

Copyright Notices

Notice 1

Under the Copyright Act 1968, this thesis must be used only under the normal conditions of scholarly fair dealing. In particular no results or conclusions should be extracted from it, nor should it be copied or closely paraphrased in whole or in part without the written consent of the author. Proper written acknowledgement should be made for any assistance obtained from this thesis.

Notice 2

I certify that I have made all reasonable efforts to secure copyright permissions for third-party content included in this thesis and have not knowingly added copyright content to my work without the owner's permission.

Errata

Page

- 2 'their zenith' for 'its zenith'
'parameters' for 'perimeters'
- 5 para.2 line 6: remove 'Tendring'
Five from bottom: replace 'were not unearthed' with 'was not unearthed' and replace 'but' with 'however'
- 7 insert 'also' between 'brothers' and 'threatened', remove 'and thus'
- 8 para.1 line 2: 'is cited' for 'are cited'
- 9 para.1 line 7: 'led' for 'lead'
- 13 'explains' for 'explain'
Remove 'were' before 'underpinned' and 'in' after 'underpinned'
- 16 para.1 line 4: 'was among' for 'were among'
- 25 para.1 line 5: 'them' for 'it'
- 29 para.1 line 1: end quote to 'penalty'
- 32 'contemporaries viewed them' for 'they were viewed by contemporaries'
- 34 'loath' for 'loathe'
- 35 para.2 line 10: remove second 'both', insert 'the' before 'British', remove 'the distinctions between'
- 36 para.2 line 7: remove comma after 'Robb argues that'
- 45 'Wiener' instead of 'Weiner'
para.1 line 7: remove 'that' before 'historians'
- 46 'sociological' for 'sociologist'
- 48 'includes' for 'include'
- 49 'listeners' for 'listener's'
- 52 'Wiener' for 'Weiner'
- 55 para.1 line13: comma inserted between 'women' and 'a definition'
- 62 'Wiener' for 'Weiner'
- 65 'has illustrated' for 'have illustrated'
Three lines from bottom: dash after 'poison'
- 66 Comma after 'As Wiener states', insert 'through' before quote
- 67 para.3 line 6: 'allows' for 'allow'
Remove colon before quote, after 'individual'
- 70 para.2 line 6-7: 'is established' for 'are established'
Last line: add 'to' before 'emerge'
- 71 'these' for 'theses'
- 73 'Bonaparte' for 'Boneparte'
- 74 inset quote: 'a woman' instead of 'women'
Insert 'is' between 'materials' and 'less'
- 75 para.1 line 4: 'committing' for 'committed'
para.1 line 5: insert comma after 'feminine crime'
- 82 delete 'to be labelled'
- 84 para.1 line 1: insert comma after 'hardship'
- 86 para.1 line 6: insert '*The*' before '*Moonstone*'
- 87 para.3 line 4: insert comma between 'poisonings' and 'but'
- 88 'one role' for 'the only role'
- 91 para.2 line 2: insert 'was' between 'concern' and 'about'
- 92 para.2 line 4: 'whom' for 'who'
- 94 para.1 line 7: insert 'the' before 'buyer'
- 98 insert commas after 'Trotti' and 'lover'

- 99 'by being more' for 'and is more'
- 100 para.3 line 1: insert 'as Wiener notes' after 'During the nineteenth century'
- 104 delete 'later articles about'
- 115 'had been imprisoned' for 'would have been imprisoned'
- 116 'Sarah Chesham's trial for the poisoning of Richard' for 'Richard's trial'
- 118 para.1 line 2: remove 'it'
- 119 para.2 line 9: insert full stop after 'women'
- 124 'Chesham' for 'Chesham's femininity'
- 126 'curiosity about' for 'curiosity in'
- Insert 'was perceived to have' between 'guilt' and 'flowed'
- 138 'worth noting' for 'worth nothing'
- 143 'imply' for 'infer'
- 160 'Home Secretary' for 'Homes Secretary'
- 164 'linked' for 'linking'
- 168 'consensus as to' for 'consensus of'
- 169 insert 'as' after 'otherwise known'
- 170 remove 'the' before 'Ham's voice', 'whom' for 'who'
- 171 'Hams' background' for 'Ham's background'
- 172 remove 'that' after 'Wiener argues'
- 174 add 'on' after 'focussed'
- 'men and women' for 'men and woman'
- 178 'executed for' for 'executed of'
- 179 'in the manner' for 'the manner in'
- 186 para.1 line 3: 'noting' for 'notes'
- 188 add 'to' after 'conformed'
- 191 'newspaper articles' for 'newspapers articles'
- 195 'research about' for 'research of'
- 'conducive' for 'conductive'
- 197 para.1 line 5: remove 'to her crime'
- 205 Add [1827] to DeQuincey reference

Addendum

- 11 Replace 'the numbers between the sexes wasn't large enough' with 'statistically the difference between men and women wasn't disparate enough'
- 49 Delete first sentence and replace with 'The manner in which the cases of the Chesham, May and Southgate are represented, across the various material collected for this research, suggests that contemporaries were fearful of unchecked womanhood.'
- 82 Replace sentence beginning with 'Coupled with' with 'Coupled together with the genuine distaste of murders committed in a seemingly "unmasculine" fashion and arsenic poisonings were soon elevated above all other methods of murder as more devious and monstrous.'
- 84 Replace sentence beginning with 'The use of poison' with 'The Victorian fascination with the "other" as well as the perception that more women were turning to poison to kill resulted in heightened interest about women who killed with arsenic in the 1840s.'
- 93 Replace sentence beginning with 'The suggestion that' with 'Contemporaries had difficulty believing that women ought to be barred from purchasing arsenic, as suggested by Lord Carlisle, because poisoning accidents occurred regularly due to children and female servants buying arsenic.'

- 104 Replace sentence beginning with 'A few months previously' with 'Previously the focus of editors, reporters and the reading public was firmly on the news of serial poisonings in Norfolk, which had been committed by an elderly man, Jonathan Balls, who had poisoned not only his family but random strangers also'.
- 118 Replace sentence beginning 'Witches were a part' with 'The belief in witches and witchcraft appear to have been a part of the working-class existence in Essex and didn't yet seem to be discredited by working-class men and women in the mid-nineteenth century.'
- 131 Replace sentence beginning with 'Through using the trial' with 'Through an analysis of competing narratives in the trial of an alleged poisoner the distinctions between newspapers and sites of narrative creation become more focussed and illustrate how narratives do not align with one another and that struggles between them are not easily resolved.'
- 132 Replace 'with the consequence that she was executed' with 'and eventually she was considered such a hazard to the society that she was executed rather than merely jailed.'
- 157 Replace sentence beginning 'Poisoning a relative' with 'Poisoning a relative for a small amount of money was considered a heinous crime that often had the harshest penalty handed down on it.'

“Stop the Wretched Woman in her Horrid Career”

A Study of Competing Representations of Femininity

In Social and Legal Responses to Female Poisoners,

1846- 1851

Victoria Maria Nagy

PhD Women's Studies

Centre for Women's Studies and Gender Research

School of Political and Social Inquiry

Submission date: 16th September 2011

Contents

Contents	i
Thesis Statement	ii
Abstract	iii
Acknowledgments.....	v
Timeline	viii
Introduction.....	1
Chapter One <i>Crime in Nineteenth-Century England: Decline, Causes and Concerns</i>	16
Chapter Two <i>Broadening the Scope: Moving Beyond Simple Sources</i>	43
Chapter Three <i>Poisoning Crimes in the United Kingdom: 1839-1851</i>	75
Chapter Four <i>The Archetypical Poisoning Woman: Sarah Chesham's Cases</i>	96
Chapter Five <i>Death Clubs, Secret Poisonings and an Execution: The Case of Mary May</i> ..	132
Chapter Six <i>Fallen Woman or Bad Witnesses? The Case of Hannah Southgate</i>	166
Conclusion	190
Appendix 1.....	197
Appendix 2.....	198
Unpublished Primary Sources.....	201
Published Primary Sources	203
References.....	204
Further Reading	211

Thesis Statement

This thesis contains no material which has been accepted for any other degree or diploma in any university or other institution. To the best of my knowledge this thesis contains no material which has been previously published or written by another individual except where referenced in the text of the thesis.

Victoria Maria Nagy

12/ 09/ 2011

Abstract

This thesis examines the cases of three rural working-class women from Essex who, in a five year period between the years of 1846 and 1851, were arrested, tried, and, in two instances, executed for poisoning crimes. From the cases of these three women (Sarah Chesham, Mary May and Hannah Southgate) this thesis studies the various competing narratives about their femininity which appeared in newspapers, Hansard transcripts, social commentary, witness depositions, personal correspondence and petitions against their sentences.

The main research question this thesis asks is *what narratives about femininity exist in available sources regarding female poisoners from the mid-Victorian era and how can these narratives enable us to better understand the contradictory and competing constructions of femininity in nineteenth century England?* Currently research into how the femininity of female poisoners was constructed, why it was constructed in such a manner, and the varying differences in depictions of their womanhood is underrepresented. To tackle the issue of limited source material (both because the women were not tried in London courts and because of their social standing) I have chosen to find a broad range of sources as advocated by microhistorians and some feminist historians. The methodology adopted to collect and analyse these data sources is incorporated from microhistorical methods (interest in the *normal exception*, broad ranging source material and concern with individual cases in order to interpret societal changes and occurrences), and partly from feminist scholars who have investigated legal as well as media narratives to discover how female criminals are represented therein. The methodology is situated within a discourse analysis frame.

The findings of this research suggest that the construction of the femininity of the three accused women varied according to the discourse into which each case was linked regardless of whether the case was in fact related to the discourse (e.g. Mary May's case was

linked with the debates around infanticide even though she was on trial for the poisoning murder of her half-brother in his forties). Each woman was depicted as deviating from the societal expectations of respectable womanhood, however, contemporaries did not outline what good womanhood entailed, nor was there agreement about what manner a bad woman looked or behaved. There was often a lot of difference between how each woman had her femininity represented even within newspapers, let alone witness depositions, petitions, parliamentary debates, etc. This illustrates that there was no single distinct idea about femininity, but rather that femininity was often in flux within discourses.

Acknowledgments

During the writing of this thesis I have received an enormous amount of support and assistance without which this research would have been impossible. A big thank you to Dr. Danielle Tyson and Dr. JaneMaree Maher, who supervised me and tried to bring out the best from my writing and research. A thank you also to Associate Professor Maryanne Dever who was initially supervisor to this project. The first few months spent devising the exact research field were done with the aid of Dr. Sharon Bickle, who was most helpful in pointing me in the right direction for microhistorical sources. A thank you also to Sue Stevenson for all her help during my candidature. Before heading to Britain to conduct fieldwork I was able to find two people who were of immeasurable help to me while I was over there. The first was Jacqueline Cooper, the local historian of Clavering who gave me a tour and a taste for what life would have been like in the mid-nineteenth century in a small rural village. The second was Dr. Alison Rowlands of the Department of History at the University of Essex who offered valuable advice about where to look for information about women who wouldn't normally feature prominently in archives, and gave me the opportunity to present a paper at a research seminar.

The majority of the research was done in libraries and archives, however, in order to first assess the viability of the research I needed access to newspapers while on the other side of the world, and it was here that Karen Jones of the Chelmsford Public Library was of enormous service. In Chelmsford the Essex Records Office personnel were extremely helpful in answering my questions, and delivering the documents I required. The warmth of the reading rooms at the height of winter was also much appreciated. In London, the British Library personnel were of great service for the week spent going through their books. The Public Records Office in Kew was home for weeks while I rummaged through Assize records and criminal petitions and the PRO staff were brilliant. Thank you. For actual accommodation

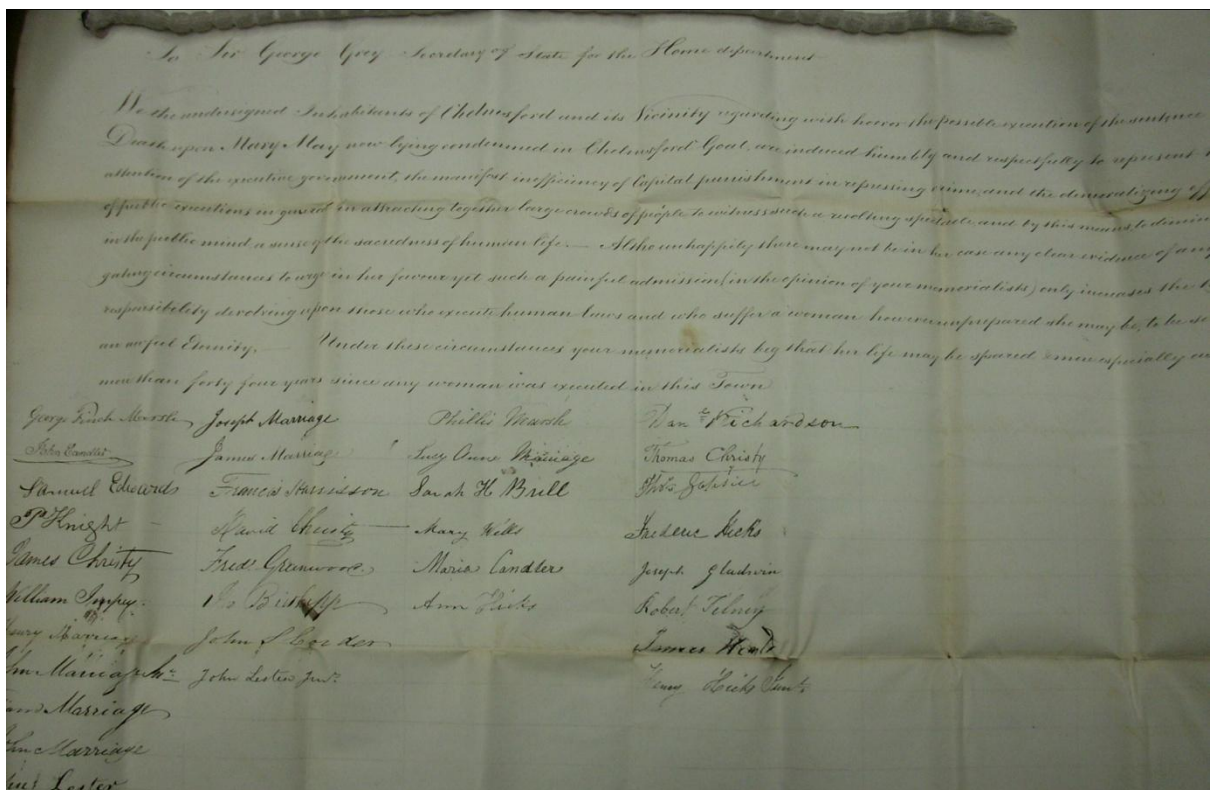
the University of East Anglia Residential Services staff were very understanding and a big thank you goes out to them too. My thanks also go out to Miklós Lojkó whose support and encouragement are enormously appreciated. To Tünde Sturcz a huge thank you for helping me get my bearings in London and offering me a bed while she took the floor to make my stay comfortable. Many thanks to Josh Ciechanowski for helping me keep the body going.

To Katy Briggs and Rod Durant, who have shown me so much love, care and understanding during the past year and a half, and have been wonderful in their support of me and this thesis that I cannot thank them enough. To my parents, Alex and Pearl, and my brother, Al, who have always shown such confidence in me and what I've been doing even when I had doubts. Apologies for the hundreds of phone calls (some in the early hours of the morning)! They were there for me so often, whether I talked them through my research and used them as a sounding board, or there for me with a warm bed, good food and huge hugs. For their love so many thanks and to them I dedicate this thesis. And lastly to my partner, Jesse Durant, whose patience, understanding, love and confidence in me knows no bounds and to whom I am deeply indebted.



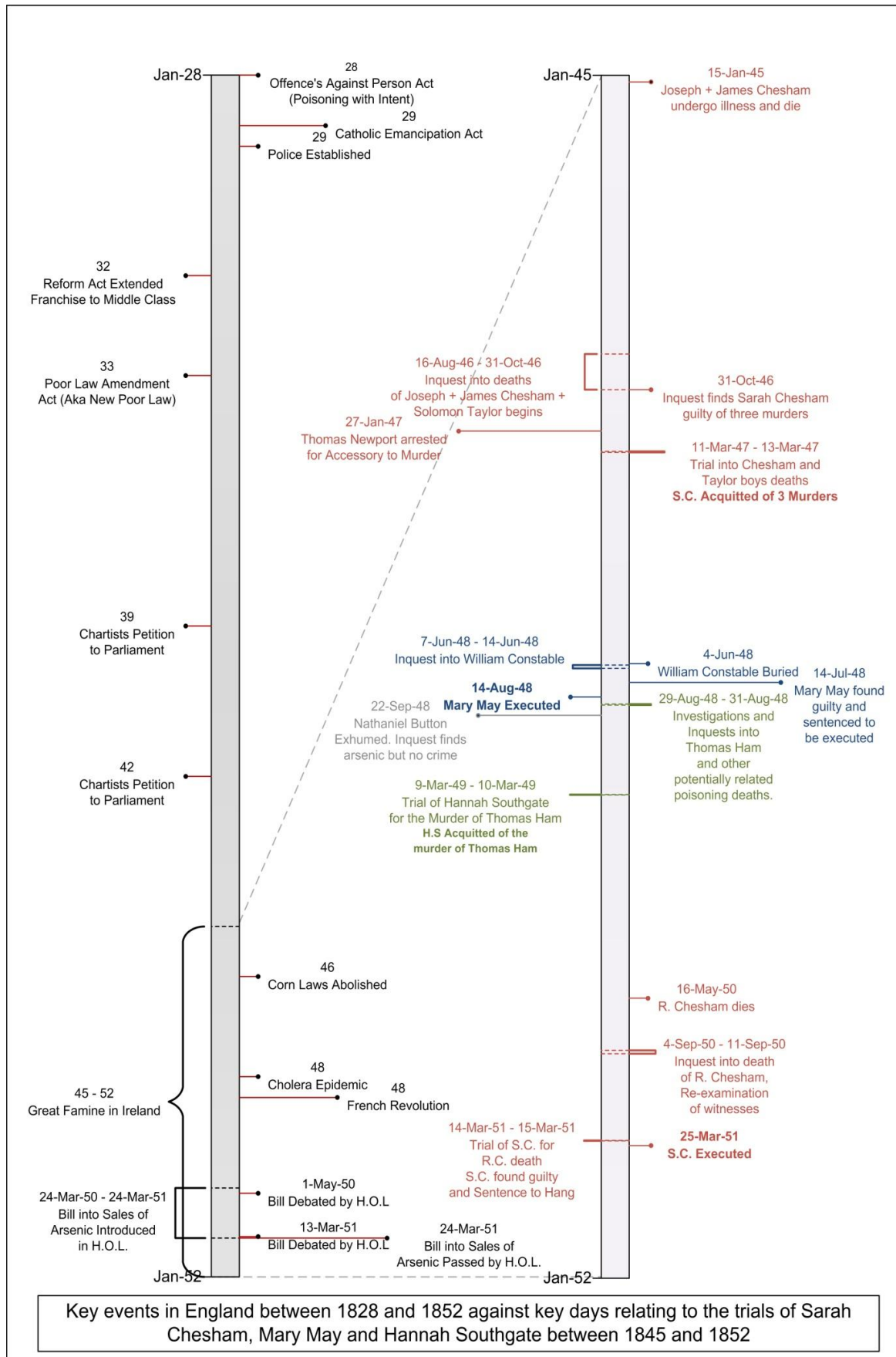
Image courtesy of British Library, 74/1888.c.3

Woodcut from "Sarah Chesham's Lamentation" Broadside ballad, pub. Hodges's Printer, 1851



PRO HO 18/ 239- Petition for Mary May, Courtesy of PRO Kew, Original Photo

Timeline



Introduction

During the middle of the nineteenth century England, and the rest of the United Kingdom, experienced a vast social upheaval. Since the late eighteenth and early nineteenth centuries, class, gender, race and religious roles had been undergoing change. The rapid industrialisation of England from the 1830s onwards led to demands by the English population for change in the rights of men, women, dissenting religious groups, and people of the lower classes. Significant changes were taking place in Continental Europe (the mid-nineteenth century is best classified as a time of revolution on mainland Europe) and the increasingly poor food supply in England meant the years between 1840 and 1860 were unstable, fraught with difficulties for those governing the nation, and a time of want for many in the lower classes. In the midst of the Chartist Movement (1838-1858), the “Hungry Forties”, debates about the Poor Laws, and the repealing of the Corn Laws (1840s-1850s), increased numbers of people turning to dissenting religions (such as the Evangelicals) and the threat of the Continental European revolutions taking a hold in the English-working class’ imagination, was the issue of women’s rights. Women, and some men, were campaigning for increased rights for married women (the right to divorce, the right to custody of children in the case of separation and divorce, and the right to have control of their finances, amongst other demands).

Questions about the appropriate femininities of the accused are central to the cases at hand. The roles, of men and women, in British society, were undergoing significant changes during the nineteenth century, as were understandings of sexuality and gender. The more tolerant views of passion and sex for both men and women, (that had emerged during the eighteenth century) were gradually shifting throughout the nineteenth century to more rigid and prescriptive ideals. By the mid-nineteenth century, and therefore in the early Victorian

era, there were rigid cultural gender expectations that dictated and shaped the behaviour of men and women across all classes.

On March 25th 1851 Sarah Chesham was executed in front of a crowd of thousands in Chelmsford, Essex. She had been found guilty of poisoning with intent, a lesser charge than murder but one that also carried a penalty of death if the accused was found responsible for the crime. Chesham had been found guilty of poisoning her husband, Richard, who had died in the summer of 1850. Richard was thought to be the fourth victim of Chesham; the first three were children for whose deaths she had stood trial in March 1847. For the deaths of her sons, Joseph and James Chesham, and a child unrelated to Chesham, Solomon Taylor, she had been acquitted. Her subsequent execution in 1851 capped off five years of intense interest from the British public in the poisoning deaths in Essex and the events that unfolded there all seemingly at the hands of women who were willing to use arsenic to poison their brothers, children or husbands. By March 1851 British fears about female poisoners reached its zenith. During the five years leading up to this point, women found guilty of poisoning deaths were also subject to stricter sentences. Although Chesham, and the two other accused women, Mary May and Hannah Southgate, were working-class women, their behaviour was framed within the narrow perimeters of culturally acceptable female behaviour expected of middle-class women. Women were expected to be submissive to all men, passionless, without ambition, and confine themselves to the domestic sphere (and do such things as keep a moral and clean household and children). A woman who violated these societal norms of femininity could be severely punished for her transgressions. The actions of the three women from Essex challenged conventions of acceptable female behaviour of the period. That they had come to the attention of the authorities suggested improper behaviour; women who adhered to the prescribed gender norms would remain invisible to the greater British public. Neither Chesham, May nor Southgate had acted in a manner befitting a “good” woman;

instead all three had been labelled “bad” women. As I illustrate in the following chapters, the idea of the “bad” woman did not have a single guise, as each woman expressed variable forms of this figure. Chesham figured as the witch, May the greedy and manipulative woman, and Southgate the fallen woman, or prostitute.

The cases of Sarah Chesham, Mary May and Hannah Southgate fell between the years of 1846 and 1851. The changes taking place during the mid-nineteenth century touched those across the working and middle-classes and involved both city and country dwellers. The authorities (police, legal system and Members of Parliament) were doing what they could to try and control the population. The role and presence of the police force was being solidified during this period (Briggs et al, 1996; Emsley, 2005); the “Bloody Code” (the popular name for the excessive punishment of death or torture meted out for trivial crimes) was repealed but the role of the defence lawyers was created, and the courts also became more central to controlling the population especially young men and their supposedly violent behaviour (Weiner, 2004; Wood, 2004). Chesham, May and Southgate, who all lived in small rural villages, do not appear to have had any links with the events transforming Britain at this time. However, their actions, which were framed as outside the boundaries of acceptable behaviour for women, and their alleged crimes of poisoning, brought them not only to the attention of local authorities but also to those in London and linked their cases to broader social changes.

