b.
64. The *Times*, 30 April 1880, 11c.
65. O’Corrain, “Women in Early Irish Society,” in MacCurtain and O’Corrain, 8; *Sligo Champion*, 10 December 1892; *Kildare Observer*, 12 March 1886; Kildare Assize Files 1886; *Cavan Weekly News*, 6 March 1868; Kildare Assize Files 1886.
66. NAS AD 90/70; *Glasgow Herald*, 3 July 1890.
67. NAS AD 90/70; *Scotsman*, 3 July 1890.
68. The first incest legislation was not passed until 1908. Anthony Wohl suggests that the idea of incest was just too horrible to be considered. See Wohl, “Sex and the Single Room: Incest among the Victorian Working Class,” and Anderson, “‘The Marriage of a Deceased Wife’s Sister Bill’ Controversy: Incest Anxiety and the Defense of Family Purity in Victorian England.”
69. The *Times*, 23 March 1875, 11e.
70. INA Crown Files at Assize Galway; *Galway Express*, 22 March 1890.
71. The *Times*, 3 May 1887, 10f.
72. AD 14 75/190; *Glasgow Herald*, 24 December 1875.
73. The *Times*, 23 March 1889, 4e.
74. NAS AD 14 69/130; *Glasgow Herald*, 10 September 1869.
75. The *Times*, 8 February 1879, 11e.
76. The *Times*, 15 and 23 August 1872.
77. The *Times*, 31 July 1882, 5e.
78. The *Times*, 15 December 1871, 11e; also see Showalter, *The Female Malady: Women, Madness and English Culture, 1830–1980*.
79. *North Wales Chronicle*, 16 May 1885; 25 July 1885.
80. INA Record of Outrages Kildare, 1885; *Kilkenny Journal*, 1 March 1872.
82. The *Times*, 9 August 1883, 9f.
83. The *Times*, 6 September 1883, 5f.
84. The *Times*, 15 September 1883, 12a–c.
85. The *Times*, 15 September 1883, 9e–f.
86. The *Times*, 21 August, 10c; 27 August 10d; 19 October 8a; 6 November, 6e, 1883.
87. NAS AD 14 74/92; the *Times*, 19 November 1874, 4f.
89. The *Times*, 4 August 1891, 7c.
90. The *Times*, 16 February 1885, 10f.
91. The *Times*, 29 October 1875, 3f.
92. The *Times*, 16 September 1887, 10a.
93. The *Times*, 23 December 1871, 11c.
94. The *Times*, 22 November 1883, 9d–e.
95. The *Times*, 23 November 1880, 11b.
96. The *Times*, 30 October 1878, 11f; 31 October 1878, 11d.
97. The *Times*, 19 December 1872, 9a.
98. The *Times*, 5 December 1867, 12f.
99. The *Times*, 11 March 1867, 11d; the *Times*, 12 March 1867, 12c.
100. The *Times*, 8 August 1878, 10a.
101. The *Times*, 16 February 1885, 10f.
103. The *Times*, 29 May 1878, 6c.
104. The *Times*, 14 December 1877, 11f.
105. The *Times*, 22 July 1889, 11d.
106. The *Times*, 31 July 1876, 11d–e.
107. The *Times*, 20 August 1874, 9e.
110. Quoted in *Carmarthen Journal*, 10 September 1869.
111. Quoted in the *Times*, 17 September 1869, 10e.
113. The *Times*, 3 December 1869, 9f; *Carmarthen Weekly Reporter*, 18 December 1869.
115. Ibid.
117. Ibid.
118. Ibid.
119. The *Times*, 24 December 1869, 7d; 27 December 1869, 5e.
120. The *Times*, 1 March 1870, 12b; 9 March 1870, 5b; 16 March 1870, 12f.
122. *Carmarthen Weekly Reporter*, 19 March 1870; 23 April 1870.
123. Of course, Newton was a man of faith as well as science and also very interested in alchemy. See Kearney, *Science and Change 1500–1700*.
124. *Scotsman*, 16 October 1884.
125. NAS AD 14 88/28; *Glasgow Herald*, 12 September 1888; *Scotsman*, 25 June 1888.
127. The *Times*, 9 January 1867, 9a.
128. The *Times*, 22 October 1881, 10b.
129. The *Times*, 11 December 1876, 11f.
130. The *Times*, 18 August 1871, 9a.
131. NAS AD 14 85/248; *Inverness Courier*, 23 April 1885.
132. NAS AD 14 89/98; *Glasgow Herald*, 16 August 1869.
134. Conley, “No Pedestals.”
135. INA Crown Files at Assize Galway, 1892; Record of Outrages, 1892, 8.
137. The *Times*, 13 June 1867, 11c.
138. The *Times*, 13 February 1879, 11c.
139. *Herald of Wales*, 6 August 1892.
140. *Scotsman*, 17 October 1884.
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143. The *Times*, 6 May 1892, 11c; 30 June 1892, 3c.
144. The *Times*, 24 November 1882, 8e.
145. The *Times*, 17 January 1887, 6b.
146. The *Times*, 3 February 1887, 3e.
148. NAS AD 14 78/295; *Glasgow Herald*, 24 April 1878; *Scotsman*, 24 April 1878.
149. The *Herald of Wales* carried the story on the front page. See *Herald of Wales*, 9 April 1892.
150. The *Times*, 26 February 1892, 8c.
151. The *Times*, 5 April 1892, 10bc. In a nearly identical case in which a London laborer had suspended his son with a rope around his arms and the child had died, the father was sentenced to nine months. See the *Times*, 12 February 1881, 7e.
152. The *Times*, 5 April 1892, 9e.
153. The *Times*, 25 November 1868, 9d.
154. The *Times*, 24 June 1874, 6b.
155. NAS AD 14, 68/240; *Scotsman*, 16 April 1868.
156. The *Times*, 7 August 1872, 9d.
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158. AD 14 71/237; *Galloway Advertiser and Wigtownshire Free Press*, 11 May 1871.
159. *Scotsman*, 13 September 1877.
161. The *Times*, 11 June 1874, 10e.
162. The *Times*, 10 December 1890, 10c.
164. The *Times*, 19 May 1879, 8c; 23 July 1879, 4f; 12 August 1879, 5e.
165. The *Times*, 22 September 1870, 9b; 24 September 1870, 11b, c, 4e, g; 12 October 1870, 9e–f.
166. The *Times*, 13 October 1879, 9f; 29 October 1879, 12c–d; 30 October, 9cde.
167. For more on this case see NAS AD 89/146 and *Scotsman*, 2 February 1889.
168. The *Times*, 6 July 1881, 12c; 3 November 1881, 9e; 11 November 1881, 8e.
169. NAS AD14 67/134; *Glasgow Herald*, 14 September 1867.
170. NAS AD 14, 71/57; *Glasgow Herald*, 3 May 1871.
171. On children as offenders, see Abbott, “The Press and the Public Visibility of Nineteenth-Century Criminal Children.”
172. The *Times*, 30 March 1872, 7f.

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