The five-year period of 1846-1851 saw not only Chesham and May executed in Essex, but also four other women who were all found guilty of using poison to kill.¹ This was the largest number of women executed for murder by poison in a five-year time-span at any point in the century. Only ten women were executed in the forty-nine years between 1851 and 1900 for using poison to murder or attempt to take a life. More women in the early-nineteenth century were being executed than by the end of the century. 177 women in total were

¹ Catharine Foster (1847), Mary Ann Geering (1849), Rebecca Smith (1849) and Mary Cage (1851), <http://www.capitalpunishmentuk.org/fempubli.html> (accessed: 01/04/2009).

executed in the years between 1800 and 1846. For all criminal women, the five years between 1846 and 1851 produced a higher chance of being executed than previously. Nineteen women were executed between the years of 1846 and 1851 (for all forms of murder and attempted murder).² Unlike the four other women who found themselves on the gallows for poisoning crimes, between 1846 and 1851, May and Chesham were implicated in a poison ring.

Chesham was the second woman in Essex to hang for a poisoning crime between 1846 and 1851. In 1848 a woman by the name of Mary May was executed after she was found guilty of murdering her half-brother, Spratty Watts, seemingly for a small amount that was to be paid to her upon Watts' death. May too was accused of using arsenic as her instrument of murder. May was the first woman to hang in Essex in over 40 years, and the first person to be executed in Essex in over seventeen years. May's friend, Hannah Southgate, was accused of poisoning her first husband, but unlike May and Chesham she was acquitted of the charges.

The lack of any executions of men in Essex for over seventeen years, and the fact that no women had been executed in Essex for over four decades begs the question why two women were executed in such a short space of time. In this thesis I examine how femininity was constructed within legal, media and political narratives in the nineteenth century and the resulting competing nature of these gender constructions. The detailed critical examination of femininity and its construction in these cases adds to scholarly understanding about female criminality during the mid-nineteenth century and to the broader understanding about transitions in femininity during this period.

Different source material illuminates the varying and competing narratives about gender and class, predominantly about Chesham, May and Southgate, but also other characters involved in the cases. There are inconsistent representations of each of these women in the various narratives found within those sources. In order to complete the detailed critical

² <http://www.capitalpunishmentuk.org/fempubli.html> (accessed: 01/04/2009).

examination of these three cases I moved beyond searching only newspapers for their versions of events and the women. I use not only newspapers to discover competing narratives, but also petitions for mercy, debates in Parliament, social commentary in journals and magazines, personal correspondence as well as witness depositions at inquests. In this thesis I seek to discover the competing narratives of femininity that emerged of the three women from these sources, and identify which narratives eventually gained authority and status over others.

By the end of 1848, Essex and the rest of England were deeply interested in murder due to the emerging reports about the poisonings occurring in Essex (Ward, 2005; Knelman, 1998; Robb, 1997; Bartrip, 1992). Inquests were held in the cases of men who had died suddenly in the villages of Wix and Tendring (where Mary May and Hannah Southgate were originally from), and in the neighbouring locales that May and Southgate were known to frequent, for example the towns of Ramsey, Manthorpe, Tendring and Bradfield. Londoners especially viewed these poisonings as acts of brutal and uneducated rural folk: rural England was considered to be rife with barbarian and uncivilised men and women (Rowbotham, 2005). Although bodies were exhumed no evidence of poisoning could be found. The “poisoning rings” which the newspapers and authorities (police from Scotland Yard, the Home Office, and local magistrates) were convinced operated in Essex couldn’t be shut down. The fear of poisoning rings was linked to a fear of women covertly disposing of unwanted husbands and children (Knelman, 1998; Robb, 1998). Evidence of any poisoning rings in operation during this period were not unearthed, however, in the public consciousness the threat of women joining together to poison could have been considered a reality (Wilson, 1972). That poisoning rings were considered a reality by their contemporaries indicates that female poisoners were feared and considered unexplainable in any other form than women working in groups to undermine male authority.

Mid-Nineteenth Century English Society

Society was changing dramatically during the mid-nineteenth century, illustrated in part by the move to grant greater rights to women. The process of garnering support for granting married women property rights began in this period, with John Stuart Mill as one of the strongest male supporters (Caine, 1997). Women were also involving themselves in the activity of the Chartists and would give public lectures bringing together the issue of Chartism with women's rights, specifically in favour of women's suffrage. As Caine notes, 'the emergence of mid-Victorian feminism coincided with an increasingly large public and philanthropic role for women that involved organized activity undertaken in close association with groups of other women' (1997, p. 89). However, the women's movement was 'a middle-class movement, drawing many of its ideas from the liberal economic and political beliefs that were so important for the middle-class, and making extensive use also of a distinctively middle-class ideal of womanhood' (Caine, 1997, p. 89). Working-class women had their lives and actions interpreted through a lens that only understood the social and gender values of the middle-class (Knelman, 1998; Walkowitz, 1980, 1992). Their lack of education and employment prospects, coupled together with their sex, resulted in a lack of opportunity. Thus, the threat to English society was assumed to come from working-class women who, it was believed, threatened to subvert the ideal femininity espoused firmly by middle-class women, and the new Queen, Victoria (Smart, 1992; Muir, 1996). As Foyster notes:

marriage, and motherhood that was assumed to follow, were goals for middle-class women in a society where spinsterhood and widowhood held so many economic and social uncertainties. But while being a wife signalled adulthood, authority and usually governance over a household, it also required a woman to assume a gender role of

subjection and obedience to her husband. The institution of marriage was intended to be the bedrock of the patriarchal ideal where women were subordinated to men, and husbands ruled over and dominated their wives (2005, p.9).

The role of women (working-, middle- and upper-class) was to act as nurturers and the moral compass of their families. Women who committed murder and did so by poisoning their children, husbands and brothers threatened that gender role, and thus subverted patriarchal authority. The gender norm expected women to be the ones who prepared the food, tended to the household and cared for the ill. Poisoners, according to the public imagination, chose to slip their arsenic in a cup of tea, a pudding or a pie, and then refused their victim the medical care they required all the while pretending to tend to their victim (Scollan, n.y; Tunstall, 1849). Women were thus imagined capable of murdering their husbands and children whilst being seemingly good women and completing their duties of food preparation and caring for the sick (Knelman, 1998; Robb, 1997).

In this research I argue that the competing representations of femininity contained within the source materials offer an opportunity to explore key aspects of the gendered transformations of British society in the mid-nineteenth century. The narrow date range (1846-1851) is chosen for my research for several reasons. Firstly, as mentioned above, poisoning rings were part of the cultural imagination and were expressed as something that would result in the end of patriarchal authority.

Secondly, previous research into female criminality (Zedner, 1991; Knelman, 1998; Feeley and Little, 1991; Arnot, 2004; Brabin, 2003 amongst others) has not concentrated directly on how representations of femininity changed during the mid-nineteenth century or how society responded to criminal women. The early and mid-nineteenth century saw rapid advancements in the area of the sciences, and medicine in England and all throughout

Europe. With these advances came the desire for the professions to be offered more respect. The move by scientists and doctors to be positioned more centrally in court cases are cited as reasons for the relabelling of criminal women from being defined as “bad” (early nineteenth century) to “mad” (late nineteenth century), with limited attention to the mid-nineteenth century and how society responded to criminal women (Whitlock, 2005). The third reason for limiting the time frame for the research is from a methodological point of view. Microhistory has legitimised the narrow time scale in historical research and has shown that a narrow date range coupled together with a complex array of source material can produce in-depth readings of events and individuals which supports and illuminates social transformations in a different way than the more traditional grand narrative historical approach (Ginzburg, 1989, 1999; Muir, 1991; Szijarto, 2008).

This five year time span (1846-1851) saw an increased fear, in England and around the United Kingdom, about the perceived rise in poisoning crimes committed by women (Robb, 1998; Knelman, 1998). This coupled with the stricter sentences imposed on women found guilty of poisoning related crimes indicates a shift in how criminal women were dealt with by the courts, the media and their communities. Inquests were not randomly started in counties around England to determine if other husbands in the vicinity of an accused woman had been poisoned. In contrast, in Essex inquiries and inquests were started by the coroner, Charles Carne Lewis, in the villages around Essex where Mary May and Hannah Southgate lived. Prior to Mary May’s conviction and execution in 1848, numerous women had been tried for using poison, especially arsenic, to kill or attempt to kill family members, Sarah Chesham had been one of these women. The cases of the other women though did not appear to have held the same interest for their contemporaries nor were their cases appropriated in the same manner by discourses about femininity and crime. The women had either been acquitted of the charges or, if found guilty, were transported for 10-15 years (for attempted murder) or life

(if found guilty of murder) (PRO HO 27). The jury sought mercy for May, and many people signed a petition for the execution to be commuted to life in prison, and thus it appears that the community closest to her did not wish to see her die (PRO ASSI 36/6). Yet she was executed, as was Chesham two years later. This was at odds with the precedent in Essex showing that judges and juries had previously been more lenient on women on trial (PRO HO 27). There is an indication that there was something happening, that a change was occurring within the political and legal establishments that lead to the severity of response in May and Chesham's sentencing when compared to earlier trials in the county.

The object of this research is to identify, therefore, through the available local and London newspaper articles, witness depositions, personal letters, and other archival documents, the competing representations of femininity in social and legal responses to female poisoners in mid-nineteenth century England, and to show how a close investigation of these cases can illuminate key social transitions in social constructions of femininity.

The value in incorporating microhistory with a feminist historical reading of the cases, as well as a focus on discourse within the sources, is that a close reading of these documents permits a focus beyond the individual to the greater society around them. This enables a deeper understanding about femininity and criminality during the nineteenth-century and contemporary responses to women who used poison to kill. Literary techniques for reading and analysing historical sources, and discovering narratives in historical sources, have been incorporated in historical studies about domesticity, women's work, children and other areas of interest to feminist historians, but have not been as extensively applied to issues of gender and crime (Wiener, 1990).

In Chapter One I examine existing research into gender and crime, specifically during the nineteenth century, and outline how this thesis can be situated within the existing research field. Previous research has been primarily focused on British middle-class women

committing murder, especially during the latter half of the nineteenth century. The sensational reporting coupled with the social position of these women resulted in their crimes receiving not only nation-wide newspaper coverage but also interest from authors such as Wilkie Collins and Charles Dickens. Working-class women rarely received the same coverage. Class differences were strongly defined during the nineteenth century with social expectations shaping the varied dress, language and marriage codes of each class, for example, a lower class woman wearing clothes considered above her station could be labelled a prostitute (Valverde, 1989). Working-class women, due to their position in society, rarely came to the attention of authorities and reporters because their crimes weren't particularly newsworthy. I describe in this chapter key existing research that has focused on working-class women and crime, and which emphasises the "female crimes" of infanticide and prostitution in order to situate the thesis and its focus on murder by poison.

Chapter Two provides an overview of the methodology employed in this study. In this chapter I discuss the merits of using a microhistory approach to inform my research, focusing on a narrow date range, with an interest in the *normal exception* (Magnusson, 2006a, 2006b). This phrase refers to average men and women who became involved in an event, movement or situation which resulted in their coming to the attention of the authorities who then included them in the story about the event, movement or situation. In line with a microhistorical methodology I use wide-ranging primary source material as the basis for the research. I also draw from feminist historical research. Feminist historians have turned to using broad ranging sources in order to research and write women back into history. In this thesis I make use of the theories of feminist scholars about legal and media narratives, and how the traditionally conservative institutions of law and newspapers depict and respond to women who are deemed to be crossing societal gender norms.

In Chapter Three I discuss the debates around gender and crime, specifically poisoning during the mid-nineteenth century with a focus on the *Sale of Arsenic Act* of 1851 and how it was connected to a rising interest in criminal women and poisoning crimes attributed to women around England. As I argue in this chapter, poisoning was not unique to women. Although, in total, more women than men were arrested and found guilty, the numbers between the sexes wasn't large enough to label poisoning an exclusively women's crime. In this chapter I illustrate how poisonings were represented as the preserve of women, particularly those who were presumed to have contravened appropriate femininity.

Chesham's case sets the scene for my analysis of competing narratives of female poisoners during the five year period of 1846-1851 because hers was the first major case involving a woman using arsenic to kill in Essex since 1836. Chapter Four focuses on the two instances when Chesham was on trial (four separate deaths) and the resulting narratives that appeared in the newspapers, the witness depositions and personal correspondence to explain her heinous crime. In this chapter I argue that while the newspapers sought to portray her as a bad woman, they were unsure about what aspect of Chesham's behaviour or crimes defined her as a guilty woman. For some newspapers her actions conjured up enduring images of witches and witch-like behaviour which predominated throughout the wider community in Essex and particularly, the countryside; for others the focus was that she was an unfaithful wife and bad mother. The chapter shows that because no motive could be found in her alleged crimes, the legal and media narratives were concerned with establishing whether or not she was a good mother and wife in order to determine her criminality.

The narratives that emerged of May in the newspapers reflected increasing fear that the poor were exploiting burial clubs (a form of life insurance) to get rich, more specifically that women were slowly destroying their families in order to become wealthy. Essex was again in the newspapers, this time with the focus on the trial of Mary May for the poisoning death of

her half-brother. In 1848 May became the first woman to be executed in Essex in over 40 years. The penalty meted out for the crime was far greater than expected - the jury recommended mercy and life in prison, not execution. The focus of Chapter Five is May's trial and the responses to her crime and punishment. When seeking to have May's penalty overturned, petitioners reordered events and witness depositions to present to the government an alternative narrative to the crime, claiming that they, not the court, presented the true story of her half-brother's death. This chapter examines these competing narratives and argues that while May was depicted as having rejected demure sexuality and submissive domesticity (instead being constructed as a money-hungry, deceitful woman by the press and the court), her conformity with women's allotted role was emphasised by the petitioners to encourage the court to give due regard to her experience of being a duped woman. As this chapter shows, May and her case were appropriated for numerous causes and her femininity was constructed in each narrative according to the different ends of each individual, group or organisation.

Following May's execution, one of her friends, Hannah Southgate, was tried for the murder of her first husband, Thomas Ham. Interest in and outside the courtroom was on Southgate's affair with a local farmer rather than on whether or not there was evidence of poisoning. Chapter Six focuses on Southgate's case and the resulting narratives that emerged from the witnesses, especially the main witness against Southgate, Phoebe Reed. The prosecution remained preoccupied with Southgate's sexual history, as recounted by the witnesses, as well as her behaviour in the household. In this chapter I argue that even though the evidence to establish guilt was stronger in Southgate's case, the focus in court and in the newspapers was on establishing whether the female witnesses in the case adhered to prevailing expectations of good womanhood. When it was revealed that Reed was separated

from her husband, and that she had given birth to four children out of wedlock to four different men, her evidence was discredited by the newspapers, judge and jury.

Following my analysis of the cases of Chesham, May and Southgate, the concluding chapter reflects upon the significance of these three cases. This section draws together the ideas and arguments presented within this thesis, and explain how the analysis of gender, previously underutilised source materials, and the interdisciplinary method of this thesis contributes to the fields in which this work can be situated.

The key research questions that guide this research are: *What narratives about femininity exist in available sources regarding female poisoners from the mid-Victorian era and how can these narratives enable us to better understand the contradictory and competing constructions of femininity in nineteenth century England?*

In addition there are a number of subsidiary questions that frame the analysis and these are: What images of femininity are contained within the available historical sources? How are the expectations of women and female criminals described within the sources? Which of the images, expectations and narratives about womanhood received emphasis in these cases? What understandings of femininity and womanhood in mid-nineteenth century England were mobilised in the cases of Sarah Chesham, Mary May and Hannah Southgate? Why were certain narratives of femininity and guilt or innocence privileged over other narratives? The thesis seeks to illuminate what these narratives tell us about the changing understanding of femininity and criminality during the mid-nineteenth century.

This thesis examines these questions through a careful reading of the sources, not to identify the guilt/ innocence/ motive of each woman but in order to highlight the culturally specific stereotypes that were underpinned in the legal and popular narratives of Chesham, May and Southgate. At this point it is worth noting that the only reason why these three women appear in written records, beyond the parish records of their births, deaths and

marriages, is because they were tried before courts having been charged with the most serious of crimes – murder. Presumably had these women not committed these heinous crimes and quietly led their lives in their villages then their stories would likely be lost to us now. Thus it is their breaches of the law and the norms of gender that has provided this unique opportunity to examine in greater detail what their contemporaries understood appropriate femininity to be and the changes in understandings about femininity and masculinity that were taking place during this period.

The overarching aim of this work is to contribute to existing literature around nineteenth century British women and crime by incorporating a greater use of archival documents and by focusing my analysis on legal and social narratives, and in doing so, move beyond current historical debates about women and murder. The image of murderesses who killed primarily for reasons of poverty induced necessity, or out of sense of desperation is true for a lot of cases. However, these are not the only explanations that can be put forward for understanding the motives of working-class women who killed. By attributing poverty as the sole motivator to women's crimes prevents such women from being written into the criminal record as agents capable of deciding for themselves whether or not to kill. Each narrative affords a broader picture of English crime, society, class and gender, and key gender issues that were in play at this time. In this thesis I utilise aspects of microhistorical methodology in order to interpret the wide array of source materials within a feminist historical framework. I combine this approach with key insights that frame Foucauldian discourse analysis, and in doing so, offer a new and innovative approach to investigate the relationship between women and crime. The findings of this research stand to advance current understandings of British society and gender in the mid-nineteenth century.

The focus of the next chapter is regarding changing perceptions of female criminals and criminality during the nineteenth century. Crime was declining throughout the late-eighteenth

century, a trend which continued all throughout the nineteenth century too. However, certain crimes elicited concern. In the chapter I discuss how the crimes of infanticide and prostitution were considered crimes committed solely by women and the effect that women's crimes had on societal discourses about gender, the family and women's criminality.

Chapter One

Crime in Nineteenth-Century England: Decline, Causes and Concerns

Decline of Crime: Changes in Crime Reporting, Knowledge and Enforcement

Mid-nineteenth century British society was experiencing massive upheavals: the Chartists were demanding voting and property rights for all men, the increased urbanisation of England led to squalid conditions in cities, poor harvests, economic depression, and the call for more rights for women were among the other events that were leading to a feeling of destabilisation during this period (Davies, 2000; Lee, 1999). The Chartist movement, although short-lived, divided the well-off from those who had little, and supposedly threatened the security of the middle and upper-classes (Davies, 2000; Lee, 1999). The poor harvests led to an increase in food prices, the worst affected region being Ireland where the Great Famine occurred between 1845 and 1852. The poverty in urban centres also rose due to the influx of rural workers seeking employment in the cities (Best, 1971; Paterson, 2008). Thus, the years between 1840 and 1850 were characterised by social instability (C. Emsley, 2005; Davies, 2000; Lee, 1999). As historians have noted, prisons and transportation to the colonies were increasingly used by the state as a means of controlling criminals (C. Emsley, 2005). The domination of the state over individuals became stronger and more centralised during the nineteenth century (C. Emsley, 2005; Wiener, 1999; Knafla, 1990).

Studies of crime in nineteenth-century England show that the number of men, women and children being indicted for crimes was steadily decreasing throughout the century (Feeley and Little, 1991; Zedner, 1991; C. Emsley, 2005; Briggs, Harrison, McInnes & Vincent, 1996; Knafla, 1990), and there is broad agreement amongst scholars that this was a flow-on from the decline in crime by the end of the eighteenth century. This decline was most

noticeable during the second half of the nineteenth century when, as Briggs et al note, 'the trends were generally downwards. Trials for indictable offences per head of population fell by 43% between the early 1860s and the end of the century' (1996, p. 177). Although the overall trend was down, various years throughout the nineteenth century saw larger numbers of people charged for all varieties of crime from theft through to murder. The return of men from the Napoleonic Wars after 1815, food riots especially during the 1840s, and political protests throughout the years of 1815-1845 all saw the numbers of prosecuted rise (Feeley and Little, 1991; C. Emsley, 2005; Briggs et al, 1996). Social upheaval, the return of men from European wars and economic turmoil all had an impact on the number of crimes committed.

There was a noticeable drop in instances of homicide and theft during the nineteenth century in England, though homicide incidences had gradually been decreasing prior to this century (Sharpe, 1999). As Sharpe notes 'studying crimes of violence, especially homicide, gives the impression of a shift from a more to a less brutal society' (1999, p.86). Although it is difficult to estimate the number of homicides reported to the authorities prior to 1857 (when crime began to be recorded and official statistics compiled), it is estimated that there were 1.5 homicides per 100,000 population, peaking at 2 per 100,000 in 1865 (Feeley and Little, 1991). By the end of the 1880s, the figure had dropped to 1 per 100,000 which remained through to the twentieth century, averaging at approximately 400 homicides per annum (Briggs et al, 1996; C. Emsley, 2005). Theft however had gradually been increasing during the second half of the eighteenth century, rising steeply between 1800 and 1820 and only beginning to drop slowly after 1840 (Gatrell, 1980). Crime was primarily against property and not the person even in the nineteenth century, with approximately 10 percent of crimes being against the person (Briggs et al, 1996). When crimes were committed against a person it was normally men harming other men (Weiner, 2004). However, the victims of

female perpetrators were normally babies and children, and so infanticide was seen solely as a female crime. Poverty and economic hardship were not considered by Victorians as an acceptable reason for committing theft, robberies or pick pocketing (C. Emsley, 2005; Briggs et al, 1996). As C. Emsley states, ‘bad, uncaring parents, drink, the corrupt literature which glamorised offenders, and a general lack of moral fibre continued to be wheeled out as causes of crime’ (2005, p.73).

The decline in crime during the nineteenth century has been linked to a range of factors: societal ordering (Briggs et al, 1996), self-policing within neighbourhoods and communities (Zedner, 1991; Feeley and Little, 1991), the establishment of the police force (C. Emsley, 2005; Gatrell, 1980), and the “civilising” of society, especially the working classes (Wood, 2004; Wiener, 2004b; Rowbotham, 2005). The “civilising” process that Wood (2004), Wiener (2004b) and Rowbotham (2005) describe was the move towards more restricted social, moral and gender mores than in the eighteenth century. The restriction was seen as a necessity by those living in the nineteenth century in order to preserve decency and exalt the virtues of good femininity, masculinity and upright citizenship. The increasing economic and political strength of the middle-class, as they became the leaders of English society due to the Industrial Revolution, is linked to the civilising process already underway on the working-class whether through campaigning for the abolition of brutal sports (Wood, 2004), changes in the courtroom (Wiener, 1999, 2004) or the expansion of the British Empire (Rowbotham, 2005). It was the expanding middle-class who pressed for a move toward restricting behaviour which was considered base or animal-like (Weiner, 2004; Wood, 2004; Rowbotham, 2005). The acceptable behaviour that was championed by the middle-class was considered applicable to the working- and upper-classes. There was a push for all to turn away from violent sports and activities, and the policing of violent behaviour especially of male violence aimed at women and children increased (Weiner, 2004; Wood, 2004). This

process of creating a gentler society came with the move to restrict women to the private sphere. The public sphere was seen to be full of dangers for the gentle nature of women. As Wiener writes, in the Victorian era there were 'rising concerns about both sexual appetite and aggression' (1990, p. 35). This concern with bridling sexual desire as well as aggression (both considered reasons for criminal behaviour and activity) was mounting throughout the nineteenth century even though the actual number of crimes was consistently dropping. However, there was growing concern about the "barbarity" of the working-class. During the nineteenth century, as D'Cruze has noted '...working class violence was constructed as a social problem highly visible to contemporaries and well documented (2005, p. 3-4). The push for a domestic ideal where women remained home and kept house while men worked only offered protection to some women. As Clark notes, 'the domestic ideal promised protection only to those women seen as "obedient, submissive and incapable of defending herself"...if a woman asserted her own rights, magistrates would stigmatise her as a shrew who did not deserve protection' (2005, p.34).

Societal ordering, as argued by Briggs et al (1996), invoked individual motivation as the cause to do what was right, to stand well with peers and with God, and to be kept in check by the informal disciplines of family, factory, congregation and the great estate. The individual's motivation was to keep their reputation good and free from blemish. Zedner (1991) and Feeley and Little (1991) see the informal disciplines at work also in discouraging the appeal of committing a crime, especially for women. Rather than family, factory, congregation or the great estate as checks on the individual, Zedner, Feeley and Little identify the direct neighbours of the household and the gossip of the street as factors which would curb the desire (especially of a woman) to commit crime.

The establishment of a professional police force did have an impact on the number of crimes committed. Their presence did act as a deterrent for many (C. Emsley, 2005), but it

cannot be the sole explanation for the decline in numbers. Prior to the establishment of the police force in its most rudimentary form around 1829 (Bailey, 1981), prosecutions were generally led by individuals against one another (Briggs et al, 1996). Thus, the reporting of crime or the initiation of criminal proceedings was not at the sole discretion of the state but could be initiated by the individual who had been wronged or harmed (Bailey, 1981; Briggs et al, 1996). The police were lax in initiating criminal proceedings even in 1845 when ‘criminal law commissioners were complaining of the “loose and unsatisfactory manner” in which prosecutions were brought’ (Briggs et al, 1996, p.124). C. Emsley attributes the low incidence of crime reporting from individuals to their ‘social, economic and political context that changed from decade to decade, even from year to year. In some years the context may have provoked a ferocious response to a particular offence, in others the response could have been far more lenient’ (2005, p.25). The creation of the Metropolitan Police in 1829 led to the gradual change in British society from private criminal apprehenders (Bailey, 1981) who in the past had been responsible for arresting criminals.

The police force was only one aspect of the changes that were taking place within the criminal justice system. The other was the repeal of the “Bloody Code”. The Bloody Code referred to the hundreds of crimes that were punishable by death, including theft of anything worth over 12 pence, forgery, and petty treason (e.g. a wife murdering her husband). As Bailey notes, the link between policing and punishment was ‘derived from the conviction that an effective system of criminal justice required both a mitigation in the severity of penalties and a reformed and efficient police’ (1981, p.11). Reformers of the Bloody Code believed that prison time could be as effective in stemming the number of crimes committed as the death penalty for hundreds of crimes (C. Emsley, 2005; Briggs et al, 1996). As C. Emsley states:

Reformers such as John Howard paved the way for improvements in the prison system which, it was believed, would give offenders the opportunity and the time to reflect upon their evil ways, and in consequence, reform themselves (2005, p. 11).

The Bloody Code often led to, as C. Emsley notes, ‘juries [bringing] in verdicts reducing the value of property stolen to bring the accused out of range of a capital statute; such behaviour was connived at, or often directed, by the judge’ (2005, p. 197). Jury reluctance to sentence people to death, and the wider calls for reform to the criminal justice system led to the repeal of the Bloody Code.

The establishment of the police force was not met with favour amongst the lower-classes, and an early issue was the violence exhibited by police officers. As Barrett and Harrison write ‘the new police were poorly trained and up to a third of the early recruits left their respective forces within a year. A symptom of this was the accusation of over-zealous behaviour almost as soon as the first officers set foot on the streets of London’ (1999, p. 235). Working-class suspicion of the efficacy of the police and general distrust of them wasn’t unfounded. Early on in the creation of both the Metropolitan and provincial police forces, the police were ‘renowned for inefficiency, indiscipline (notably drunkenness) and a massive turn-over of constables’ (Bailey, 1981, p.14). The police force was considered necessary to stem the immoral practices of the working-class, but there was outrage at injustices committed against the poor by the police and by extension, the courts (Bailey, 1981; C. Emsley, 2005). Regarding the case of a poor man killed after being bashed (in an unprovoked attack by a Police Constable on Coronation Day in 1831) and the consequential acquittal of the PC because of the jury’s lack of interest, a newspaper asked ‘what is there in us that property alone can make our lives either dear or valueless’ (*Poor Man’s Guardian*, Sept. 24, 1831). The reporter pondered that ‘had his [PC William Kinsman] poor victim been a “lord”

would these jurymen have been so satisfied without further medical advice and investigation?’ (*Poor Man’s Guardian*, Sept. 24, 1831).

However, the middle-classes were generally in favour of this new crime fighting force, as Bailey argues, because ‘in the 1830s and 1840s, urban disorder was thought to presage an upsurge of the “dangerous classes” against which the old techniques of policing would be inadequate’ (1981, p.12). There were moments when the police were considered to have greatly overstepped their mark. *The Times* reported about ‘a most disgraceful occurrence’ regarding a ‘most respectable gentleman’ who was ‘literally dragged along the street until his arm was nearly dislocated’ (Oct. 6th, 1829). The reorganisation of power in the community, and centralising of this to a police force and the changes in the legal establishment was, as Bailey asserts, due to a belief that ‘a professional and bureaucratic control of urban and industrial society would...insulate the powers that be from popular animosity, at the same time as effectively combating crime and disorder’ (1981, p.12). From towards the middle of the nineteenth century a more centralised state could be seen emerging in England. The police force, so vehemently opposed at its inception all over England and especially in Essex (Steedman, 1984) was by the mid-nineteenth century becoming an increasingly accepted part of English life. Inquests into suspicious deaths were developing into professionalised affairs as coroners became more experienced and more medical experts were sought to give evidence (Burney, 2000). The increased state control over the prosecution and conviction of offenders also led to a reappraisal of crime, acceptable and unacceptable crime and violence,³ and actions of individuals (C. Emsley, 2005; Wiener, 1999, 2004b; Wood, 2004; Briggs et al, 1996). This was partly influenced by changing

³ Linked to nineteenth century ideas of masculinity and masculine behaviour predominantly. Acceptable violence included the verbal and physical chastisement of a “wayward” wife, although the beating of women was outlawed, judges and juries would turn a blind eye to but the most bloody of beatings. Unacceptable violence, for example, could be when a man who had married above his station decided to beat his wife-questions of class would have an important role to play in whether the actions of a man were to be accepted by the legal system (Weiner, 2004b).

gender norms that dictated a gentler, more rational nature to be nurtured by men and women across all classes (Zedner, 1991; Feeley and Little, 1991; Knelman, 1998), but also had an influence on perceptions of acceptable behaviour of men and women during the same period (Wiener, 1999; 2004b).

Research into crime of the nineteenth century in England has generated a great deal of scholarly interest, with a primary focus on crime committed in the urban centres of England, for example London (Zedner, 1991; Feeley and Little, 1991; Altick, 1986; Joyce, 2003, Walkowitz, 1992), York (Finnegan, 1979), Liverpool (Brabin, 2003), and Manchester (D'Cruze, 2000). The urban centres around England afford a greater sample of crimes available for investigation due to the increase in population in cities throughout the nineteenth century. For example in 1861 in London there were 1,104 inquests held into cases of infanticide (Sauer, 1978). Although county-wide studies of crime exist, these are generally for periods before the nineteenth century (Sharpe, 1981; 1983; Cockburn, 1981; Gattrell, Lenman & Parker, 1980). There has been less research into rural England and the various reactions to crime committed there during the nineteenth century. In consequence, this research seeks to fill this gap by examining representations of femininity and crime during this period and in doing so focuses on a particular area of England and English life which has been overlooked by traditional history.

Gender and Crime in the Nineteenth Century

Although statistics illustrate a downward trend for the prevalence of crime there was an increase in anxiety surrounding the perceived threat posed by women who committed crime during the nineteenth century. The incidence of criminality amongst women was a conundrum for Victorian social commentators. They were surprised by the number of women committing crimes (Zedner, 1991), their perceived lack of morality (Walkowitz, 1992;

Mahood, 1990), and by the fact that these women appeared to be just as capable of committing murder as men (Hartman 1973, 1977; Knelman, 1998). As Knelman notes 'the justice system expected women to be the victims, not the perpetrators, of serious crime' with the press 'regularly registering profound shock, contempt, disgust and dismay at the increasing evidence that women were killing members of their own families' (1998, p. 228-9). Commentators of the late nineteenth century expressed their opinions about possible causes of this behaviour in women, the most famous of which was Cesar Lombroso with his work, *The Female Offender* (1898), who claimed that phrenology and evolutionary biology offered the answer to why women committed crime. According to Lombroso, because women were not as evolved as men, women were likely to commit crimes with more malice, and the proclivity to commit certain crimes would be written on the woman's face, in the texture of her hair, or in the circumference of her thighs (amongst many physical properties that were examined). Even though criminality was said to be visible to the eye, the female criminal was more difficult to detect than the male criminal. As Lombroso notes, 'the female criminal exceeds the male criminal only in the greater number of wormian bones, in the simplicity of her sutures, in anomalies in the palate, and of the atlas' (1898, p. 27). All these anatomical markers of criminality were hidden from view until an autopsy could be performed. Lombroso further contends that the criminal woman was physically more like a man (criminal or "normal" as Lombroso states) than a "normal" woman (1898, p. 28). However, criminal women and prostitutes were not physically alike- women who killed, for instance, were likely to have 'a very heavy lower jaw' as opposed to prostitutes who would have a 'narrow or receding forehead' (1898, p. 28).

Lombroso's idea of the underdeveloped/unevolved woman being more inclined to commit crimes and fall from grace more readily than a man was not a new idea. Lombroso was only expressing a long held belief that women were inherently more dangerous than men

due to their secretive natures (Knelman, 1998; Finnegan, 1979; McHugh, 1980). Women could be seductresses who would cause the downfall of respectable men (Finnegan, 1979) as well as heartless individuals capable of killing their offspring (Sauer, 1978). Zedner (1991) argues that observers such as Lombroso chose to “see” traits in women, which represented the anti-thesis of the feminine ideal and link it with female crime. Knelman argues that Lombroso saw ‘the born female criminal [a]s...a double exception, as a criminal and as a woman...and she is therefore more monstrous’ (Knelman, 1998, p. 230) Atavism was a more accepted theory for the prevalence of crime in England than the economic argument (C. Emsley, 2005). It was believed that a fallen/criminal mother would pass on her immorality to her offspring (C. Emsley, 2005; D’Cruze, 1998; Briggs et al, 1996).

An outstanding source for statistics and information about female criminals and their involvement in the criminal process throughout the nineteenth century is Lucia Zedner’s *Women Crime and Custody in Victorian England* (1991). Using sources from the Old Bailey, Zedner charts the involvement of women in crime and attempts to explain the decline in the number of women finding themselves in court or imprisoned. Although Feeley and Little (1991) (likewise using records from the Old Bailey) agree that the number of women involved in the criminal process was on the decline throughout the century, opposing conclusions are offered. Zedner proposes that the reclassification of criminal women from morally bad to being feeble-minded, weak and mad led to fewer women being incarcerated and more being moved out of the criminal justice system. As Whitlock notes, crimes committed by middle-class women, such as shoplifting, led to the creation of what doctors by the end of the nineteenth century labelled a women’s psychological condition, kleptomania (2005). Whitlock states that ‘beginning as a genderless, if not classless, ailment the kleptomania diagnosis slowly developed throughout the nineteenth century to become the favoured explanation for cases of female middle-class shoplifting’ (2005, p.3). The rise of the

consumer culture within the United Kingdom during the nineteenth century was seen to pose a threat to the morality of women. It was believed that the choice of consumer goods, as well as the increased freedom to spend more time outside of the domestic realm could weaken the principles of women. However, in the mid-century the concern was not with middle-class women but working-class and their perceived propensity to kill for gain. Hunt argues that ‘contamination of femininity and domesticity by economic interest ... [was] already ... associated with infanticide in the popular imagination (2005, p. 79).

Various defences to crimes such as shoplifting, as well as infanticide and suicide attempts were created. For example the defence of brain fever, or insanity were often used as defences to crimes committed by women. These defences, Whitlock argues, ‘hint at the evolution of a medical concept that alleviates the responsibility of the respectable, female criminal’ (2005, p.185). This was part of the general shift from the punishment of the accused to the medicalisation of the criminal (Wiener, 1990). Women who killed also saw the shift from bad to mad womanhood being used to explain their crime (Zedner, 1991; Hartmann, 1977; Knelman, 1998).

On the other hand, Feeley and Little suggest that the reason for the drop in numbers of female crime is due to a change in social control because of the rise of the private, family sphere along with the rise of industrialisation during the nineteenth century. As Feeley and Little argue, women were not always marginal in the criminal process- in fact during the eighteenth century women made up 45 percent of those charged with felony offences (1991, p. 719). However, as societal changes with regards to gender expectations transformed throughout the eighteenth through to the early nineteenth centuries, the number of women being charged with crimes began to drop. As Feeley and Little argue:

this was a period in which women's lives, and more particularly forms of social control of women, were substantially altered. This

transformation took many forms: women became less inclined and able than men to engage in activity defined as criminal, and women were less subject to the criminal sanction as other forms of more private control emerged (1991, p. 741).

Feeley and Little conclude the move of women from the public to the private sphere led to the resulting drop in female criminals. However, as Gordon and Nair write the separate spheres theory (that men took active part in the public and women were relegated to the private sphere) is narrow and researchers 'ha[ve] to...move beyond [this theory because of] the limited outlook which it provides' (2003, p.3). The boundaries between private and public spheres were becoming increasingly blurred throughout the nineteenth century, and insisting that the drop in female offenders was due to women's seclusion in a purely private sphere restricts an understanding of female criminality and the corresponding changes in nineteenth century society. Although women were expected to remain at home as dutiful housewives and daughters, this was rarely an option for working class women who had to work outside of the home in order for the family to survive (Knelman, 1998; Finnegan, 1979; Walker, 2003). C. Emsley points to various crimes often not associated with women such as fencing, acting as informants to poachers, stealing milk, poultry and wood, and pick-pocketing, crimes which women who worked outside of the home regularly committed (2005, p.95-6).

Female Crimes: Infanticide and Prostitution

Although women committed a variety of crimes, there were two crimes in particular that became inextricably linked to women: infanticide and prostitution. In earlier centuries there was another crime, witchcraft, which was considered the sole preserve of women. These typically female crimes (infanticide, prostitution and witchcraft) have been the focus of researchers interested in women and crime. Walkowitz (1980, 1992), Mahood (1989), and

Finnegan (1979) researched how and why women became involved in prostitution and the criminalisation of women who refused to abide by societal prescriptions. Scholars such as Arnot (2004), Behlmer, (1979), Homrighaus (2001), Hunt, (2006), and Sauer (1978) have investigated how the laws changed in regards to infanticide throughout the eighteenth and nineteenth centuries and how women were gradually acquitted of killing their infants or charged with lesser crimes.

The most common crime for which women came before the assize courts was infanticide (C. Emsley, 2005; Knelman, 1998). Infanticide is defined by Sauer as ‘the deliberate killing of an infant by violence or wilful neglect. Some nineteenth-century writers included under infanticide death brought about by ignorance or wilful negligence’ (1978, p.81, f.n.1). Infanticide was associated mostly with working-class women, because the aspects of neglect, violence and ignorance were attributed to women who lacked education, moral training and maternal feelings; these characteristics were all considered the domain of working-class women and central to infanticide (Knelman, 1998; Sauer, 1978). As Knelman states ‘the murder of infants...seems to have been widely used by the poor as a sort of retroactive, hopeless method of birth control’ (1994, p. 1). Officially, only 76 children were recorded as being murdered in England and Wales between 1838 and 1840, representing 34 percent of all murders during this period (Sauer, 1978). Arnot states that the supposed large number of infanticides led ‘some commentators [to claim that] England was awash in rivers of infant blood’ (2004, p.56). This in turn led to ‘some medical coroners ... [having] an unfortunate tendency to assume that most infant bodies that came before them were murdered’ (2004, p. 56).

Although infanticide counted for a large percentage of murders, no woman after 1849 was hanged for the murder of her child under the age of one year (Hunt, 2006). Sauer’s argument for this is that ‘public opinion in general regarded infanticide as less heinous than

murder of an adult, and thus not deserving of the death penalty (1978, p.84). Often women were found guilty instead of concealment of birth which carried the maximum penalty of two years imprisonment. For many women infanticide was the only way they or their other children could survive, as Arnot states 'severe poverty was undoubtedly a factor contributing to some unmarried mothers destroying their infants' (2004, p. 57). However, not all forms of infanticide could be so easily overlooked. "Baby-farmers" were women who advertised in newspapers that they would take care of unwanted children for money. Generally they were despised because they would often kill many children, sometimes through methods such as drowning children and sometimes through neglecting to feed them. As Homrighaus notes 'all parties concurred...that baby-farmers were wolves in women's clothing—monsters whose "mercenary" desire for money drove them to commit "depraved" and "wicked" acts' (2001, p. 351).

The causal explanations given for the apparent rise in infanticide throughout the nineteenth century included the rise in poverty, especially in urban centres (Hunt, 2006) and the rise in the stigma for single mothers. Becoming a mother was only to occur within the confines of marriage and only with the husband. Single motherhood was greatly stigmatised—more so in this period than perhaps any time earlier. As Hunt argues, this led to an especially negative image of infanticidal women during the mid-nineteenth century. During this period, infanticidal 'women...were neither innocent nor victims ... [but] ruthless creatures for whom pregnancies and murders were simply calculations intended to promote their economic rise' (Hunt, 2006, p. 73). As Hunt notes, 'though women might experience economic strain, it was beyond thinkable that this would be the force that drove their actions' (2006, p. 72). As discussed later in this chapter, the economic argument for committing a crime, whether infanticide or prostitution, was not deemed an acceptable cause for women to transgress social gender norms. Infanticide began to symbolise more than just the murder of a child as it

‘became a powerful cultural term because it focused anxieties surrounding contemporary challenges to the gendered definition of public and private, threatening to reveal the constructedness of that apparently natural dichotomy’ (Hunt, 2006, p. 90). All forms of violence, including infanticide, were seen as a social ill. Not only was infanticide seen as a social problem and highly visible but it began to be well documented by various committees and social commentators who were concerned about the increasing number of burial clubs being frequented by parents.

The crime of infanticide came to be linked to burial clubs as cases involving mothers (and fathers) insuring their children’s lives for a few pounds began to feed into concerns that these burial clubs were being used for more insidious reasons. As Whorton argues, poisoning for money increased ‘in the middle third of the century, the temptation to poison underwent a growth spurt, stimulated by the rise of the insurance industry’ (2010, p.28). It was, as Whorton continues, the ‘Death Club’ (as burial clubs were colloquially known) that ‘came to be widely regarded as the “prolific mother” of arsenical murder, the institution from which “a new race of poisoners has sprung” ’ (2010, p.31). Hunt argues that ‘the language of business and trade that runs through discussions of infanticide comes to cast women as ever more active entrepreneurs and speculators in infant life and infant death’ (2006, p. 78). Whorton notes that ‘women in general, not just individual females of vicious disposition, were inclined to turn to poison to gain their ends’ (2010, p. 34). There were investigations into burial clubs and the poor law but it was women who became central to these investigations as suspects. As Hunt argues, ‘in the debates over the poor laws, it was women who were most apt to face the accusation of actively attempting to make infant life a source of income’ (2006, p. 77).

During the nineteenth century ‘contemporary opinion often considered that women brought before the courts were connected in some way with prostitution’ (C. Emsley, 2005, p.96). Unlike theft or drunkenness, which were considered to be crimes committed by men

also, prostitution was viewed as a wholly female crime (Walkowitz, 1992; C. Emsley, 2005; Mahood, 1989). Because the women involved with prostitution were considered to have nullified the very idea of morally upright womanhood, many within contemporary society felt that it was a clear indicator of the levels of depravity that women were capable of sinking to, and illustrated the destructive capabilities of unrestrained women on society (Walkowitz, 1992; Mahood, 1989; C. Emsley, 2005; D'Cruze, 1998, 2004, 2006). This, D'Cruze argues, 'fuelled Victorian preoccupation with the symbolic role of the prostitute in society as the personification of disorderly female sexuality and the cultural counterbalance to the chaste middle-class wife' (1998, p.3). Walkowitz states that Victorians 'identified the prostitute literally and figuratively as the conduit of infection to respectable society' (1992, p. 22). The argument that women turned to prostitution in order to survive was not popular during the nineteenth century (Finnegan, 1979; Hunt, 2006), however, there were contemporaries who understood the possible reasons for women turning to prostitution to survive. Finnegan lists the 'initial causes of women resorting to prostitution [as] overwhelmingly poverty, overcrowding, and poor pay, working conditions and employment opportunities for women' (1979, p. 7). However, William Acton, in his 1857 study on prostitution considered women turned to prostitution because of the female character. Finnegan writes that Acton suggested it was due to:

natural desire. Natural sinfulness. The preferment of indolent ease to labour. Vicious inclinations strengthened and ingrained by early neglect, or evil training, bad associates, and an indecent mode of life...To this black list may be added love of drink, love of dress, love of amusement (Finnegan, 1979, p. 7).

There is some disagreement, however, between Walkowitz (1980, 1992) and Finnegan (1979) about how women came to be involved in the sex industry of the nineteenth century in

general. Walkowitz emphasised the agency of the women who turned to prostitution, unlike Finnegan who instead emphasised the passivity of the women when they worked on the streets and in brothels in York. According to Mahood, whereas Finnegan viewed many of the prostitutes of York as being ‘passive victims of male oppression’ who are therefore not ‘full historical agents capable of making their own history’ (Mahood, 1989, p.5-6), Walkowitz came to an entirely different conclusion. She argues that where the women are active agents who choose to sell sex rather than attempt to survive on meagre wages in substandard conditions they were viewed as intrinsically immoral and perhaps beyond rescue. Or as Weiner offers, seeing women who were willing to compromise their morality and social standing for money was part of the greater move during the Victorian era to be ‘concern[ed] about both sexual appetite and aggression’ (1990, p. 35). Prostitutes were imagined as drunken, violent, slovenly women who posed a threat to the physical health and well-being of the nineteenth century family (Finnegan, 1979). As Finnegan notes:

thousands of people already engaged in works of “Rescue and Prevention” were aware of the distinctions between different classes of “unfortunates” and were committed to the rescue and reform even of hardened prostitutes well before 1857 (1979, p.3).

Rather than see these women as criminals their rescuers attempted to rehabilitate them into submissive, docile women to work in factories or marry thereby enabling them to be recuperated within the stereotype of the good Victorian woman.

Walkowitz argues that rather than viewing prostitutes as women needing rehabilitation, they were viewed by contemporaries ‘both [as] an object of pity and a dangerous source of contagion (1992, p. 22). According to Walkowitz, prostitutes were:

the public symbol of female vice [and thus] a stark contrast to domesticated feminine virtue as well as to male bourgeois identity:

she was the embodiment of the corporeal smells and animal passions that the rational bourgeois male had repudiated and that the virtuous woman, the spiritualized “angel in the house” had suppressed (1992, p.21).

However, being able to tell prostitutes and respectable women apart was more difficult than anticipated. Walkowitz argues that ‘although Victorians expected to see the vices and virtues of femininity “written on the body” confusions over identity frequently arose’ (1992, p. 50).

When comparing Walkowitz’s conclusions to those of Whitlock (1999, 2005), Hartmann (1973, 1977), D’Cruze (1998, 2006) and Knelman (1998), the Victorian stereotype of the female criminal (the demure maiden undone by a seducer) may not have reflected the experiences of the majority of female criminals. Rather, as Walkowitz (1980) and Finnegan (1979) illustrate women who appeared before the courts were often not treated favourably and were seen as a threat to British society; to be hated rather than pitied. Hunt has argued ‘the “failure to mother” was increasingly criminalised’ (2006, p.79). Women who refused to adhere to cultural gender norms could find their actions interpreted negatively and the action of not mothering correctly or adhering to one monogamous sexual relationship were strongly punished throughout the era. A woman who was under the influence of a particularly nefarious man could garner sympathy. However, not all women appear to have been swept along by the desires of their male counterparts; women often made a very conscious decision about how and why to involve themselves in crime as the research of Finnegan (1979), Hunt (2006) and Knelman (1998) show. According to many feminist historians, this was very much true for women who turned to sex work to make money or women who killed their children in order not to have an extra mouth to feed (Knelman, 1998; Hunt, 2006; Arnot, 2004; Walkowitz, 1980, 1992). Whitlock (1999) and Hartmann (1973) have shown, for instance, that for some middle-class women it was boredom that led to their criminal

behaviour, whereas Knelman argues that ‘the indifference of many condemned murderesses and the belated conversion of others suggest that the moral education of lower-class girls was neglected’ (1998, p. 226) and this influenced and shaped their criminality.

Men were not immune from the legal system’s attempts to civilise their actions and to promote gentlemanly behaviour especially to women. Middle-class masculinity was undergoing a change during the nineteenth century as were the expectations of middle-class women in the same period (Wood, 2004; Wiener, 2004b). Men were expected to work outside the home and to be the breadwinners for their families; but middle-class men ‘were both present and significant in the home’ (Francis, 2002, p. 639). It was the middle-class who considered themselves the purveyors of morality in the nineteenth century, and cultural gender norms were enforced not only in the home but in newspapers and in the laws passed by Parliament. It was often men who were the object of this process. As Wiener notes ‘men were being described as more dangerous, more than ever in need of external discipline, and most of all, of self-discipline’ (2004b, p.3). Men who were violent, displayed uncivilised behaviour (drinking, gambling), as well as being aggressive to their wives and children would find themselves targeted by the police and the courts (Wiener, 2004b). In serious cases it would be the jury (chosen from the middle-class) who decided the fate of the man on trial, thus it would be the community not the state’s sentiment which still had a great deal of power over whether a man’s actions would be accepted or contested (Wiener, 2004b). Very often in murder cases juries would try to find a way to bring the lesser charge of manslaughter especially if the man was on trial for the murder of his wayward, shrewish wife (Wiener, 1999; 2004b). Amongst juries, and certainly within the media and the legal system, Wiener notes that as the century progressed there was a ‘diminished acceptance of interpersonal violence’, which was ‘seen as barbarism’ (2004b, p. 3-4). Drunkenness would often not be accepted by judges as a defence for murder, and while judges were loathe to accept the

insanity plea from men, juries would prefer declaring a man insane than sending him to the gallows (Wiener, 1999).

The crime most associated with men, beyond murder, was theft. There was a tendency throughout the early nineteenth century to label all young men (aged 18 to 30 years) as potential thieves, at the ready to steal and swindle due to their inherent laziness (C. Emsley, 2005; Briggs et al, 1996). However, the opinion of social commentators from the eighteenth century was that many an honest young man had been led astray by a seductress (often labelled a prostitute), and was often still repeated well into the nineteenth century (C. Emsley, 2005). When a man beat or murdered his wife or lover, or if a man stole or forged documents, women would often find themselves blamed for his actions (D'Cruze, 1998; C. Emsley, 2005; Wiener, 1999). These changing expectations of masculinity reveal that gender norms of both men and women were both a concern to British. Francis has noted the distinctions between the places (or spheres) of men and women often overlapped. As men were significantly present in the family home, women could be found working on social campaigns to improve the lives of the poor, women and children. Some of those campaigning for the rehabilitation of prostitutes or protection of sex workers were middle-class women (e.g. Josephine Butler), while other women chose to campaign for the Chartists (e.g. Elizabeth Pease) or were the force behind the RSPCA (women were 60 percent of the subscribers who helped fund the RSPCA (Caine, 1997; Prochaska, 2008, p. 29). Not all women, even those with little economic need to work, remained confined to the home.

Although researchers have approached the topic of criminality and history in the past, there has been a key focus on newspapers. A number of scholars like Walkowitz (1980, 1992) and Finnegan (1979) have utilised archival materials to investigate the lives and times of prostitutes, which extends our understanding of working-class women outside of London. My research utilises archival sources, such as the witness depositions and petitions, with a

key focus on perceptions of the femininity of poisoners, to examine a range of narratives and the consequential constructions of gender. Incorporating witness depositions, personal correspondence, along with petitions to the government and Hansard records, as well as newspaper articles, allows for the development of a richer picture of British society and how femininity was constructed by the courts, newspapers and socially. There were, however, certain representations of women as poisoners that were dominant throughout mid-Victorian England, as the next section illustrates.

Women as Poisoners

In the midst of increased changes to gender roles and expectations during the mid-nineteenth century the cases of numerous women who had apparently poisoned their children and husbands came to the attention of the authorities. Murderous wives, as Robb states, ‘evoked fears of sexual anarchy and decreasing patriarchal authority at the very time when organized feminism was championing married women’s property rights and advocating increased educational, professional and political opportunities for women’ (1997, p.177). Robb argues that, the interest of contemporaries in the poisoning cases ‘suggests deep-seated anxieties about...the viability of marriage’ (1997, p.176). Many women who used poison were murdering their husbands in order to leave or escape their marriages, and most of them entered into new relationships and married again soon after the deaths of their previous spouses (Knelman, 1998). Even though these fears over women undermining the institution of marriage by poisoning their husbands were very real, for a large percentage of women accused of poisoning husbands remarrying was the only option for survival.

In total, 40 women and 20 men were convicted for killing their husbands and wives with poison during the nineteenth century in England (Robb, 1997). This number is almost negligible when compared to the one thousand husbands and wives killed in England

between 1830 and 1900: of which approximately 90 percent were men killing their wives (Robb, 1997). According to contemporary commentators, some ‘500-600 people per year, many of whom were children, were “ascertained to die” by poisoning in England alone’ (Bartrip, 1992, p. 57): these included accidental poisonings. Even though there was relatively little difference in the numbers of men and women in the 1840s tried for using poison to murder, there was an intensifying fear of women who were thought to have easy access to arsenic and other poisons (Whorton, 2010). There were also concerns that women were forming confederacies in which they shared poison recipes (Robb, 1997). There was alarm that men would not know if they were being targeted by their own wives (Robb, 1997; Knelman, 1998), and that women were willing to kill their husbands for money (Burney, 2006; Ward, 2005). With the media increasingly resorting to alarmist language when referring to these crimes (“More Murders Discovered”, “Poisoning Rings”, “Murders by Poisoning”, “Wilful Murder”- some headlines taken from the *Times* between 1845 and 1850), these cases can readily be understood as a “moral panic”. Cohen who originated the term moral panic, with regards to youth culture in Britain, states that:

societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions...the condition then disappears, submerges or deteriorates and becomes more visible (1972, p. 9)

Goode and Ben-Yehuda argue that moral panics occur when ‘the reactions of the media, law enforcement, politicians, action groups and the general public are out of proportion to the real and present danger a given threat poses to the society’ and during such moral panics ‘deviant stereotypes identifying the enemy, the source of the threat, evil wrongdoers who are responsible for the trouble’ (1994, p.155) are punished. Homrighaus’ definition of a moral panic rests on the role of the media in creating the storm where ‘in these media driven events the press singles out an archetypical deviant...and demonizes her behaviour’ (2001, p. 351).

The government of the day responded to the moral panic about female criminals. The *Sale of Arsenic Act* (1851) was introduced to combat the perceived rise in women buying and using arsenic to poison children and men. The drastic response to Chesham and May (i.e. having them executed even though Essex hadn’t had a single woman die on the gallows for over forty years) by the courts suggested that women like Chesham and May were to be feared and removed from their communities. As Homrighaus argues ‘it [the moral panic] defines the boundaries of acceptable behaviour. This process of distinguishing between unacceptable behaviour shapes the outcome of the moral panic’ (2001, p. 351). The only thing more fearful than one woman poisoning her husband was numerous women banding together to do so. Chesham, May and Southgate were, across various narratives, depicted as the archetypical deviants: the witchlike figure, the bad mother, the greedy woman, and the prostitute.

It was assumed that a woman on trial for a poisoning crime had been habitually poisoning other members of her family before she was apprehended. Knelman argues that there were ‘strong indications that the crime for which they were executed capped a career of murder’ (1998, p. 49), even in cases where only one victim was found. Based on the women executed for the poisoning of children, husbands or other family members, Knelman’s nineteenth-century serial murderess was ‘dull, poor, unambitious, ignorant and utterly

without scruples, a condition often assisted by a lack of moral training' (1998, p.49). According to the newspapers, these characteristics of poisoners are seen as linked to their class position in the 'lower class, with its "coarse and animal brutality"' (Knelman, 1998, p.49). Knelman suggests that these women were viewed as 'outsider[s], unconcerned with society and unaffected by its norms' (1998, p.49). A wider examination of the source materials pertaining to these three particular cases illustrates the various, complex and sometimes contradictory conceptions of female poisoners during the nineteenth century. These broader ideas of female poisoners were, as I argue, positioned within discourses about bad womanhood that were prevalent during this period and linked to contemporary notions about mothering and infanticide. These notions were central to the narratives that gained authority in the cases of Chesham and May. Mobilising the image of the witch-like figure in the cases of Chesham and May suggested that they could infect other women with their deviancy. In Southgate's case the depiction of the prostitute was central to her case, again a contagion in society that was a threat to men and to the morality of families.

Victorian society reacted to the spate of poisonings in the 1840s by introducing a bill to restrict the sale of arsenic to Parliament in 1850. Debates about the bill lasted less than a year. Once it passed in both houses in 1851 it became the *Sale of Arsenic Act*. Previously, debates about restrictions of the sale of poison had stalled, particularly in 1839 (Whorton, 2010). On that occasion three reasons were listed for the failure of any bill to pass: the first was due to indecision about who should be allowed to purchase poison; the second reason concerned the purpose for which poison was to be used; and the third was the need to clarify what substances were to be classified as a poison (Bartrip, 1992; Whorton, 2010). In response to the perceived increase in deaths by arsenic, the focus shifted from poisons in general to arsenic specifically. As previously noted, the mid-nineteenth century was the time when there was an increased move to cement the state's power over individuals' lives to a far greater

degree than at any time previously in England, for example with the police. As Bartrip argues, the ‘introduction of controls ... simply ... represents an example of a paternalistic State ... rejecting *laissez-faire* ideology in favour of a sensible policy of intervention aimed at protecting people from themselves and others’ (1992, p.54). The *Sale of Arsenic Act* (1851) aimed to limit the sale of arsenic to people of good character, who would be willing to sign a ledger at the time of purchase and explain the purpose for which they purchased arsenic. Legislators were in favour of limiting the sale of arsenic only to adult men, due to the number of women being arrested for poisoning, and as Bartrip has noted, ‘the need for regulation was perceived in terms of tackling a social problem which was gender and class specific’ (1992, p.54). Contemporaries themselves were not willing to accept the restrictions on the sale of arsenic; various women’s groups expressed outrage, as did J.S. Mill (one of the few male campaigners for women’s rights) who was very vocal about his opposition. Mill expressed his outrage at the discriminatory nature of the *Sale of Arsenic Act* that suggested women were more predisposed to be poisoners than men. Mill wrote to Sir George Grey, the Home Secretary, reasoning that:

it singles out women for the purpose of degrading them. It establishes a special restriction, a peculiar disqualification against them alone. It assumes that women are more addicted than men to committing murder! Does the criminal calendar, or the proceedings of the police courts, shew a preponderance of women among the most atrocious criminals?’ (Mill, [1850] 1972, p.64).

As I discuss in Chapter Three, the idea that the *Sale of Arsenic Act* singled out women, of all classes, as particularly predisposed to criminality did take hold.

However, changes to the medical and pharmaceutical profession played a role in the push to criminalise the sale of arsenic by exercising greater control over who could purchase

it. As Bartrip argues, it was ‘the organized medical and pharmaceutical profession [who] “hijacked” the arsenic issue, skilfully exciting and exploiting public anxieties about accidental and intentional poisoning, for their own purposes’ (1992, p.60). Women became the victims in order to allow pharmacists and the medical reform movement to exert greater influence over the trade in medicines and poisons (Bartrip, 1992; Merry, 2010). Eventually the provision to restrict the sale of arsenic to women was dropped, but the image of women as poisoners lived on in the public imagination even after several high-profile cases involving men poisoning their wives, lovers, families and friends.⁴

My interest in the cases of Chesham, May and Southgate therefore stems from how differently the cases were received and dealt with by the public, police, courts, media and politicians at the time. Unlike other women accused of poisoning crimes during this period, only May, Chesham and Southgate were accused of working together in a poisoning ring. Women were being singled out for the poisoning crimes and prosecuted unhesitatingly. Such numbers of women on trial for a certain crime had not been seen since the Essex witch trials during the seventeenth century. The archives play an important role in advancing understanding about the types of narratives that circulated about female poisoners and stands to make a significant contribution to research examining the relationship between female crime and understanding about competing constructions of womanhood. Due to the lack of archival documents, social responses and personal correspondence in working-class women’s crimes, newspapers are readily used as the only source material for research because of easy access and the level of detail which during that period was quite high. Although I use newspapers extensively in this research I have used them to enhance the archival sources. The archive is useful for understanding working-class women even though the data is limited for women who were not in a better position socially or economically. Material such as

⁴ Cases include Joseph Wooler (1855), William Palmer (1856), William Dove (1856), and Edwin Pritchard (1865) (Knelman, 1998; Robb, 1998; Ward, 2005).

personal diaries written by the women, or letters to lovers are unavailable for working class women, unlike their middle class sisters (such as Madeleine Smith). Newspapers do not necessarily always contain the same narratives about or from the women that appeared in witness depositions or petitions (Stevenson, 2005).

Previous research has examined working-class women's involvement in criminal activities (D'Cruze 2004, 2002) and working-class women on trial for murder (Brabin, 2003). The media reception for working-class women and their murderous actions has been the topic of Knelman's (1998) research. As this chapter has discussed, women in the mid-nineteenth century were not necessarily restricted to the private sphere, much to the concern of their contemporaries. In the following chapter I illustrate how scholars have previously investigated women, history, crime, law and the media and how my methodology is informed by the various disciplines.

Chapter Two

Broadening the Scope: Moving Beyond Simple Sources

This chapter outlines my interdisciplinary method of analysing the cases of Chesham, May and Southgate and situates the existing scholarship of historical, legal and media narratives. I argue that combining the methods of microhistory and feminist history, with aspects of critical legal and media analysis, this research stands to advance current understandings of changing perceptions of femininity during the nineteenth century, and offers a unique insight into the discourses surrounding the criminal trials of Sarah Chesham, Mary May and Hannah Southgate. The source materials which are central to this thesis include newspaper articles from local (Essex) as well as national (predominantly London) newspapers, journal articles, social commentary, witness depositions taken at the inquests, petitions written to the Home Secretary (to commute the death sentences of Chesham and May), parliamentary debates, and correspondence to the Home Secretary from the coroner in Essex regarding prosecuting Chesham. The aim is to discover how female criminality was depicted across these various sources, how these depictions intersected with discourses of femininity during this period, and how certain narratives within these sources gained authority. Analysing competing narratives allows for greater understanding of the complexities in the process of gender construction and the consequential way in which female experiences and differences are considered. The analysis of the narratives of these three cases underlines how the adherence to gender norms resulted in reward and praise for women who abided, while women who seemingly failed to adhere to these gender norms were censured and punished for their perceived deviance. As Smart notes ‘we could...claim that nineteenth-century law brought a more tightly defined range of gendered subject positions into place. We

can also see how law and discipline “encouraged” women to assume these identities or subjectivities’ (1992, p. 37). The examination of the narratives used to tell the stories of these three women shows that there was no clear definition of what a “bad” woman was, as each woman was depicted differently from the other and a variety of stereotypes were invoked to depict their abnormality: Chesham was construed as the bad mother and wife, May was the greedy and manipulative woman who used burial clubs to make money, and Southgate was the “fallen woman” (prostitute).

This thesis draws heavily on archival source material (from the Public Record Office (PRO) in Kew and the Essex Record Office (ERO)) in order to discover varying constructions of femininity and crime, which would remain inaccessible if only newspapers were used as source material. However, my thesis moves beyond the approach incorporated by many microhistorians (for example, Ginzburg 1993, 1994; Levi, 1991; Magnusson, 2006b) instead wanting to keep the sites of struggle apparent in order to highlight the competing nature of the narratives and discourses. To this end I turn to Foucault and his research into the case of Pierre Rivière (Foucault, 1975). Although I don’t directly employ “literary historicism” (or New Historicism) within this research (i.e. using fiction to extrapolate on the historical conditions, lives and politics of a time or era e.g. regarding women and crime in eighteenth and nineteenth century literature: Lacey, 2008) I consider Wiener’s suggestion that:

historical scholarship can profit from adopting literary practices-
such as tolerance of complexity and contradiction in one’s sources, a
readiness to put off closure and a greater sensitivity to the workings
of imagination...without having to defer to ponderous and even
obscurantist literary theory (1998, p. 620).

A more open reading of narrative together with a wider understanding about societies, and the individuals within these societies, can only be achieved if history and historians move beyond

a restrictive, traditionalist approach (Wiener, 1998; Brereton, 1998; Ruggiero, 2003). As Weiner has argued, historians:

should be looking not only at what texts explicitly seem to say but also at how they say it, what else they may be saying, what contradictions may exist between their “manifest” and “latent” messages, as well as what they do not say (1998, p. 621).

As Weyman reminds us, the past is not necessarily a given, and that historians should remember their role in the creation of history. Merely exhibiting the source material to readers will not take them closer to the past ‘precisely because the sources are simply presented without immediate interpretation, it becomes clear just how far from ‘obvious’ they [the sources] can be’ (Weyman 2004, p.166).

Due to its interdisciplinary nature and emphasis on narrative, this research draws from discourse theory. The analysis of non-literary texts by cultural theorists interested in an investigation about changing femininity and the construction of femininities is central to my work. As Mills notes ‘the term “discourse” has become common currency in a variety of disciplines: critical theory, sociology, linguistics, philosophy, social psychology and many other fields, so much so that it is frequently left undefined’ (1997, p. 1). Following other scholars who are interested in examining the social context of their primary texts, this thesis is influenced by Foucauldian theory about discourse. According to Mills, Foucault was:

not interested in which discourse is a true or accurate representation [but instead] is concerned with the mechanics whereby one becomes produced as the dominant discourse, which is supported by institutional funding, by the provision of buildings and staff by the state, and by the respect of the population as a whole, whereas the other is treated with suspicion and is housed both

metaphorically and literally at the margins of society (Mills, 1997, p. 19).

While social linguists, for example, may interpret and analyse discourse for gender differences in language and speech, an historical textual analysis understands discourse to be:

not a disembodied collection of statements, but groupings of utterances or sentences, statements which are enacted within a social context, which are determined by that social context and which contribute to the way that social context continues its existence. Institutions and social context therefore play an important determining role in the development, maintenance and circulation of discourses (Mills, 1997, p. 11).

Discourses therefore are rooted in social contexts (Mills, 1997; van Dijk, 1997; West *et al*, 1997).

Drawing on the insights of scholars who have researched gender and discourse (DeFrancisco, 1997; West *et al*, 1997), this research focuses less on the “truth” (e.g. Was May’s home searched without a warrant? Did Southgate really infect her husband with a venereal disease? etc), and is interested instead in narratives and the ‘need to examine the layers of cultural and interpersonal context and privilege and the links between each’ (DeFrancisco, 1997, p. 38). Weyman argues ‘the historian...examines the documents, not in order to discover where they corroborate one another, but instead to find out where they contradict one another’ (2004, p. 167). This has been widely appreciated in the past by those analysing texts from linguistic, sociologist, critical theory or literary studies. Dellinger argues meanings ‘come about through interaction between readers and receivers and linguistic features come about as a result of social processes’ (1995, n.p). Therefore, each individual source is not read for a single meaning of, for example, the legitimacy or not of these

women's executions but rather to describe and analyse the 'many messages communicated through the text and structure' (Dellinger, 1995, n.p).

Source Materials Analysed

There are limitations to traditional methodologies when examining cases from the mid-nineteenth century. There was no tradition in the mid-nineteenth century of courts producing transcripts of proceedings; the only transcriptions available which detail the events happening in trial are to be found in newspaper articles (Knelman, 1998; Brown, 1985). The trial transcriptions in newspapers were different from the witness depositions taken at inquests, the latter of which are available from the Public Records Office (PRO) in Kew. The witness depositions at the PRO are only for assize inquest and trials, that is, for crimes considered serious enough to warrant investigation from travelling judges. As a number of courtroom reporters were either former law students or former lawyers, newspaper editors would entrust them to record the proceedings, in order for the transcriptions to appear in the newspaper (Brown, 1985). Anticipated trials would receive a great deal of column-space in newspapers. The day's proceedings in and outside of the courtroom would be regularly reported, especially when the cases were high profile (Knelman, 1998). Reporters would write not only about the accused, but also about spectators, especially when the audience contained a large number of women (Hartmann, 1977; Knelman, 1998). Standard editorial pieces and letters to the editor were regularly published in, for example, *The Times*, as well as the *Chelmsford Chronicle*, *The Examiner* and *The Daily News*.

Witness depositions were normally taken at the inquests held in pubs or inns at the village where the investigation was taking place, and are the closest we have to formal statements from the legal establishment prior to the late-nineteenth century (Wiener, 2004a; Knelman, 1998) Based on these statements the jury would decide what crime, if any, had been

committed and who they believed the guilty party to be. The coroner would lead the investigation, with a jury, prosecution and (sometimes) defence for the accused (Wiener, 2004b). Often the witness depositions offer a fuller account of statements made by the accused and witnesses at the inquests than the transcripts from reporters appearing in newspapers. The content of the narratives within depositions could sometimes be considered too racy for newspaper readers (Stevenson, 2005) and so the narratives although similar would differ because of these missing witness statements. Reporters would use discretion in deciding whether the information elicited during the trial could be published in the newspaper. An example of this occurs in the Southgate case where the information about her infidelity is published in newspapers but information about her contracting a venereal disease and communicating it to her husband is missing from all newspaper accounts (see Chapter Six).

Another set of primary source materials include petitions for clemency sent to the Home Secretary. These petitions were sent to commute the death sentences of Sarah Chesham and Mary May. In Chesham's case the petition was sent by a doctor, while in May's case it was initiated by anti-death penalty campaigners and the judge that presided over her trial. Petitions have not previously been a key focus in research into female poisoners or criminals. In the course of my research I have only been able to discover research into petitions regarding early modern England (sixteenth through to eighteenth centuries⁵) and crimes against the monarch (Walter, 2001).

My interest in the dominant and competing narratives that emerge in the source material is not only in the factual information they contain but also the creative rendering of the crime. The narratives offer insight into how the broader societal concerns about women and crime intersected with the cases of Chesham, May and Southgate and the resulting manner in which

⁵ Zaret, D. (2000) *Origins of democratic culture: printing, petitions and the public sphere in early modern England* Princeton: Princeton University Press. Woodfine, P. (2006) Debtors, Prisons, and Petitions in Eighteenth-Century England *Eighteenth-Century Life* Spring 30(2). 1-31.

their femininity was interpreted and depicted. The presentation of these cases across this source material suggests that contemporaries were fearful of unchecked womanhood and the precarious nature of civilisation and society as defined by the middle-classes. Each narrative produces differing depictions about not only the three women, but also prevailing notions of what good and bad womanhood was considered to entail at a time when gender norms were undergoing redefinition. My method of reading narratives is discussed in the next section and draws on the methodological insights of legal storytelling and narrative scholars

Legal Narratives and Constructions of Femininity

In the past twenty years the study of law has turned towards examining law as a set of stories as well as the literary prospects of legal narratives in order to move beyond the conservative and traditional frameworks that had previously dominated the field (Scheppelle, 1989; Papke, 1990; Sherwin, 1994). The legal establishment's attitude toward narrative is that 'stories [have to] make sense' which can be considered a 'conservative framework' within which law operates (Yovel, 2004, p. 130). Law, as it is traditionally or conventionally conceived, claims to produce the "truth" according to internal legal principles of objectivity, neutrality and rationality. Duncan points out, however, that though the narratives told in court may make sense (e.g. follow a chronology), they are not likely to be objective, which is at odds with how the legal establishment presents its functions (1989). Feminist legal scholars have also noted that the narratives are optimal for research into how femininities are constructed in court.

In a key text about law as literature, Scheppelle writes that 'the resolution of any individual case in the law relies heavily on the court's adoption of a particular story, one that makes sense, is true to what the listener's know about the world, and hangs together' (1989, p. 2080). The image or storyline employed by the defence and prosecution needs to be guided by

stock stories which are recognisable to and constructed by the culture where these narratives are appearing (Scheppelle, 1989). Thus, although the legal establishment claims to be interested in only the truth and fact finding this is undermined by the manner in which narratives are created in court, the purposes for which such narratives are created, and the stereotypes employed in order to further the schema of the defence and prosecution counsels but also of the judge's reconstruction of the case (Scheppelle, 1989; Papke, 1990). In the courtroom the prosecution and defence each create their own narratives of the crime, and create a narrative for the accused. However, as Scheppelle notes in law 'stories may diverge ... not because one is true and another false, but rather because they are both self-believed descriptions coming from different points of view informed by different background assumptions about how to make sense of events' (1989, p. 2082). Therefore, it is not necessarily how true or false a story is found to be that causes it to be accepted or rejected by the court but how it fits with the experiences of those present in court. The contradictions and competing representations within the stories being presented offer an insight to the culture in which such narratives are being constructed. Scheppelle argues that 'if a dispute occurs across a perceptual fault line where people with different backgrounds, understandings and expectations have a disagreement, then the presence of different versions is a clue that there is more at stake here than the violation of a particular legal rule' (1989, p. 2097).

Initially the audience for the stories told by their clients, lawyers soon become storytellers when they 'retell them [their clients' story] to judges and juries and to other lawyers' (Elkins, 1990a, p. 1). However, the judges too offer their own narrative of events, creating yet another competing narrative within a courtroom. As Papke notes when judges make restatements about the case they are telling stories, and 'judges and their clerks may omit or alter pertinent details, recharacterize what happened prior to or at trial, or in various ways present the "facts" in a new narrative framework' (1990, p. 146-7). Thus law is firmly in the realm of storytelling

and ‘narrative is a crucial and central feature of jurisprudence’ (Papke, 1990, p. 157). But legal narratives are in some ways limited by the events changing society at a given time as ‘legal narratives do not float free from historical developments; master narratives in appellate opinions change as technology, the economy, society, and ideology change. Cultural change does not in any precise way dictate the content of legal narrative’ (Papke, 1990, p. 156). Legal narratives are part of a bigger discourse about the community values and goals and contribute to the competing narratives on display in the court room. These competing narratives can exist in ‘opinion letters, briefs, settlement agreements and administrative rules and statutes’ (Papke, 1991, p.1), as well as in the stories told by lawyers, witnesses and the defendants themselves. Brooks notes that ‘law is in a very important sense all about competing stories...elicited from witnesses, rewoven into different plausibilities by prosecution and defense, [and] submitted to the critical judgement of the jury’ (2005, p. 416).

‘Recognizable characters, familiar motives and recurring scenarios of conflict and resolution are typical elements in our workaday narrative world. Legal narratives are no different’ (Sherwin, 1994, p. 40). Ochs and Capps note that ‘narratives situate narrators, protagonists and listener/readers at the nexus of morally organized, past, present and possible experiences’ (1996, p. 22). But the “mess” of a story (that which detracts from the narrative being told) is omitted: ‘The story told, in order to be told, represses other possibilities’ (Sherwin, 1994, p. 41). Legal narratives or “law as literature” scholarship reveals the contradiction between truth and justice in comparison to closure and certainty (Sherwin, 1994). Sherwin argues that ‘in the context of the law and legal judgements, the internalized frameworks that we draw upon to organize and interpret events, experiences, and actions are necessary to the most basic acts of separating out the believable from that which is false, incredible or simply unacceptable’ (1994, p. 50). Legal narratives draw on ‘stock stories preserv[ing] the interests of dominant groups’ (Taylor, 2004, p. 18). Sherwin’s argument is

that ‘trial lawyers...are only too glad to indulge a preferred image or storyline if it will help win a case’ (1994, p. 40). The manner in which the culture of an era is interpreted plays an important role in the creation, use and interpretation of legal narratives (Morrissey, 2003).

While stock stories may be invoked by the legal establishment, the situating of my chosen cases within their historical context enables analysis of how mid-nineteenth century English culture created, used and interpreted female criminality within legal narratives. Stories told in courtrooms ‘influence verdicts in trials when jurors use the experience of their lives as a basis for evaluating the stories told’ (Holmes Snedaker, 1991, p. 133). The image of the “bad” woman dominates the legal narratives in the trials of Chesham, May and Southgate. But the creation of that image is based upon mid-Victorian understandings of good and bad womanhood, and as such, would have been part of the stock stories that their contemporaries recognised and used to distinguish between criminal and non-criminal women.

Narratives of criminal women like Chesham, May and Southgate would frequently be concerned with their femininity and character rather than the crimes for which they were being tried. Questions would be asked about their sexual past, their behaviour towards their children and husband, and their church going habits. Rather than establishing whether, for example, Sarah Chesham ever had arsenic in her possession, the prosecution focused on Chesham’s maternal feelings. Likewise Hannah Southgate’s choice to stay outside of her home until the early hours was used to describe her character as light and wayward. By mid-nineteenth century legal standards, statements about the behaviour and character of the female accused were regularly used to ascertain their guilt or innocence (Knelman, 1998; Weiner, 2004), even though the law was against such lines of questioning (Weiner, 2004). However, this period also resulted in the roles of women being increasingly defined by the law and as Smart notes that ‘we could ... claim that nineteenth-century law brought a more tightly defined range of gendered subject positions into place’ (1992, p. 37). As Smart argues, there

is ‘a distinction to be made between the discursive production of a [legal] type of Woman and the discursive construction Woman’ (1992, p. 36). Smart notes:

the (legal) discursive construction of a type of Woman might refer to the female criminal, the prostitute, the unmarried mother, the infanticidal mother and so on. The discursive construction of Woman, on the other hand, invokes the idea of Woman in contradistinction to Man (1992, p. 36).

Therefore, when appearing before the courts a woman is always already a duality, ‘the female criminal is a type who can be differentiated from other women but, at the same time, what she is abstracted from the prior category of Woman always already opposed to Man’ (Smart, 1992, p. 36). As Smart argues law is gendered and ‘law is seen as bringing into being both gendered subject positions as well as ... subjectivities or identities to which the individual becomes tied or associated’ (1992, p. 34).

In the analysis of the cases of Chesham, May and Southgate the role of Victorian culture during the mid-nineteenth century is important as ‘popular local notions of truth and justice may unwittingly coincide with prejudice’ (Sherwin, 1994, p. 79). As Yovel notes individuals concerned with creating, and more importantly evaluating legal narratives, attempt to see ‘how the narrative fits or “sits” with background knowledge, cultural presuppositions prevalent in its discursive community’ in order to invoke ‘connotations and associations that are suggestive in supplying...meaning’ (2004, p. 139). Yovel calls this “external coherence”. Because of this role in cultural use and interpretation the narratives cannot simply be a ‘sequential arrangement of the narratives’ elements’, (which Yovel terms “internal coherence”) but ‘the telling of those events must be accompanied by some contextual detail, which in itself may be irrelevant to the storyline, but nevertheless places it in a context recognizable to the audience’ (2004, p. 131). The internal and external coherences in a case

may produce considerably ‘diverse stories with little or no conjunction’ (Yovel, 2004, p.138) which can serve to illustrate how narratives are constructed in a legal framework reflecting ‘the interests, values and attitudes of jurors, as well as tailor[ing] the shape of the story to converge with the prevailing public mores and perceptions of justice’ (Holmes Snedaker, 1991, p. 138). Morrissey states that the jury is severely limited in their choices of story and narrative of guilt or innocence (2003, p. 13), but Phelps locates them as more than receptors of the narratives; they are ‘evaluators of them and participants in their development and change’ (1990, p. 134).

Although in contemporary legal processes the jury remains silent and receptive during the proceedings in court, in the nineteenth century juries in all types of trials were allowed to question witnesses, the defence and prosecution and disagree with the judge in court (Wiener, 2004b). This activity influenced the development of legal narratives in the courtroom. Phelps suggests that ‘the law is not, or should not be, a settled script; it is always in the process of re-creation’ (1990, p. 142). Phelps argues law’s unsettled nature produces the ‘necessity of narrative in understanding and interpreting both the law and the individual acts of lawbreaking’ (1990, p.142).

In Morrissey’s research into the creation of legal narratives about female criminals, the focus is on the inability of the legal establishment to comprehend violence and violent acts committed by women. Morrissey contends the police, experts, judge and witnesses all mobilise narratives in the court but the most influential narratives are created by the prosecution and defence (Morrissey, 2003). Morrissey used case studies of women who killed and stood trial for their crimes in the United States, the United Kingdom and Australia to uncover how women are constructed in the media and in law, and why the constructions of their femininity result in them being labelled victims rather than agents in their own crimes.

Law has had many difficulties in understanding and accepting female violence, crime and agency in the committing of crimes (Allen, 1987; Shaw, 1995). This difficulty results in scenarios where, as Allen argues:

against the bald facts of the criminal allegation or conviction, these reports [professional opinions] counterpose a subtler and more compromising view of the case, which systematically neutralises the assertion of the woman's guilt, responsibility and dangerousness, and this undercuts any demand for punitive or custodial sanctions (1987, p.82).

A shift took place during the nineteenth century where women's culpability was reconceived. In the early-nineteenth century criminal women were seen as wholly bad, but by the end of the nineteenth century female crime and violence was re-interpreted as the actions of mad women a definition that law has yet to move on from (Morrissey, 2003). This occurred in professional discourses (Whitlock, 2005; Knelman, 1998) and in media narratives of female crime. Due to the focus in legal narratives on the psychology of the female offender 'women who deviate from gender standards may escape severe punishment even when violence is extreme' (Meloy and Miller, 2009, p. 49) when the mitigating circumstance is mental instability (Allen, 1987; Meloy and Miller, 2009). For contemporaries of Chesham, May and Southgate, women in court posed a problem: they were considered intrinsically more virtuous than men, but considered to be capable of far greater evil than men (Knelman, 1998). As Smart argues, women have always been seen as '*both* kind and killing, active and aggressive, virtuous and evil, cherishable and abominable, not *either* virtuous *or* evil. Woman therefore represents a dualism' (1992, p. 36).

Smart's (1992) research about narratives and the legal constructions of womanhood can be applied to my analysis of the cases of women using poison to kill in the mid-nineteenth

century. Rather than mapping the creation of one stereotype of bad womanhood using a grand narrative structure and seeing how it has changed across several centuries, I focus on the investigation of three individual cases as illustrating how femininity and the construction of bad womanhood were in flux in legal narratives. In the following section I discuss dominant themes in newspaper narratives of femininity and violent women.

Newspaper Narratives and Constructions of Femininity

As in the legal system, where the myth of objectivity and “truth” dominate, in the media, news about the case is presented as being completely factual and in an authoritative voice (Jackel, 2000, p. 44):

all manner of information- rumour, unsubstantiated allegations, myths and genuine facts- is gathered, blended and presented as truth/s. The ultimate aim, thinly disguised as the performance of a social good (educating or informing the public) is the production of a story that is commercially valuable (Jackel, 2000, p. 44).

Newspaper narratives, although mobilising constructions of female criminals as mad or bad, like legal narratives, are not as constricted in their formation. As Franzosi writes:

the schema of a newspaper article comprises both a summary and a story; the story further comprises situation and comments; the situation comprises episode and background; the episode includes main events and consequences; while background includes context (circumstances and previous events) and history (1998, p. 525).

This differs from the legal narrative where two main (the prosecution and defence) narratives are competing against each other for authority. In newspaper articles a reporter or newspaper constructs the narrative about the case and the femininity of the accused; this narrative and

depiction of the accused shapes future representations of the crime and the criminal. Meloy and Miller state the 'media frame how women's experiences with crime and victimization are presented to the public' (2009, p. 29) favouring sexual history, religion and especially mental illness, character defects and mental instability in their reports of violent female offenders (2009, p. 41).

Feminist legal theorists consider media representations of women who kill an important site for the analysis of the construction of femininity. Bell and Fox (1996) and Morrissey (2002, 2003) have examined narratives in media and legal discourses. Morrissey argues the media and the legal system create and use stock stories linked with stereotypical or mythic characters 'who embody traits evaluated as either ideal or condemnable, positive or negative' (2003, p. 9). These stock stories are used so the narratives are familiar to the audience, as these narratives are culturally based and give evaluations of character and behaviour in the person on trial (Morrissey, 2003). The consequence for women is that by 'merely naming female defendants in certain ways can elicit negative verdicts from juries' (Morrissey, 2003, p. 9). Adhering to stock-standard narrative frames about women who kill (for example that women only kill if they are under the control of a man and not of their own desire etc.), the media choose 'rarely and briefly to note, but never to discuss...inconvenient developments' (Morrissey, 2002, p. 123) that could challenge traditional understandings of why a woman would kill. These narrative frames thus echo what Morrissey states are 'hegemonic heteropatriarchal conceptions of femininity' and seek to 'contain representation of the transgressive women at their centre within the stereotypes' (2002, p. 126).

Bell and Fox (1996) investigate the limitation of good woman/bad woman, and victim/dupe dichotomies that media and legal narratives create when women kill. Using the competing narratives from the media and legal discourses into female criminality, Bell and Fox illustrate that neither the media nor the legal establishment can create a single

representation of women who kill (1996). As Bell and Fox argue representations win currency based on accessibility and comprehensibility for the greater audience (1996). Through the examination of competing narratives within the legal and media systems, Bell and Fox argue that the dominant stories will adhere to established stock stories about female criminality. The representation of criminal women as victims/dupes serves to represent femininity as passive and submissive and so perpetuating the cultural belief in good womanhood being based on passivity and submissiveness. Locating women who kill as victims removes the agency from the woman and can lead to further entrenching the idea of what it means to be a good woman. These narratives are used by both the media and the legal systems (Morrissey, 2002; Bell and Fox, 1996).

Little notes that female criminals who are attractive receive a more sympathetic treatment from the media (2006). But the attractive female criminal is still a threat to the patriarchal order even if she is rendered a victim in the newspaper construction of her femininity; the female criminal can also be a threat to national identity, rooted in cultural expectations of the genders. As Little argues 'it [is] possible to speculate what "big" stories about women can reveal about ... anxieties of identity and belonging ... when appearances activate those older registers of nationalistic unsettlement: registers that rely upon ambivalent representations of women as at once victims, and threats' (2006, p. 133). For the middle-class English contemporaries of Chesham, May and Southgate, three women in a rural setting who were apparently killing their children, husbands and brothers were failing to adhere to gender norms as set out for English women, and were partaking in a crime (poisoning) deemed foreign to British values.

I maintain that the theories of Bell and Fox (1996) and Morrissey (2002, 2003), as well as the work of Meloy and Millar (2009) and Little (2006) can usefully be transposed onto the cases of Chesham, May and Southgate in order to analyse how their femininities

were constructed within the newspapers and the cultural discourses such depictions supported. In the following section I discuss how feminist history informs my research methodology into the cases of Chesham, May and Southgate.

Feminist Interrogations of Historical Method

Women's history during the 1990s went through a transition with a move towards gender history, a more inclusive sub-branch of history. Morgan stated that 'where "feminism" has been signalled as representative of the hegemony of Western intellectual discourse, "gender" has provided a more immediate and productive theoretical approach to recovering women's pasts and for analysing the relations between women and men' (2006, p. 11). The renaming of women's history as gender history is in part due to a shift in focus from the telling of 'women's experiences (especially of work) ... towards the construction of masculine and feminine identities across the social spectrum' (Downs, 2004, p. 88). This shift has caused some disagreement and concern amongst feminist historians. Whereas Corfield has described the shift towards gender history as a quest that involves the 'examination of how gender roles were created and sustained historically' (2006, p.121), others have viewed it as 'a male tool used in an attempt to dissipate women's power whereby women become historically viable subjects only when placed alongside men thus reinforcing their position as "other"' (Purvis and Weatherill, 2006, p. 126). Purvis and Weatherill further contend that the shift towards gender history occurred because it is 'regarded by many men who hold key positions of power in the academy as more neutral and balanced than women's history' (2006, p. 126).

Gender history from the 1990s onwards, some argue, has become 'successfully institutionalised' with 'the dulling of the critical edge that comes with being on the margin' (Scott, 2006, p. 390). This loss of the political is what some feminist historians fear (Corfield,

2006). Rather than viewing this turn towards gender history as an end to feminist history, Scott suggests that the way forward is to continue with interdisciplinarity, not to accept the 'existing rules' of history because of feminist history's more mainstream nature, but to begin 'a subversive use of its [traditional history's] methods' and begin a 'more self-conscious willingness to entertain topics and approaches that were once considered out of bounds' (2006, p. 395). Scott's argument is that through interdisciplinary research, feminist history can refuse to settle as part of the mainstream by continuing to question the methods and theories of traditional history (Scott, 2006).

Historians with an interest in gender (masculinity, femininity or gay, lesbian and transgender individuals) have expressed their disappointment with traditional approaches to women's history. Traditional history has been primarily concerned with individuals who have had important roles to play in the politics and history of nations (predominantly white males). 'Women, blacks and various others have been either invisible as historical subjects or somehow depicted as less central, less important, than white men' (Scott, 1987, p. 94). The result of privileging the history of men by men over other histories represents what Allen calls a 'sex-blindness of patriarchal historiographies, whether of the Right or Left, lead[ing] to lamentable omissions, distortions and inaccuracies, or simply poor judgement in historical interpretations' (1986, p. 181). The research presented by feminist historians has, on the other hand, 'demonstrated what previous accounts had implicitly denied: women were agents of history, and their lives yielded insight into unstudied realms of human existence in addition to well-studied processes such as industrialization and urbanization' (Scott, 1987, p.110). There is an ongoing denial of the validity of women's history even in recent historical studies where 'the agenda and values of most history, whether of the Right or the Left, serve to promote masculinism, thereby distorting the experiences and agency of women' (Allen, 1986, p. 178).

Allen and Shapiro suggest the major reason for the marginalisation of women's history is that traditional history is interested in the public sphere not the private (Allen, 1986; Shapiro, 1992). However, Allen considers that feminist historians contributed to this marginalisation through 'pos[ing] women as distinct subjects, not included within the existing terms and varieties' (Allen, 1986, p.173). Rather than attempting to bring women's history into the fold of traditional history, feminist historians moved to uncovering women of importance in the past. The theme of this research prior to 1990 was often focused on the experience of women as victims. As Markell Morantz had argued feminist historians (of the Victorian era in particular) 'play upon a single theme: Women as Victim. The problem such works present for the historian are obvious: They are not history, but polemics' (1974, p. 649). Researchers, especially since the 1990s have been interested in returning women to the criminal record and researching women as agentic criminals (Zedner, 1991; D'Cruze, 2000; D'Cruze et al, 2006; Brabin, 2003; Knelman, 1998).

A tendency to frame the two public and private spheres as distinct in the writing of history didn't allow for a thorough historical investigation into class formations and the connections between sex politics and class politics and eventually 'forestalled an analysis of the relations between men and women' (Shapiro, 1992, p. 5). As pointed out previously, the public/private divide is limiting, and the history of women and men requires research that deconstructs the separate spheres theory and allows for the "overlap" between spheres when looking into the divisions for men and women (Shapiro, 1992). Highlighting the constructed distinctions between the public and private spheres and the experiences of women and men can make 'visible the experience of a different group expos[ing] the existence of repressive mechanisms' (Scott, 1991, p.779).

As Shapiro continues investigation into the overlap between the spheres has mostly been concerned with 'the lives of middle class western women' where 'connections between

middle class domestic ideology and the development of industrial capitalism, women's hidden contributions to the family economy and...[how] women manipulated the attributes of domesticity to gain a foothold in...public arenas' (1992, p. 5). This hinders the investigation of women who "transgressed" the traditional private boundary and entered the public one—whether through their work (especially the work performed by working class women) or trials for murder. Their crimes were then used by the media, courts, politicians and social commentators to discuss, within the public sphere, key social questions about changing forms of domestic life and femininity. Feminist historiography has made the research into these women possible through expanding possible source materials and methodological techniques different from traditional historical methods (Walker, 2003; Roberts, 1995).

Narratives about women's lives (especially working class women's lives) are scattered throughout sources and archives as women's lives had, for a very long period of time, been deemed unimportant to historical study. Interest lay in public figures, and events deemed important (for example wars, political decisions or scientific discoveries). Archives were fashioned to store the documents considered central to understanding grand narratives of history as well as important (male) historical figures. As Burton notes:

women...are at best obscured by more important public figures, by large-scale events deemed more significant than those that frame their lives, and by grand narratives that may touch on contexts of significance to them but that effectively brush by them, in part because of the comparative lack of archival trace to secure them in the sightlines of history (2010, vii).

In this thesis through extensive archival searches, I locate the stories of Chesham, May and Southgate's trials as sites to examine the competing narratives of femininities and changing gender norms that were circulating in the mid-nineteenth century. I analyse archival

materials in conjunction with a broader selection of source material in order to be able to draw conclusions about gender constructions in the mid-nineteenth century; as Chaudhuri et al note, feminist history scholars who access archives to discover the stories of women find ‘that women’s voices and their texts [are] often obscured or lost altogether’ (2010, xiii). My interdisciplinary methodology can ‘find new meanings by reading documents “against the grain”, [and] weaving together many layers of information to reveal complexities’ (Chaudhuri et al, 2010, xiii). The idea that discourses are a site of struggle and change (Mills, 1997) is central to the framework within which I have read these documents. I do so in the vein of feminist scholars who use Foucauldian discourse analysis to inform their research into topics relating to gender:

feminist scholars have deployed Foucauldian discourse analysis in a variety of ways to illuminate questions of sex, violence and crime.

They are not deployments Foucault envisaged, but he, surely, would have been the first to applaud the drive to utilise his methodological insights in ways he could never have imagined, even against him (Howe, 2008, p.111).

Feminist scholars use discourse analysis in a manner appropriate to the belief that ‘texts are not determined by one discourse alone...; there may be several different discourses at work in the construction of a particular text, and these discourses are often in conflict with one another’ (Mills, 1997, p. 100). In contrast, traditional historical methodology has focused on discovering archival documents that extensively cover an individual or topic, with government and policy documents being more valued over personal letters, diaries of women, or newspaper articles. The work of feminist historians and women’s history scholars since the 1960s has deployed such methods to search for unknown women who are neglected by

traditional historians. The search for the little known individuals in history is also the focus of another group of historians: microhistorians.

Feminist History and Microhistory:

Silences and absences from source documents are a common interest to feminist historians and microhistorians. A concern exists in both feminist history and microhistory method to read documents in a non-traditional manner to discover information about the lower classes, the outcasts and the oppressed which remain hidden if positivist and masculinist concepts are the frame within which documents are read (Evans, 1998; Ulrich, 1990). Microhistory is a relatively recent offshoot of historical research where the focus is not on the creation of a grand narrative or the great heroes of history but the overlooked individuals and masses. Microhistory has legitimised the small-scale observation of historical events and individuals (Weiner, 2004), and feminist history has legitimised research into non-heroine, non-middle class women (Scott, 1996). The similarities that feminist history and microhistory share (new fashions of reading source materials, preoccupations with events and individuals cast aside by traditional history, and an interest in bridging understandings about class, religion, race and gender) allows for the two methods to be used with one another. My research finds and reads new source materials that have not been fully utilised by other scholars, analyses the case of three women overlooked for analysis, and uses a method that allows a better and deeper understanding about gender formation for working-class women during the mid-nineteenth century. Feminist history and microhistory have been used together in previous research, such as that by Laurel Thatcher Ulrich (1990) and Terri Snyder (2003). Ulrich and Snyder have both demonstrated the benefits of feminist historical research in conjunction with microhistory. Ulrich, using the diary of a midwife in nineteenth century rural Maine, explored the complex relationships between women and men, upper

classes and lower classes in farming communities of the United States. By focusing on women and women's activities, through the midwife's diary, historians can gain a deeper understanding of the powers at play within communities, changes that occurred at local level and their effects on a wider scale for a broader community. Their work has demonstrated that women had a far greater role within families and communities than previously understood, and the gradual male domination of previously female dominated areas within the private and public life took place (Ulrich, 1990; Snyder, 2003). Ulrich and Snyder's research have illustrated that the private/public spheres were not part of the lives of working-class men and women even though this was the advocated gender policy of the middle-classes.

Early women's history scholars were initially interested in the lives of exceptional women: this focus has shifted towards investigating women neglected by traditional history. This has opened up the path to research women such as Chesham, May and Southgate. The shift away from investigating only white middle class women, to a wider focus across class, religion and race created new opportunities for research into women. Although previous research has shown interest in working class women from England and their crimes (prostitution: Walkowitz, 1980; Mahood, 1990; Finnegan, 1979; murder: Knelman, 1998; murder and violence: D'Cruze, 1998, 2004, 2005), the focus has been explaining the motives of their crimes or types of crimes committed against women.

There has been limited investigation into the competing nature of the narratives surrounding criminal women and their femininities using microhistory as a method to analyse the relationship between women and crime in England. There is an opportunity to expand upon the knowledge base of mid-nineteenth century female criminality. My research therefore builds on the limited existing research about women who killed with poison for example, Brabin (2003) devoted her research to investigating two sisters who used poison in Liverpool during the 1880s. Hartmann's (1973, 1977) interest was middle-class women who

killed. Knelman (1998) briefly covers cases of women who used poison to kill, as do Robb (1997), and Bartrip (1992). The scarcity of research in this area has left opportunity for further scholarly work. My research in part fills this gap by exploring the various narratives of femininity that emerged across the differing sources and the competing nature of these narratives that led to depictions of female poisoners. This research illustrates that there wasn't just one stereotype of a bad woman who poisoned her children or husband; the depiction would change according to the narrative design, the broader societal concerns of the period and the witnesses called to give evidence.

Researching Unknown Individuals with Microhistory

The value of microhistory is its insistence on the micro-scale of observation, outliers, and on the use of a wide range of source material (Muir, 1991). In certain respects, as will be outlined in the following section, the cases of Chesham, May and Southgate are well suited to an analysis that incorporates microhistorical methods. The study of *Alltagsgeschichte* (everyday history), biography and local history, although having some elements in common with microhistory (Evans, 1998; Magnusson, 2006a) do not permit an in-depth analysis of the narratives concerning Chesham, May and Southgate. It has been noted by some scholars that microhistory is a useful tool for the investigation of societies through crime (Ginzburg, 1993; Muir & Ruggiero, 1994; Wiener, 2004b). Microhistory is a relatively new branch of social history and is currently used for the study of history that wishes to focus on 'some particular incident that would hardly be classed as a major event, [but] a limited part of the society' (Magnusson, 2006b, n.p). The aspects of microhistory which are relevant to this research are, firstly, the micro-approach to individuals, secondly, the use of multiple source material, and, thirdly, the investigation of "outliers" or individuals who are thought to be the "exceptional normal". As Wiener states 'developments such as the rise of the genre of "microhistory" and

the legitimization of interest in the “sensational” have historians come to accept homicide and its legal treatment as a worthy subject’ (2004a, p.1). He argues that while this observation has been made by historians of American history, it has not been the focus for historians when examining British history (Wiener, 2004a, p.1).

Microhistorians maintain that the scale of research ought to be limited to a specific community, event or individual in order for the research to yield the best results:

phenomena previously considered to be sufficiently described and understood assume completely new meanings by altering the scale of observation. It is then possible to use these results to draw far wider generalizations although the initial observations were made within relatively narrow dimensions (Levi, 1991, p. 98).

I analyse three cases, all taking place within one county over a five year period with the aim of contributing to understanding the intersection of constructs of femininity and crime in mid-nineteenth century England. As Lepore writes ‘however singular a person’s life may be, the value of examining it lies not in its uniqueness, but in its exemplariness, in how that individual’s life serves as an allegory for broader issues affecting the culture as a whole’ (2001, p. 133). Examining the cases of Chesham, May and Southgate allow broader generalisations to be made about working-class women, their adherence or deviance from cultural gender norms, and responses to their crimes from within mid-nineteenth century society.

As Muir has noted, the intense investigation of numerous forms of documents related to one individual:

allows scholars to uncover disjunctures between what those who created documents thought it was necessary to record and what the scholar wants to know, and to indicate gaps between what the

educated jurist, for example, meant when he asked questions and what the bewildered defendant understood in answering. (1994, p. 476)

In order for microhistory to be relevant to understandings of past societies, it needs to work from various source material to contextualise the individual (or event or community) under investigation and so has the ‘power to recover and reconstruct past events by exploring and connecting a wide range of data sources, so as to produce a contextual, three dimensional analytic narrative’ (Brown, 2003, p.18).

Through the use of a wide range of source material, microhistory circumvents the problem of limited data (limited data is used and valued to the same extent as sources rich in data by microhistorians); the variety of source material that is present and available allows for the research to concern itself with relatively unknown individuals. This in turn will allow for competing narratives to be investigated across a range of material in this research. After reading current research into the cases of female poisoners within the nineteenth century English historical landscape (predominantly Knelman, 1998, but also Watson, 2010) I suggest that my research can be an addition to the current field where female poisoners from the mid-nineteenth century are underrepresented and grouped together with criminal women from the beginning and end of the nineteenth century with no differentiation. Simplifications, as noted by Brown, ‘are based more on prescriptive literature and slightly-informed assumptions than...archival evidence’ (2003, p. 13). By limiting the sources investigated, researchers have generally concluded that female poisoners were powerless, morally undeveloped and devious. As Knelman writes, when using newspaper narratives to discover nineteenth century responses to female crime, ‘the serial poisoner was cool, determined, devious, patient, dispassionate, resourceful, quite rational, entirely selfish and...reckless’ (1998, p. 49). This is one image that Knelman has developed based on newspaper reports about these women. Specifically about Chesham, May and Southgate the prevailing public

opinion is that they had a ‘lack of moral training [which] triggered an uncivilised response to the oppression of class and gender’ (Knelman, 1998, p. 77). However, in Knelman’s brief analysis of Chesham, May and Southgate the newspaper depictions of these three women are left unchallenged.

As Gregory notes, creating a truer story from the data is fraught with difficulties as ‘one cannot explain and claim still to be understanding past people on their own terms, because in opting for explanation, it is precisely *their* terms- and experiences- that one explains in other categories’ (1999, p. 108). The true story, in the words and the voices of the people from the past, cannot be written, only another narrative emerges. Rather than aim for the synthesis of the narratives as advocated by a multitude of scholars including Brown (2003), Ginzburg (1993, 1980), Magnusson (2006a, 2006b), I seek to illuminate the tensions surrounding competing narratives as these reflect and highlight social narratives about femininity and crime.

Microhistorians are interested in the *normal exception*. The *normal* indicates that it is average individuals in average communities who are the characters of the stories and narratives under investigation. The *exception* indicates that their actions or words somehow brought them to the attention of the authorities. It is their exception which has ‘established their archival existence’ (Magnusson, 2006b). When Chesham, May and Southgate were accused of poisoning members of their families, this caused them to come to the attention of authorities, resulting in them becoming the *exception* to the *normal* working-class woman. As Brown points out though, it is very possible with these individuals that ‘what was “illegal or socially proscribed” and therefore officially “exceptional” was actually normal and representative of an important social milieu’ (Brown, 2003, p. 15). The examination of the “normal exception” individual and the focus of microhistory on the ‘contradictions of normative systems and therefore on the fragmentation, contradictions and plurality of

viewpoints which make all systems fluid and open' (Levi, 1991, p. 107) requires the use of narratives as an analytical tool (Levi, 1991; Muir, 1994; Magnusson, 2006b). Through using narrative as an analytical tool, microhistorians incorporate 'the procedures of research itself, the documentary limitations, techniques of persuasion and interpretive constructions' in their narrative, resulting in 'the researcher's point of view [becoming] an intrinsic part of the account' and involving the reader 'in a sort of dialogue [where they participate] in the whole process of constructing the historical argument' (Levi, 1991, p. 106).

Beyond Microhistory

My research seeks to identify and analyse narratives within individual source material and across the various sources. The confrontations between individuals and institutions, and their competing ideas regarding femininity and female criminality can be highlighted. This assists in the answering of the research questions regarding the emerging competing narratives of femininity in the sources, the common features of the narratives and the differences which emerge in the narratives and how the authority of the narratives are established in the sources. The narratives of working class women and men receive the same attention as the narratives of lawyers, medical men, clerks of courts and the media. By not elevating any narrative above the other (simply on the basis of the source and a false sense of reliability this may cause) richer and more complex narratives emerge.

The value of a narrative approach to analysing the three cases of women poisoners is illustrated in the work of Foucault *et al* (1975). Foucault argues in *I, Pierre Rivière, having slaughtered my mother, my sister and my brother...A case of parricide in the 19th Century* that the various competing narratives, from the legal, medical and media groups, can only be discovered if the sources are arranged in chronological order. This allows the interplay and contradictions between narratives emerge. The narrative analysis in *I, Pierre Rivière...* is

concerned with distinguishing the power play between and amongst the medical as well as legal professions. *I, Pierre Rivière* is the publication of the documents (legal, newspaper and medical) pertaining to the case of Pierre Rivière, who in 1835 murdered his pregnant mother, his sister and his brother with an axe in the village of Aunay in France. Rivière wrote a memoir of his life and actions, which was used by both medical and legal men to try and prove or disprove Rivière's sanity and guilt; Rivière's memoir is left unanalysed by Foucault and his team, but is also published. Instead of analysing Rivière's memoir in isolation, Foucault and his team decided to publish the documents pertaining to the case in order to 'draw a map...of those combats [between medical and the legal teams], to reconstruct these confrontations and battles, to rediscover the interaction of those discourses as weapons of attack and defence in the relations of power and knowledge' (Foucault, 1975, xi). The broader implication in using such a wide array of documents was that they could 'provide material for a thorough examination of the way in which a particular kind of knowledge (e.g. medicine, psychiatry, psychology) is formed and acts in relation to institutions and the roles prescribed in them (e.g. the law with respect to the expert, the accused, the criminally insane, and so on)' which can in turn 'give us a key to the relations of power, domination and conflict' (Foucault, 1975, xi). The focus of the analysis was on the competing, confrontational discourses within the medical and legal documents in order to discover 'the battle among discourses and through discourses' (Foucault, 1975, x). Therefore, Rivière's memoirs are just as important as narratives and sites of discourse and struggle as the documents from the legal establishment or the medical men. The professional standing of the individual does not influence the reliability of their narrative in either a positive or a negative manner, and the narrative of Rivière is not any less reliable because it was written by a peasant boy than if it were written by a scholar or doctor.

Foucault's ordering of the source material into a chronological story does not hinder the exploration of competing narratives. The argument Foucault uses for the chronological arrangement is that 'this throws a good deal of light on the confrontation of various types of discourse and rules and results of this confrontation' (Foucault, 1975, xii). The creation and flow of the discourses within the source material is uninterrupted by this ordering and highlights how competing narratives are formed and used.

As Foucault argues, the case of Pierre Rivière is not 'an exemplary text, but rather a strange contest, a confrontation, a power relation' between the various discourses (1975, x). The competing nature of the various narratives, those of the doctors, the legal teams, the judges and the witnesses agree on very few details. The narratives are most interesting where they diverge, most specifically around whether Rivière was sane or insane. A criminal event, such as the one presented in *I, Pierre Rivière...*, is where social discourses can intersect with one another to illustrate the discourses circulating within a given society and culture. The analysis of such a case can aid in discovering where, how and why certain discourses emerge and how they are incorporated to attack or defend power of institutions, knowledge and individuals. At Rivière's trial this included the combat of the medical men at odds with each other, the judges, the lawyers and Rivière; the legal teams had their own war to fight regarding the admission of medical evidence, the use of extenuating circumstances, as well as other cases of parricide in France which were being compared to regicide (and the assassination attempt on King Louis Philippe at the time would have been at the forefront of people's minds); and the battle of the villagers of Aunay to describe and understand the crime committed within their village (Foucault, 1975, x). Much more was at stake than merely the prosecution of a murderer. Likewise I argue the cases of Chesham, May and Southgate are more than merely the prosecution of three women who were accused of using arsenic to kill children, husbands and a brother. The shifts taking place in society regarding

the rights of women, the power that chemists and medical men wished to exert in the community and within the justice system, as well as the monarch being a woman who was heralding a gentler time in British history are relevant to these cases.

Feminist criticism of Foucault's *I, Pierre Rivière...* is that it fails to account for gender. Ingham (2007) notes that Foucault's focus on power and domination between the medical and legal professions results in a skewed analysis of the Pierre Rivière case. Moreover, Pierre Rivière's fear of women and loathing of his mother are unremarked upon by Foucault. As Ingham states 'Rivière detested not the contract system so much as a growing legal standing of women' (2007, p. 139). Marcus outlines 'the weakness of Foucault's analysis' which she argues 'derives directly from his failure to integrate gender into his theory of discourse and to apply it to the analysis of specific cases' (1989, p. 67). Foucault aided the transformation of the case of Rivière 'into the tale of heroic peasant rebellion' (Howe, 2008, p. 107) without noting where the violence is truly located. Marcus argues that 'the violence that Foucault sees as being characteristic of rural France at that time is a specifically gendered violence...Crimes by women and against them by men, but crimes which point to the tension in gendered social relations which surely did not affect only the countryside' (1989, p. 73). Rivière sided with his father. Ingham notes that Rivière identified himself with Napoleon Bonaparte, and that 'what is clear is that he saw his father as a king whom he wanted to support as a good soldier. His mother was his father's enemy' (2007, p. 140). With the removal of the violent act by Rivière, from the category of "rural violence" and then placed within the category of "gender" or "family" violence, the murders take on a new meaning (Marcus, 1989, p. 73).

Ingham argues that it is important to look at the gender dynamics in the family. Rivière murdered not only his mother but also his brother and sister who shared his mother's bed after she refused her husband's advances. Ingham posits that 'the father's sexual assault on

the mother provided the model for the murders' (2007, p. 141). By writing from 'a patriarchal position, Foucault has failed to uncover the workings power and gender which are expressed through family killings (Marcus, 1989, p. 74) especially as 'the family is a site of violence of both a symbolic and a practical kind' (Marcus, 1989, p. 76). Although Foucault claimed that he would not comment on Rivière's memoirs nor interpret them, Howe writes that:

he may have declined to comment on the killer's homicidal rationalisations, but he did have an opinion, and a transparently masculinist one at that. For it is only from that partisan viewpoint that one could describe the Memoir as beautiful or speak of "reverence" for a text justifying a man's lethal violence against women and her children (2008, p. 109).

The patriarchal nature of Foucault's work on Pierre Rivière's case results in a focus on power and domination, but as Ingham argues 'the lesson of the Rivière materials less in power/ knowledge than in what they imply about...the adverse consequences of patriarchy for children and intimate relations' (2007, p. 152).

By combining the insights of microhistorical methods with a feminist historical analysis and a focus on discourse, this research investigates the depictions of working-class femininity against the backdrop of larger societal discourses about femininity and crime. The following chapter will investigate how poisoning crimes became part of the cultural imagination about crime and women during the mid-nineteenth century, and what discourses emerged during this period that linked poisonings with female deviancy.

Chapter Three

Poisoning Crimes in the United Kingdom: 1839-1851

This chapter situates my discussion of the cases of Chesham, May and Southgate within the broader context of English society and reactions to the perceived increase in poisonings. As I argue in this chapter, there were a large number of men who were accused of committed murder by poisoning, yet it was seen as the weapon of women, the archetypal feminine crime and this prompted the government to enact laws designed to prevent women from purchasing arsenic. Even though their contemporaries may have considered them abominations, the cases of Sarah Chesham, Mary May and Hannah Southgate were not rarities. What makes the cases of these three Essex women intriguing is that compared to other cases for the same time period, 1846 to 1851, the social, legal and media response to these cases was significantly greater and more intense. This suggests that there were broader issues circulating in British society at the time that contributed to this rising concern. I link this to a growing preoccupation and anxiety about wayward women in general and specifically about women who allegedly poisoned their children or husbands.

Many historians of the period have remarked how poisoning was considered a woman's crime (Robb, 1997; Knelman, 1998; Watson, 2010), and as with other crimes where women appeared to be over-represented, for example infanticide or prostitution, solutions were expected from the government (Hunt, 2006; Whorton, 2010). The most extreme form of government intervention aimed at preventing an increase in poisoning crimes was the *Sale of Arsenic Act* of 1851 which initially limited the sale of arsenic to men only (*Sale of Arsenic Act*, Section II, 1851). In this chapter I discuss the number of men and women appearing before the courts charged with poisoning during this period, representations of poisoning and

women during the period of 1838-1851, and how the government responded to increased calls to restrict the sale of arsenic. There were wide-spread concerns about arsenic poisonings that extended beyond the cases of Chesham, May and Southgate. Their cases were also catalysts for the debates about easy access to poisons, and the eventual introduction of the *Sale of Arsenic Act*.

People Tried with Poisoning: 1839-1849

Poisonings (both accidental and criminal) were very frequent in the decade between 1839 and 1849. In 1850, a returns paper, titled *Return of the number of persons tried in the United Kingdom for murder and attempts to murder, by the administration of poison, from the year 1839 to 1849*, was presented to the House of Commons on the poisonings throughout the United Kingdom. A returns paper was a document submitted to Parliament in response to calls from MPs for counties around the United Kingdom to give details about a particular issue of concern. In this paper Parliament requested details about the number of poisoning crimes committed in the counties. Parliament wished to know the number of poisoning crimes committed in the counties and this paper listed the number of men and women tried for murder and attempted murder with poison during the decade of 1839-1849. In total 240 individuals were tried throughout the United Kingdom, which at the time included Ireland as a whole (*Return of the number...*). Of course this does not mean that only 240 deaths were due to poisoning, only that 240 individuals were linked to a case and stood trial for the murder or attempted murder. The number of women, children and men who were poisoned on a yearly basis was estimated to be much higher. In 1841 *The Times* noted that in England alone ‘500 or 600 persons are ascertained to die by poison every year...; besides the cases of poisoning which are never detected’ (Dec. 29, 1841). Numerous poisons were widely available to people from all backgrounds; arsenic, aconite, Prussic acid, cyanide, strychnine and Emetic tartar

were all available without any prohibitions on sales (J. Emsley, 2005). Arsenic was widely available and used in agriculture, in paints, clothing, children's toys and various medicines (Robb, 1997; Whorton, 2010; J. Emsley, 2005), not just for poisoning rats and other vermin around a house.

Up until the 1830s the detection of arsenic had virtually been impossible. The wide availability of arsenic and its capacity to cause either a very swift death or prolonged illness that mimicked the symptoms of cholera (and thus was deemed to be a death by natural rather than suspicious causes) resulted in it frequently being used (perhaps most famously by the Borgia family in Italy). It had been used in various forms since Ancient Greece and Rome, and was certainly not a new weapon for would be murderers (J. Emsley, 2005; Whorton, 2010). Often the only way to establish if someone had been the victim of a deliberate poisoning was if the poisoner was witnessed slipping something into the victim's food or drink, or if a confession was forthcoming. However, it was not only used to achieve foul ends but also for healing. As J. Emsley notes:

...in the past it has affected the lives of many, but that was at a time when it was generally perceived as beneficial, to the extent of being taken regularly as a tonic (2005, p. 94).

Most people who died from arsenic poisoning died because of mistakes, accidents or continued exposure, not murder (Whorton, 2010; J. Emsley, 2005). This did not prevent growing social unease about arsenical poisonings in the nineteenth century as the English authorities were becoming increasingly concerned about the rise in the number of poisoning murders committed with arsenic.

The Times speculated that in England arsenic was favoured as it had been in fourteenth century Italy, with the report on deaths in England noting that 'about 100 fatal cases of

poisoning by arsenic are detected each year' (Dec. 29, 1841), or about one in five deaths was caused by arsenic:

through much of the 1800s, upwards of a third of all cases of criminal poisoning in Britain were due to arsenic, giving the poison so lurid a reputation as an agent of mayhem as to set it apart from all other methods of ending life (Whorton, 2010, viii).

But, as Whorton notes, arsenic's popularity was also due to its accessibility. Arsenic was found everywhere in Victorian Britain, and not always accidentally or for malicious purposes;

a great deal of it was introduced purposely into many of the components of everyday life, with the result that people took it in with fruits and vegetables, swallowed it with wine, inhaled it from cigarettes, absorbed it from cosmetics, and imbibed it even from the pint glass (Whorton, 2010, x).

In consequence, new scientific methods began to be developed during this period to enable easier detection of arsenic. Until 1836, when the Marsh Test was discovered, it could frequently result in false positives particularly if the tester did not have adequate training in using the test (J. Emsley, 2005). A slightly more reliable test, the Reinsch Test, was discovered in 1841, but it too could result in false positives. If the test was administered incorrectly and resulted in a false positive (before being redone with a negative result) the jury's and court's perception of the chemist could influence the outcome of a case (Wiener, 2001; Burney, 2006). The chemist had to be very careful when conducting the test if they did not wish the result to be questioned. Once the Marsh Test became available, the number of detected arsenic poisonings rose (J. Emsley, 2005; Burney, 2006). As Bartrip argues, 'whether the "unusual degree of attention and interest" in arsenic which characterized the decade reflected an increased incidence of poisoning is debatable' (1992, p. 53). The Victorian

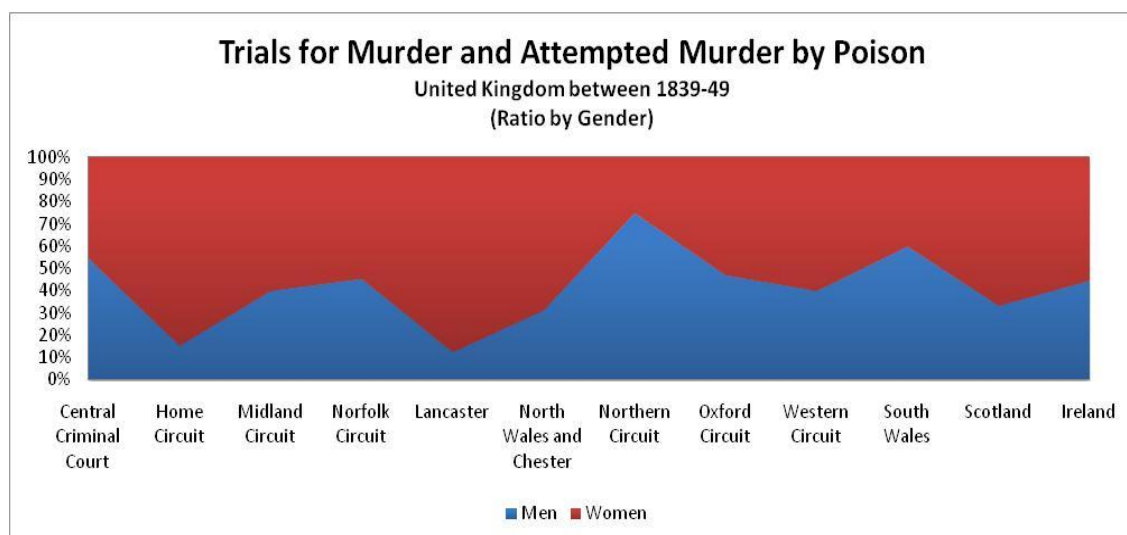
assumption was that there was a surge in poisonings; it is as likely that the new methods of detection were more effective than anticipated in unveiling more poisoners.

The depiction of poisoning crimes was two pronged: on the one hand it was considered “foreign” to Britain, often being noted as Italian; on the other it was depicted as a crime committed solely by women due to the perceived similarities between the act of poisoning and femininity. On considering poisoning as a foreign crime in England, De Quincey wrote, ‘fie on these dealers in poison, say I: can they not keep to the old honest way of cutting throats, without introducing such abominable innovations from Italy’ ([1827], 2006, p. 26). Using poison to kill was not British because of the associations with political intrigue, Catholicism, and secretiveness, characteristics which were believed to be Italian or French. Britishness was characterised by remaining passionless, level-headed, rational and dependable (all considered hallmarks of Victorian ideals of masculinity), while to be foreign meant to be other than masculine, it also meant to be feminine (Burney, 2002). Poisonings were considered to be underhanded, secretive, and a crime for the weak, all of which were considered to be the characteristics of women. Poisonings when ‘compared with the legitimate style, [were] no better than wax-work by the side of sculpture or a lithographic print by the side of a fine volpato’ (De Quincey, [1827] 2006, p. 26). As Knelman has noted, using poison to kill was favoured by women because ‘it allowed the weaker sex to be subversive’ (1991, p.2). However, this perception that poisoning was the domain of women resulted in suspicion ‘that women in general, not just individual females of vicious disposition, were inclined to turn to poison to gain their ends’ (Whorton, 2010, p. 34). This perception was heightened by the increase in newspapers during this period and that they had a vested interest in the reporting of sensational cases in order to sell more newspapers. Poisoning crimes were often sensationalised in such a manner (as I discuss in Chapters Four and Five). In turn this led to the perception that murderous women were on the rise by ‘the

flames of overreaction...fanned...higher by the popular press' (Whorton, 2010, p.26). Even though poisoning was depicted as a crime committed by foreigners and women, men throughout the UK were willing to turn to poison to murder their wives, mistresses, children or parents.

The House of Commons received the returns on poisoning crimes for the decade between 1839 and 1849, and in it the numbers reveal that not only did men commit murder with poison at a higher rate than the newspaper reports indicated, but men and women were convicted for murder and attempted murder by administration of poison at a similar rate. The graph below shows the numbers of men and women per county or Circuit who were tried in the UK between 1839 and 1849 for administering poison based on the results from the returns paper.

Table 1



Source: Original Graph

As the graph above illustrates, although the number of women tried for murder and attempted murder with poison were higher, the difference between the sexes is not very great. In total of all the individuals tried, 44 percent were men and 56 percent were women, or 106 men to 134 women. In Lancaster almost 90 percent of those tried for poisoning crimes were women, the

highest in the UK. In comparison, in the Northern Circuit 75 percent of those tried for poisoning crimes are men- the highest percentage for men poisoning in the UK. Although the anxiety during this decade was about women using poison to kill, as the graph illustrates, according to official statistics men were just as likely to kill with poison as women.

In Essex, between 1839 and 1849, six women were charged with poisoning crimes and this includes the trials of Chesham in 1847, May in 1848 and Hannah Southgate in 1849. Chesham's alleged accessory, Thomas Newport, was one of two men in Essex tried for murder with poison. Of the six women tried for murder and attempted murder by poisoning in Essex, only two were convicted: May and one other woman. The other woman did not receive the death penalty, like May, possibly because she was tried for the lesser crime of attempted murder. Neither of the two men were convicted of any crime, and indeed in the entire Home Circuit, to which Essex belongs, no other men were charged with poisoning crimes. Of the 13 persons tried with murder and attempted murder by poison in the Home Circuit, only three were convicted, and only one received the death penalty. Chesham was the second woman executed for poisoning crimes (not murder but the crime of administering poison with intent) in Essex in 45 years. This data suggests that Essex was not home to an inordinately large number of poisoning crimes, nor that women were often executed for poisoning crimes. Instead, May's case is important for the very fact that she was the only woman to be executed.

The conviction rates for poisoning crimes were at 60 percent (*Return of the number of people tried...*) which is higher than the usual 40 percent conviction rate for other crimes (Robb, 1997). As the *Returns* paper shows, for the convictions where data is available about the gender of the convicted, the number of women being convicted is the same as men- both sexes being convicted 60 percent of the time. The discrepancy between the sexes, according to the *Returns* paper, is not as great as suggested by newspaper reports of the time.

These statistics illustrate that poisoning was not purely a women's crime as it was claimed to be by social commentators or newspaper articles. Although the number of women tried was higher, it didn't warrant the labelling of poisoning crimes to be labelled as a woman's domain. However, contemporaries viewed women as finer creatures than men 'so when they turned to murder it was a shocking, indeed monstrous perversion of their essential nobility of spirit' (Whorton, 2010, p.35). Coupled with the genuine distaste of murders committed in an "unmasculine" fashion and soon poisoning with arsenic was elevated above all other methods of murder as more black, devious and monstrous. Poisoning became synonymous with women who failed to adhere to cultural norms of femininity, who were considered masculine, unchristian, promiscuous, independent or greedy. In order to better understand how and why poisoning became a feminine crime, the examination of representations of women follows in the next section.

Rising Interest in Criminal Women

In the years from 1839 to 1846 (the year when Sarah Chesham allegedly committed her first poisoning crime) a search in *The Times* digital archives reveals that a total of 132 articles appeared related to poisoning crimes within the United Kingdom. Of these articles, 73 are concerned with the cases of women on trial for poisoning crimes, while 59 articles refer to men who used poison to kill. This further supports the argument made in the previous section that the available evidence from this period underlines the fact that men too used poison regularly in murders, regardless of attempts to label it a purely women's choice of weapon. Even though men turned to poison to kill, *The Times* stated that poison was only safe in the hands of men, albeit doctors. The reporter noted that 'these [poisoning deaths] are not like the other violent deaths. The poisons are of very little use, except in the hands of medical men; and may, without any disadvantage be placed beyond the reach of the majority of persons by

whom they are employed for self-destruction, or murder' (*The Times*, Dec. 29, 1841). However, when poisoning deaths for the cities of Manchester, Salford, Liverpool, West Derby, and Birmingham, and counties Norfolk and Suffolk were broken down, 134 poisoning deaths were attributed to medicine being improperly given (*The Times*, Dec. 29, 1841). Although that would include deaths where larger or smaller doses had been administered by carers, it also would include deaths where the wrong medication was prescribed. Of the remaining poisonings, only 17 were apparently attributable to arsenic, with opium resulting in 31 deaths (*The Times*, Dec. 29, 1841). The cause of the great number of poisoning deaths each year was not only murder, but suicides, or poisons mistakenly ingested. One letter to the editor of *The Times* suggests the high number of poisoning deaths has more to do with the working-classes. The writer notes that 'the extreme carelessness of the humbler classes is proverbial' (Sept. 9, 1842), suggesting that accidental poisonings were linked to a class malaise.

The fear of poisoning crimes wasn't concerned with the weapon but with the perpetrator and so reporting on the violence of women would sell newspapers to the public who were worried that women were usurping the patriarchal order. Newspapers were well aware that reporting on sex and violence was the best manner by which to secure readers (Whorton, 2010; Knelman, 1998; Moore and Maunder, 2004; D'Cruze, 2005b). Accounts of 'arsenical homicide made particularly compelling copy' (Whorton, 2010, p. 26). But with women of the feminist movement demanding they be heard and taken seriously, women were no longer out of public view. Coupled with the rise in detection of poisoning crimes this could, as Whorton argues, make it 'all too easy to suppose that the female poisoners who now made such regular appearances in newspaper headlines were a much more numerous species than, in fact, they were' (2010, p. 34-5). It appears that when a young working-class woman killed her newborn or infant because she didn't wish to see the child suffer, or put her other

children and husband through more hardship than a more lenient sentence would be handed down. While not condoned, women who killed their children did not often receive a death sentence, or end up in jail for long (Knelman, 1998; Weiner, 2004). Murdering a husband, a brother, a father or lover, on the other hand, resulted in a communal sense of unease. Killing a husband or committing violence against him was unacceptable. As Foyster argues 'a violent woman...threatened her husband's masculinity by exposing him as impotent and helpless (2005, p. 105).

Regardless of gender expectations in the nineteenth century, women did kill men, and as the numbers show, poison was a favoured means. Knelman's analysis of the fifty most notorious murderesses in England between 1807 and 1899 concludes that 48 percent used poison to kill, as opposed to 14 percent who stabbed someone to death, 10 percent who suffocated, 10 percent who bludgeoned, six percent who strangled, four percent who shot, and eight percent who used other means (Knelman, 1998, p. 8). Victorians appeared to have had an intense fascination with the "other": individuals with disabilities and deformities, non-European races, exotic animals and also criminals who didn't fit a mould (Maunder and Moore, 2004, p.4). The use of poison by women coupled together this fascination resulted in a greater interest in women who killed with poison during the 1840s. The "other" of course included women who failed to behave according to prescribed societal gender norms. Women murdering unsuspecting husbands with poison were of concern to middle-class Victorians in the 1840s (Robb, 1997; Knelman, 1998). The degenerate, fallen woman was of interest to Victorians, as Maunder argues because, 'British fears of degeneration became a sort of "negative national rallying point" and a source of recurrent panic to middle-class Victorians' (2004, p. 60). The panic of the middle-class would in turn lead to greater calls for government controls to prevent the disintegration of British society, whether through the creation of the *Contagious Diseases Act* of 1864, the *Poor Law Amendment Act* of 1834 or the *Sale of*

Arsenic Act in 1851. These male sponsored acts of Parliament were often to increase control over women's freedom and their bodies at a time when there was a fear that increased female independence was leading to the degeneration of society. The figure of the female poisoner emerged in the 1840s as the embodiment of the "other" woman, the unchristian, wicked, monstrous woman who failed to adhere to the cultural gender norms. Science and the medical professions were on the rise during the nineteenth century and were increasingly turned to in order to explain deviance (especially female deviance) and to rehabilitate those acting outside the acceptable social norms (Bartrip, 1992; Burney, 2006).

Concurrently with the rise of the science profession's ability to discover arsenic in the remains of an individual, British society was undergoing change although a large percentage of the population remained poor rather than reaping the benefits of the Industrial Revolution. Poverty was wide spread in the mid-nineteenth century especially in rural locations, such as northern Essex from where these three women lived (Lee, 1999; Davies, 2000; Horn, 1980). With the uncertainty of life outside of the home, the idea that there were women poisoning their children and husbands would have been an uncomfortable thought for those in the middle-classes who believed that women were angels of the hearth, passive, caring and morally superior to men (Robb, 1997; Whorton, 2010; J. Emsley, 2005). Chesham, May and Southgate were not the only women accused of poisoning crimes between 1839 and 1851 (as the table above illustrated), but their cases become synonymous with female criminality and poisonings of the 1840s. Their cases became the site for the panic about arsenic poisonings (Knelman, 1991). What is peculiar is that after Chesham's execution in 1851, the interest in the Essex poisoners waned. It would appear that because Chesham had been depicted as the archetypal poisoner, her subsequent hanging signified that all deviant women would eventually be caught and executed, and the greatest threat to British society (the cunning, secretive poisoner) had been dealt with.

It is noteworthy that their cases did not generate an excessive amount of source material when compared to later cases involving middle-class female murderers like Florence Maybrick, Madeline Smith or Constance Kent. Social and media commentary about these latter cases was far greater: Maybrick published her memoirs in 1904, a complete report of the Smith's trial appeared in 1857 and Kent offered the inspiration for Wilkie Collins in *Moonstone* (1868). These cases have been regularly researched by historians. It is certainly interesting that these women wrote about their own trials, wrote diaries, sent letters in which they spoke at length about their trials all of which has contributed to the relative accessibility of these cases for researchers (Hartmann, 1973, 1977; Summerscale, 2009). The cases have generated an enormous amount of material, yet they were not the catalysts for legislative reforms. While the need for legislation to be passed in order to restrict the sale of poisons such as arsenic had been debated at various times throughout the century, it was Chesham's case in 1850 that prompted the introduction of *The Sale of Arsenic Act* 1851.

The Sale of Arsenic Act- 1851

Concurrent with Chesham's first case in 1846-47 was the rise of the medical profession. Psychiatric and physical medicine practitioners were campaigning to raise the status of their professions and become central to criminal cases (Bartrip, 1992; Burney, 2002, 2004; Merry, 2010). Trials began to rely heavily on the professionals' opinion of the crime or the accused. Outside the courtroom, doctors and psychiatrists were beginning to see their professions as based solidly on scientific evidence. The rise of the sciences allowed doctors, chemists, pharmacists to legitimise their involvement in the legal process (Bartrip, 1992; Burney, 2002). Pharmacists too were campaigning to have their profession acknowledged as one that required particular skills and knowledge (Bartrip, 1992; Merry, 2010). Both groups took an interest in how arsenic was being bought, sold and otherwise distributed in the

community, and pharmacists especially wanted measures introduced to ensure only they would be permitted to sell arsenic, thus legitimising the professional nature of pharmacy (Bartrip, 1992). In the years after Chesham's first trial, more poisoning trials were underway all around England and poisoning cases resurfaced in Essex. Perhaps the most interesting pamphlet written about how and why the sale of arsenic should be controlled was written by James Tunstall, a pharmacist from Bath, who petitioned the Parliament, along with his colleagues in the south of England, to regulate the sale of arsenic.

In 1849, Sarah Freeman, a woman well known in her locality of Bath, was executed for murder by poisoning. Sometime after her death the Provincial Medical and Surgical Association (PMSA) held its annual meeting where the issue of the sale of arsenic was discussed. Based on this discussion Tunstall penned his *Observations on the Sale of Arsenic* (1849) to use as part of the PMSA's petition to gain control over the sale of arsenic instated by the government. The PMSA was in favour of 'attacking the GREAT ARSENIC EVIL' (Tunstall, p.5; capitalisation in original) and did not wish to diminish their prospects by including other poisons in the debate; as Tunstall wrote '...it is far better to aim at the destruction of one prominent enemy, than to weaken our forces by attempting to combat many.' (1849, p. 5).

The main focus of Tunstall's piece was the need for arsenic to be sold by licensed sellers, because of the perceived increase in the number of poisoning crimes. Although some twenty years earlier, when first attempting to introduce a bill on the sale of poisons (in 1829), the government was concerned to prevent accidental poisonings but by 1849 the focus was not on accidents and suicides, but on the criminal applications for arsenic. To argue his case, Tunstall wrote about two instances of murder committed with arsenic. In both instances the victim was a husband, and the murderer a wife.

The first case involved a man by the name of Marchant who died quickly and his death was attributed to natural causes. Apparently, his wife's sudden marriage to an older gentleman just two days after the burial of her husband excited suspicion and it was soon discovered that Marchant died of arsenic poisoning (Knelman, 1998; Tunstall, 1849). In Tunstall's words 'this case, if no other existed, calls loudly for the interference of the Legislature to prevent the indiscriminate sale of arsenic' (1849, p.10). This case illuminated the ease with which women could access arsenic and administer it to their husbands. As Tunstall notes, the woman, Charlotte Marchant, had acted as the kind and caring wife who was pretending to nurse her husband back to health but had instead administered more arsenic to him to hasten his death:

her husband is attacked with inflammation the bowels; she fulfils all the duties a fond and attentive wife. She procures medical advice; she nurses him herself; and at the end of the week he dies. The medical gentleman certifies his death as a natural one. He is buried; and friends and neighbours attend the funeral on the Saturday. Here all would have been well; but upon the Monday she marries her aged admirer (Tunstall, 1849, p. 9).

In an era when the only role of a woman was to be a nurturer- emotionally, physically and morally - to see the role so abused was shocking to contemporaries, however, it did underline the belief that women were morally weaker than men and thus capable of far more cruelty. Tunstall's examples of murderers addicted to using arsenic are all women: Charlotte Marchant, Sarah Freeman and Rebecca Nurse. Similarly these three cases have regularly appeared in the historical literature since (Knelman, 1998; Robb, 1997; Wilson, 1971, Whorton, 2010). Linking the use of arsenic to murder Tunstall turned his attention to burial clubs, early forms of life insurance corporations, where many children and adults were subscribed for small sums of money so that in case of death the burial club paid a sum that

covered burial fees. Secret poisonings became synonymous with arsenic, women and burial clubs, as, for example, Tunstall's pamphlet illustrates. Although the pharmaceutical and medical associations were no doubt calling for legislation restricting the sale of arsenic in order to legitimise their professions, the main argument used in the call for the restriction was protection of the innocent: children and men. Tunstall doesn't mention women as potential victims of arsenic, indeed all mentions of the illicit use of arsenic locate the poisoner as a woman:

how much more does it become the duty of the Legislature to protect the innocent, confiding and unsuspecting victims of domestic and family murder, where, in many cases, the horrid drug is administered in the cooling fever draught with which the dying husband or child quenches the dreadful thirst, produced by the very hand which smoothes his deathbed pillow! (1849, p.11)

The purveyor of arsenic is female. A search in *The Times* for the years between 1800 and 1851 returns at least 7 men who were found guilty of poisoning their wives or lovers with arsenic and sentenced to death. Not one of these men is referred to by Tunstall as proof that arsenic needed regulating. One of these men whose case gained *The Times*' attention was James Emery who administered arsenic to his lover Sarah King (Aug. 13, 1822), and also possibly murdered up to three wives using poison before being caught for forgery. Another was John Graham who in 1829 poisoned his pregnant wife (Jul. 19, 1845). In 1823 John Smith was tried after he poisoned his lover Sarah Arrowsmith (Dec. 29, 1823).

In 1850 the government drafted a bill (the Sale of Arsenic Bill) to regulate the sale of arsenic shortly before Sarah Chesham was again arrested and charged with the murder of her husband, Richard. On the 16th May 1850 Richard Chesham passed away after a prolonged illness. The doctor, Mr. George Willings, suspected it was tuberculosis, which indeed it was

as the autopsy, conducted by Stephen Hawkes, concluded (Sept. 20th 1850, PRO ASSI 36/6). But because Sarah had had two sons die with large quantities of arsenic in their stomachs, the stomach contents of Richard were sent down to Alfred Swaine Taylor in order for him to do a chemical analysis. Taylor, after running a series of tests to see if arsenic was present in the stomach and bowels, concluded that Richard Chesham had ingested arsenic during his lifetime but the levels found in his remains would not have been responsible for his death (Sept. 20th 1850, PRO ASSI 36/6). His verdict was that Richard Chesham had died of tuberculosis consumption hastened by the administration of arsenic. After the Coroner finished examining Chesham and the witnesses, the inquest jury's verdict on the death of Richard Chesham was that he had died of Tubercular Consumption. With that verdict Chesham was acquitted. But the coroner insisted on continuing the investigation and putting a stop to Chesham, wanting to find her guilty of a crime.

In Parliament, the Earl of Carlisle had introduced the Sale of Arsenic Bill to restrict the sale of arsenic only to people of good repute. As the debate in the Commons and Lords continued and suggestions began to come in from all over the country on how to handle the restriction of arsenic, a suggestion was proposed to the Earl: that arsenic only be sold to grown men (*Hansard*, March 24 1850). The government was depicted in the media and pharmacists like Tunstall for acting too slowly in the face of this poisoning 'epidemic' and were criticised for the perceived lack of action in protecting citizens. The Sale of Arsenic Bill was introduced to counter the mounting criticism of the government for their lack of action.

The first bill drawn up by the government to restrict the sale of arsenic was not assented to in the House of Lords and House of Commons until April 1850. Mr. Stanford, a MP in the Commons, had asked whether something should be done to curb the number of murders, namely through the regulation of the sale of poisons. He stated that 'the number of murders which had been perpetrated recently by poison, which could be procured with

facility...was so great that he was sure the House would agree with him in the necessity of putting a stop to it' (*Hansard*, April 30th 1850). In answer to him, Sir George Grey revealed that the government had prepared a measure that would put a stop to the spate of poisonings because, whether in government, in the papers, or in the address of medical men, the idea had taken hold that 'the practice of taking away life by such means [poisoning with arsenic] had become more frequent than formerly' (*Hansard*, April 30th, 1850). Initially there was no move to exclude women from purchasing arsenic in the Earl of Carlisle's Sale of Arsenic Regulation Bill. Up till March 24th (coincidentally, the day before Chesham's execution) it was only a condition that respectable people purchase arsenic, with no mention of their sex.

In 1848 the *Chelmsford Chronicle* published a letter from a chemist in response to *The Times* editorial blaming chemists for poisoning deaths. The editorial's main concern about the regulation of arsenic. The anonymous letter writer was upset that 'You [*The Times*] seem to lay the whole blame of persons attempting to poison themselves and others upon the facility with which you say they can obtain poison of chemists' (*Chelmsford Chronicle*, Oct.27, 1851). Instead the writer suggested they lay the blame wholly at the feet of people misusing the arsenic, not with the sellers of the poison. At a time when arsenic was widely used around the home and farm the chemist did not see why it was the pharmacist's task to find out what the arsenic would be used for; it was just as commonly purchased as baking soda, flour or rice. *The Times* took issue with the ease with which arsenic was purchased around the country, and reasoned that if arsenic sales were restricted then criminal poisonings would stop plaguing England. The newspaper was looking to those in government to come up with the solution: 'by stopping...the indiscriminate sale of arsenic, according to one or other of the numerous regulations which have been recommended for this purpose, the chief, if not the sole instrument of mischief, would be removed from the reach of the criminal' (Sept.22, 1848).

There was no mention in the press that women in general should be prevented from buying arsenic aside from Tunstall's suggestion that only grown men be permitted to purchase it, as only they could be trusted to handle it correctly. In the lead up to Chesham's execution there were a number of articles appeared in the *Chelmsford Chronicle* and *The Times* asking what the government was doing to stop secret poisonings- but by that time the legislation for the sale of arsenic was almost in place. Sarah Chesham was used as a case in point. It was due to 'alarming incidents that have become public by the conviction of Mrs. Chesham [that] must, I think, convince everyone of the necessity of some restriction upon the sale of arsenic' (March 21, 1851) wrote "Vindex" in the *Chelmsford Chronicle*.

Earlier an editorial in *The Times* (March 8) had noted that 'the examples before us are not solitary instances of crime, but rather indications of guiltiness more general than it would be easy to believe' and both "Vindex" and the editorial were pointing the finger at chemists and store keepers to be the ones who would have to regulate just to who they sold their arsenic. *The Times* stated that the best form of action was introducing 'any measure which shall restrict or qualify the sale of arsenic [which] will in the same degree put a check on the hideous crime we have been describing, and we look with corresponding anxiety to the enactment on the subject, which has been promised us in the present session' (March 8, 1851). In all the discussion about what exactly the regulation should entail in order to stop women like Chesham from purchasing arsenic (should a buyer have to take a witness with them, or would their signature suffice? Whether only "respectable" people purchase arsenic? How much would be the limit on the arsenic sold to an individual? etc) people (reporters, editors and MPs) overlooked a key point: Chesham claimed that she had never purchased arsenic, indeed many individuals accused and convicted of poisonings could procure it from employers, friends and family.

Arsenic poisoning, or the common moniker of “secret poisoning”, had with Chesham’s trial and execution, cemented its place in the mind of the upper-classes as a crime ‘which seemed to attract and fascinate a certain class of minds more than any other kind of crime’ and had ‘a degree of mysterious horror attached’ to it (Earl of Carlisle, *Hansard*, March 13, 1851). In 1850 there were no other high profile poisoning cases other than Chesham’s. The government was slow in moving to ‘check as promptly as possible’ the sale of arsenic (Earl of Carlisle, *Hansard*, March 13, 1851). It was only once Chesham’s case was well under way in August 1850 that there was any mention of it in Parliament.

In the Lords debate, Carlisle moved it ‘expedient that it should be expressly enacted that arsenic should be sold to none but male adults, as several deplorable accidents had occurred from young children and female servants having been sent to purchase it’ (*Hansard, HL Debate*, March 24, 1851). The suggestion that poisoning accidents occurred regularly because children were allowed to buy arsenic (examples of which are severely limited in any press article based on my research across newspapers) and this in turn should act as proof of why women were to be barred from purchasing arsenic was difficult to believe for some contemporaries. J.S. Mill wrote to the Home Secretary, Sir George Grey, in order to express his opinion that the Bill was a ‘gross insult to every woman in the country’ (Mill, 1972, p.63). The clause added by the Lords suggested to Mill that ‘all women from the highest to the lowest, [were] declared unfit to have poison in their possession, lest they shall commit murder’ (1972, p.63). It was obvious to Mill that it wasn’t the prevention of accidents which was the purpose of this legislation but instead women were being labelled as the sole poisoners in England. Mill’s interest in the legislation was following his involvement in the campaign for more rights for women.

Although the *Married Women’s Property Act* was still 19 years away, the campaign for women’s rights in Britain had begun. The *Sale of Arsenic Acts* suggestions that all women

were poisoners was ‘a retrograde step in legislation, a return to the ideas and practices of barbarous ages’ when the civilising process of the nineteenth century had been towards the ‘elevation of women- towards their relief from disabilities, their increased estimation, the assignment to them of a higher position, both social and domestic’, and the legislation instead ‘singles out women for the purpose of degrading them’ (Mill, [1850] 1972, p. 63). Rather than creating legislation that could have prevented both men and women from purchasing arsenic unless under strict conditions in determining the identity of buyer, the legislation was:

not ashamed to assert that Englishwomen cannot [be trusted with poisons]. A law which if common to both would be merely a specimen of timidity and over caution, is when limited to women, a legislative declaration that Englishwomen are poisoners- Englishwomen as a class- as distinguished from Englishmen (Mill, 1972, p. 64).

However, the inclusion of the clause that ‘no Person shall sell less than Ten Pounds Weight of Arsenic at any One Time to any Person other than a Male Person of full Age’ (Section II, *Sale of Arsenic Regulation Bill*, 1851) was a reaction to the latest crime to gain the attention of the public: Sarah Chesham and the death of her husband. The legislation wasn’t passed to protect the innocent *en masse* from poisonings, but to protect men from the supposed large number of women who were bent on using arsenic to kill them. In creating this legislation the government also entered the social discourse about protecting women and children from themselves and their own mistakes, and gave the power to buy arsenic to men alone. This narrative almost completely ignored criminal women and poisoning crimes, instead claiming that women were so confused in their thinking that they regularly mistook arsenic for flour or baking soda.

Contemporary opinion was that because it was considered a secretive, underhanded and wicked way to kill someone it had feminine characteristics of women, and was thus the way women killed. The 1840s were an unstable time economically and politically in Britain, resulting in panics about the degeneration of British society, and poisoning crimes were just one of the areas where this unease found a place for expression. In the following chapter I analyse the social and legal responses to the trials of Sarah Chesham in order to illustrate how these responses can be understood as reflecting broader tensions and anxieties about the relations between gender and crime.

Chapter Four

The Archetypical Poisoning Woman: Sarah Chesham's Cases

Sarah Chesham was a working-class, illiterate woman from Clavering, a small and inconsequential village in Essex. She was charged with murder (poisoning with arsenic) and tried on four occasions, three times in 1847 and once in 1851. The media was intensely interested in her and her crimes; the London newspapers regularly updated their readers on the progress of her trials in Chelmsford. While Chesham had been accused of poisoning children she was not considered such a grave threat to Victorian moral and gender order as when her husband died, seemingly also at her hands. Chesham's first case, although followed closely by the newspapers, was not much different from numerous other cases every year of mothers killing their children. The interest in her trial in 1851 for the death of her husband was not only from the newspapers, but the wider public and the government also (for example in Parliamentary debates and letters to the editor of *The Times*). The day before Chesham's execution the *Sale of Arsenic Act* was passed, along with the section stating women were not allowed to buy arsenic, only men were permitted to do so. Editorial remarks, as well as the focus of the prosecution's narrative on Chesham as a "bad", woman indicated an interest more in female criminals and criminality than Chesham. As a consequence of this interesting shift in media, government and legal attention, this chapter will argue that this fascination with her character and her crimes was less to do with Chesham herself, but rather that Chesham became a focal point through which to explore female criminality; that is to say her womanhood seemed incomprehensible and required explanation. In this chapter I show how depictions of Chesham's femininity were in flux: at her first trial there is a narrative of good motherhood in play, however, the newspapers chose not to accept the defence's

narrative or her acquittal. In her second trial, when the depictions of her femininity were increasingly negative, depictions of her womanhood became almost a caricature of what bad women were expected to be like: Chesham was depicted as witch-like.

No woman had been hanged in Essex for 40 years, and there hadn't been an uncommonly large number of women being hanged in the previous years for poisoning. In fact in 1846, only one woman had been executed, Martha Browning, at Newgate, for murder by strangulation.⁶ Sarah Freeman was executed in 1845 for the murder of her brother with arsenic and was also implicated in the deaths of the rest of her family members. The case had caused a great deal of interest in the papers but no government response. Earlier still in 1844 Eliza Joyce had poisoned her three children after her husband refused to live with her, and although receiving publicity in *The Times*, interest in the case died fairly quickly. In 1851 Chesham was executed for poisoning her husband. Her execution came almost three years after another female poisoner in Essex, Mary May, was hanged. Whereas Essex had been without executions for four decades, the poisoning trials resulted in two executions in close succession.

By the mid-nineteenth century the ever increasing influence of middle-class values had taken a firm hold on the idea of how women and men should behave (Robb, 1997; Stevenson, 2005). Middle-class ideals of femininity were applied to working-class women, and Chesham herself was held to this standard. During the nineteenth century, and indeed in the preceding centuries 'personal relationships remained a public concern' (Foyster, 2005, p. xi). It was considered the duty of the community up until around the mid-nineteenth century to control the behaviour of men and women in personal relationships because any breakdown in the family could have negative effects on the greater community (Foyster, 2005). Throughout the nineteenth century the state took an increased interest in preserving the moral

⁶ <http://www.capitalpunishmentuk.org/fempubli.html>

order of its citizens. With the rise of the middle-classes and the beginning of the reign of Queen Victoria, the roles for men and women began to be more clearly distinguished: men were to play a public role and be within a public sphere, whereas women were expected to remain within a private sphere and only work within their households. These spheres often overlapped for working-class women who could not afford to wholly remain at home but had to work to provide for their families (Walker, 2003). But as Roberts writes ‘there is considerable difficulty in writing about these [nineteenth century] assumptions [about the nature and functions of women] which were not always clearly articulated, which were not universally shared and which were ambivalent and contradictory’ (1995, p. 4). When a woman was accused of poisoning her children or husband, there was a fear that the traditional care giving role was being subverted and could result in the breakdown of the greater community (Walker, 2003; Foyster, 2005; Robb, 1997). Sensational murder cases that gained widespread attention, according to Trotti are ‘histories less of crime than of communities coming to terms with violence, telling stories about it, and finding rationales to explain and learn from it’ (2001, p. 129). When a woman killed an abusive, drunken husband with an axe, or shot a lover it was, on the one hand, considered a very masculine and monstrous way to kill, justifiable only in cases where a woman was protecting herself against a very violent attack. On the other hand, it was considered *less* monstrous than using poison (Knelman, 1999):

men denied the validity of women’s violence as long as they had the strength of body and mind to quash it. This was ‘natural’. Only when women turned to *unnatural* or *supernatural* violence- poison, witchcraft, other ‘secret’ methods- was the inadequacy of male defences acknowledged. Underhand, invisible means enabled women to traverse men’s boundaries, and to manipulate, doctor or destroy

male bodies as if they were mere wax or dough in their hands
(Walker, 2003, p. 85).

In historiography concerned with crime and gender, and even in today's analysis of women and crime, women are more likely to be presented as being victims of crime rather than agents committing crime (Walker, 2003; Morrissey, 2003). This representation holds true for women who participate in criminal activity, namely murder, both in court and in the newspaper articles presenting their cases to the public (Bell and Fox, 1996). When women performed acts of violence it is 'by conventional standards... "serious"- when women killed, for instance- [it was] sensationalised as an aberration from "normal" gendered behaviour' (Walker, 2003, p.75). An example of this during the mid-nineteenth century is the crime of infanticide which was considered to contravene the maternal feelings that women were supposed to have. As this chapter illustrates, the trials of Sarah Chesham became ongoing sites for debate about female criminality and femininity.

The Chesham case is valuable as a site of feminist historical and criminological investigation and is more than a simple examination of newspaper depictions of her femininity. The investigation of this case also demonstrates the importance of a close-reading of broad source material in order to locate instances where reading narratives of the individual on trial can lead to uncovering the key concerns in the broader society. To begin, in this chapter I will compare the initial newspaper depictions and images of Chesham in her first trial against the narratives that appear in the witness depositions surrounding the deaths of her sons and a baby, Solomon Taylor, and how the newspapers decided to focus on Chesham's mothering, specifically on portraying her as a bad mother. The dichotomy of good/bad motherhood and the resulting reflection it had on the womanhood of working-class women will be a focus of this section. The competing narratives told by the defence and prosecution are also examined. Following this I analyse the various narratives surrounding Chesham's

second trial, when she was charged with poisoning her husband. The newspaper depictions of Chesham during her second trial failed to take into account her acquittal for the deaths of her sons and the baby Solomon. The prosecution was interested in including the previous cases against Chesham in their evidence of her guilt. Finally, I compare the newspaper representations of Chesham and Thomas Drory (the man alongside whom she was executed) leading up to and on the day of their executions. This is in order to illustrate how differently the newspapers dealt with the masculinity and femininity of criminals, specifically, how Chesham's femininity was depicted by the papers in order to portray a negative image of female criminality.

Competing Representations in Chesham's First Case

At Chesham's first trial, the focus of both the defence and prosecution narrative was on Chesham's mothering abilities, and through that her womanhood. The defence, led by Mr. George Bowker, presented an image of Chesham as a kind, caring, good mother who was incapable of killing her own sons let alone the son of another woman. In contrast, the prosecution sought to position Chesham as a bad woman who had been unfaithful to her husband and therefore was the kind of woman who would kill another woman's child for money (*Essex County Chronicle*, March 1847). The inference was that by being a bad woman, Chesham was a bad mother. The two, mother and womanhood, were linked and failure in one indicated a failure in both.

During the nineteenth century women 'were increasingly seen as both more moral and more vulnerable than hitherto' who 'urgently needed protection from bad men' (Wiener, 2004b, p.3). The focus on the family was especially strong during this period due to the young Queen Victoria (Wiener, 2004a, 2004b p. 3-4; Munich, 1996). The ideal woman was one who behaved in the manner appropriate to her gender, she was to marry and have

children, be a good mother and faithful wife. Instead, the story that emerged when Chesham was first charged for the poisoning deaths of her sons Joseph and James in 1845 was that she was a mother who had no interest in protecting her sons, instead choosing to kill them. This in turn led to further speculation that she had also poisoned the illegitimate child of her alleged lover, Thomas Newport. The baby died in 1846, and it was through an investigation into his death that the authorities found out about Joseph and James. Thus, Chesham was not only a woman who had killed her own children, but a woman who was also unfaithful to her husband. The case for the defence and the prosecution rested on how the members of the community (neighbours, family, and the vicar) in Clavering talked about Chesham- as a good mother or a bad woman. These competing constructions of her femininity (one which presented her as feminine, the other as unfeminine) resulted in Chesham as being deemed worthy of sympathy (according to defence representations) and less deserving of sympathy (according to the prosecution's representations of her femininity).

The facts of the case were that in January 1845 James and Joseph Chesham both became violently ill. Joseph, the elder of the two boys, had recently been discharged from the service of Mr. Thomas Newport, a well-to-do farmer in Clavering. The Cheshams on the other hand were a poor family consisting of farm labourers who mostly worked for the Newports. No suspicion was aroused, the doctor, Mr. Stephen Hawkes, determining cholera as the cause of death (PRO ASSI 36/5). In January 1846, Sarah Chesham visited the home of Lydia Taylor, a young woman formerly in the employ of the Newport family, for the first time. She (Taylor) had had an affair with Thomas Newport, and upon discovery of her pregnancy was discharged from service and returned to live with her mother in the nearby village of Maunden (*The Times*, Sept.6, 1846). Chesham, who was not previously acquainted with the Taylor family, went to visit on three occasions. According to Lydia Taylor and her mother, the baby, Solomon (who was born healthy and had no issues with his health prior)

took ill after each visit from Chesham, finally dying in September 1846. In August 1846, Thomas Newport was taken before the magistrates to pay child support. Following Solomon's death, Lydia Taylor reported to the magistrate that she felt Sarah Chesham had somehow murdered her son (*Essex County Chronicle*, March 1847).

It was at this hearing that the magistrate first heard about the deaths of Joseph and James in the previous year. Chesham was apprehended and an inquest into the deaths commenced on the basis that she had previously visited the Taylor home, that she supposedly fed Solomon food she had brought with her, and that her own children had died unexpectedly. Joseph and James were exhumed and, once tested, large quantities of arsenic were found in their stomachs (*The Times*, Sept.6, 1846).

On October 24th 1846 the inquest jury returned the verdict of wilful murder against Chesham for the deaths of her children but the jury decided that Solomon's death was due to an inflammation from his glands; although they couldn't decide if it had been poison that had caused the inflammation and thus his death. Chesham was jailed until the following Lent Assizes to be held six months later.

During her time in jail, Chesham dictated a letter (as she was unable to write) hoping to have it sent to Thomas Newport; instead it was given to the governor of the jail. The letter was used at her trial as evidence against her. In the letter Chesham claimed that she had been paid by Newport to poison Solomon and that she had done his bidding only to find that he had assaulted her son and possibly killed him (*The Times*, Mar.12, 1847). Newport was arrested and put on trial with Chesham for instigating the murder of Solomon Taylor. In May 1847 the trial of Chesham went ahead. The deaths of her two sons were treated as individual cases and she was first tried for the murder of James. The jury found her not guilty (*The Times*, Mar.12, 1847), and a new jury was empanelled because the judge was not happy with the acquittal of Chesham, but the second jury also acquitted her (*Chelmsford Chronicle*,

Mar. 13, 1847). Because Chesham had been acquitted for the deaths of Joseph and James, the jury was unwilling to find her guilty for the death of Solomon, especially as his death could not be linked to Chesham. Both she and Newport were acquitted.

Cases of infanticide were not rare in England during the mid-century, and indeed women who killed their children were rarely if ever convicted of murder or sentenced to hang (Krueger, 1997). Although the boys, Joseph and James, were well-above the age determined by the crime of infanticide (Homrighaus, 2001), Chesham's character was constructed by her legal defence as that of a caring and kind mother. Solomon Taylor's death could not be attributed to any poison or to Chesham; thus, no greater threat could be perceived to the community. That children were the victims led newspapers and the court to question whether Chesham exhibited maternal tendencies - if she did she could be innocent, if she didn't then that was proof of her guilt.

The Times wasted no time in labelling the case a 'horrible drama' about an 'alarming topic' that involved the 'atrocious practice' of murder with arsenic (Sept. 21, 1846). At this point in time the trial of Chesham hadn't even begun yet *The Times* had already painted her as the 'reputed poisoner' who committed 'deeds which the imagination connects with the Medicis or the Gonzagas'. The newspapers assumed her guilt from the outset. *The Times* stated that 'it is beyond a question that an accepted and reputed murderess walked abroad in a village unchallenged and unaccused' (Sept. 21, 1846). In order to illustrate the threat that Chesham allegedly posed *The Times* offered that 'she makes her appearance at the abode of her victim, and her errand is at once understood. The people try to keep the child out of her way, and watch her as they would a wasp or a snake.' Chesham is not only likened to animals but to ones which release venom and are deadly. The imagery is not subtle, and no other newspaper, that I've investigated, published such damning views of her character during her first case. Even the *Chelmsford Chronicle* was willing to publish the statements of the

witnesses attesting to Chesham being a caring mother. By the mid-nineteenth century *The Times* was one of the most widely circulated papers (Altick, 1986), and thus played a key role in determining how other newspapers would respond to similar stories. As Rowbotham and Stevenson write, ‘the Victorians regarded the role of print, especially newsprint, as crucial in promoting and mediating mass consent to the operation of the legal system and the accompanying socio-cultural processes of identifying and punishing transgressors’ (2005, xxiii). *The Times* editors could have considered it their duty to protect the public by notifying them of Chesham’s freedom.

A few months previously the focus of editors, reporters and the reading public were fascinated by news of serial poisonings in Norfolk that had been committed by an elderly man, Jonathan Balls, who had poisoned not only his family but random strangers (In March 1846, *Hull Packet and East Riding Times*, *Ipswich Journal*, *The Bristol Mercury*, *The Times* were just some of the papers that ran coverage). Jonathan Balls’ crime was widely reported across the country, but even so, later articles about poisonings were still reported as the realm of women alone. The crime of Jonathan Balls was, no doubt, a fearful crime to imagine for people who relied on strangers for help during their travels through towns or counties, even more frightening was the prospect of a family member being a poisoner (*The Times*, May 20, 1846). The close succession of two cases of poisoning in south-east/east England led to some newspapers referring to the crimes as a spate of secret poisonings (most especially *The Times*, May 19 and 20, June 1, Sept. 21 1846). But the epidemic of poisonings that the newspapers constantly referred to were instead related to the changes in newspaper reporting, advances in criminal investigation and the development of testing for poisonous substances (Bartrip, 1992). There may have been more anxiety about poisoning crimes, but the rise of science’s ability to detect poisons was seen as the best weapon against poisoners (Burney, 2006). The professional nature of the scientific and medical professions could have been seen as the right

weapon against poisoners, and kept the public less anxious through the belief that they would protect the innocent with the advances in the professions.

Using poison to kill ‘was Italian, dangerously refined, and, in its historical incarnation, an instrument of high politics’ (Burney, 2006, p.13). In the English imagination poisonings were linked to the political intrigues of Italian courts throughout the sixteenth and seventeenth centuries. Poisoning was ‘sinister, secretive and calculated’ (Robb, 1997, p. 177) unlike other forms of murder. The rise in the number of newspapers during the mid-nineteenth century in the United Kingdom meant that stories about crime reached a wider audience- there weren’t necessarily more poisonings, just more stories about them in circulation (Burney, 2006; Knelman, 1998; Watson, 2010). As Burney notes it was mostly the newspapers that perpetuated the idea that secret poisonings had suddenly become endemic. Moreover, Burney argues that ‘changes in patterns of reporting (in terms of frequency and content) are both indicators of, and constitutive material for, the perceptual foundation upon which the Victorian poisoning “epidemic” was built’ (2006, p. 20). Great Britain was proudly progressing along the path of “civilisation” and the civilising process of its people in both rural and urban areas, and secret poisonings threatened that progress. As Knelman (1998), Robb (1997) and Bartrip (1992) have shown, other than the historical association between poisoning and female deviance, poisonings also came to be associated with the rural, uneducated working class. *The Times* gladly labelled Clavering ‘ignorant and secluded’ and Essex as a whole ‘uneducated’ (Sept.21, 1846).

Throughout her first inquest and trial, newspaper representations focused on the prosecution’s case, and the defence narrative of Chesham as loving mother and wife was largely absent. Although arsenic had been detected in the bodies of the boys it wasn’t enough evidence for the prosecution to prove that Chesham had been the one to administer the poison. Rather than focusing on whether there had been any arsenic in her possession, the

prosecution depicted Chesham as an uncaring mother. In the opening statement on Chesham's first indictment (of the poisoning of Joseph) the prosecuting counsel stated that 'it would be his duty to state certain expressions and certain acts on the part of the prisoner at the bar, which would lead to the impression that she had not that kind disposition that ought to exist in the heart of a mother towards her child' (*Essex County Chronicle*, March 1847). Three men from Clavering were called to give their opinion of Chesham as a mother and a woman: the vicar, George Brookes, Thomas Newport, and the surgeon, Stephen Hawkes. Chesham's behaviour following the death of her sons was taken as an indicator of her character, which would have had a bearing on how jury's verdict. The vicar in Clavering, George Brookes, remarked 'when I met Mrs. Chesham after their [Joseph and James'] deaths she seemed very angry for a long time with Thomas Newport and his mother' (PRO ASSI 36/5). Thomas Newport was also called upon to give evidence and he noted that upon telling her that he could no longer employ Joseph, after he had stolen 2 eggs, she 'appeared angry at first' (PRO ASSI 36/5). The surgeon Stephen Hawkes who was attending to the children stated that he had suggested to Chesham that an autopsy be performed on the boys but 'she made no reply...by her manner she did not seem agreeable to it' (PRO ASSI 36/5). Three of Clavering's leading men all had negative statements to make about Chesham. Accordingly the image of Chesham presented by the prosecution was of a disagreeable, angry, and quarrelsome woman.

The prosecution relied on the evidence of a complete stranger, Lewis Player, a labourer from the Newport family, who based his impression of Chesham on the one occasion he saw her while he was riding past on the Newports' horse. Player stated that 'she was making a noise at her little boy that is at home now, I heard her say "you little dog hold your tongue, you ought to be where the others are"' (PRO ASSI 36/5). He stated that he had told this to Lydia Taylor and her mother. According to the *Ipswich Journal* when the coroner

called both Lydia and her mother, both were in agreement that Chesham had sworn at her children and even hit one of them, although they would not swear to it under oath. The Coroner asked them ‘do you mean to say that you have not told other persons that you heard her swear at the child and say “D--- me you want to be put to sleep like the other two”?’ (*Ipswich Journal*, Mar. 13, 1847). While this conversation is not commented on in the legal documents, the inclusion of this in the newspapers further underlined the negative image circulating of Chesham as an uncaring mother who threatened to kill her own children. Stephen Hawkes added in his testimony that it wasn’t Chesham who was taking care of the sick children but the grandmother: ‘the grandmother was the principal person I saw at each of my visits and seen to take the most interest with the care’ (PRO ASSI 36/5). Thomas Deards, the downstairs neighbour, stated that ‘[she] did not seem to be much put out’ (PRO ASSI 36/5) by the deaths of her sons and Lydia Newman, an acquaintance of Chesham stated that ‘I have said I thought perhaps she might do it but I had no evidence for saying so excepting as to what she had said to me about Mr. Newport sending Joseph away’ (PRO ASSI 36/5).

The prosecution had little to rely on in arguing its case. Chesham neither had arsenic, no one in her family had purchased any for her, and her husband and two living sons maintained there never was any arsenic in the house. The prosecution could only build its case on presenting Chesham’s character as unfeminine, unmaternal. In contrast, the defence argued that Chesham was a kind and caring mother which resulted in a more sympathetic depiction of her character. Under cross examination, four of the prosecution’s witnesses attested to this. As Margaret Mynott stated ‘the prisoner...appeared to be a kind mother...and a decent woman in her way of life’ (*Essex County Chronicle*, March 1847). Thomas Deards also stated that following the boys’ deaths ‘I saw Mrs. Chesham have a handkerchief before her eyes and she appeared to be crying a little while’ (*ECC*, March 1847). By displaying grief Chesham exhibited all the signs of a respectable wife and mother. Under cross-examination,

the Vicar also swore that he ‘had seen the manner in which Mrs. Chesham conducted herself toward her children and her conduct appeared to be what it ought to be’ (*ECC*, March 1847). Other than Player’s statement about Chesham swearing at her children, there were no witnesses to show that she had ever mistreated them or not spoken lovingly to them. Mary Pudding, a fellow villager also testified that ‘she appeared to be a good mother and is a pretty regular attendant at Church’ (*ECC*, March 1847). The defence seized upon these statements and insisted that ‘she is spoken well of by one whose evidence you may place confidence, the minister of the parish...and you will hardly believe that the rev.,gentleman would have spoken in the terms he did speak of her if she did not well deserve it’ and that ‘she has been an exemplary mother and attending properly to her religious duties’ (*ECC*, March 1851). This depiction of Chesham mobilised by the defence conformed to the gender norms that circulated in Victorian England: pious, loving of her children, sensitive, and well-regarded by her community. No witness could clarify that they saw Chesham with arsenic, or that she had buried arsenic. The issue of the arsenic was not material to the evidence against Chesham when the character statements were positive about her femininity and mothering.

Even with limited evidence at their disposal from the coroner’s inquest, the newspapers utilised other images of Chesham as guilty of the accused crimes. Articles in newspapers, for instance, reported that ‘crimes of the blackest dye’ (*The Times*, Sept. 21, 1846) were occurring in Clavering. The defence implored the jury ‘not to let yourselves be biased by the newspaper reports, by the idle and I fear in some instances the wicked rumours which have passed’ (*ECC*, March 1847). It is in this sense that Chesham’s case became a site of struggle about the nature of mothering in mid-Victorian England and this is evident not only within the varying narratives that emerged from the newspapers but also those that were mobilised by the defence and prosecution.

The Times noted that ‘the case...exhibits features which are scarcely less strange or revolting’ (Sept. 21, 1846). According to *The Times* the features which made this crime revolting and strange were that ‘murder was not committed for murder’s sake, it was done for hire’. This was due to gossip in the village that Chesham poisoned Solomon Taylor for money. Thus she was depicted as a woman with a murderous career, ‘a woman whose employment was as well known as that of a nurse or a washerwoman’. Articles published in Victorian newspapers contained ‘storylines featuring crime and bad behaviour often accompanied by scare-mongering rhetoric’ (Rowbotham & Stevenson, 2005, xxiii). Depictions in newspapers, which cast Chesham in a positive light, were limited even though the witness statements contained positive statements about her. Only two articles from the *Ipswich Journal* and the *Chelmsford Chronicle* during the trial contain any positive mentions of her mothering, her behaviour and her general demeanour (Mar.17, 1847; Sept.11, 1846). Regardless of the defence’s efforts to portray Chesham as a loving mother who wouldn’t have poisoned her sons, and indeed had no arsenic in her possession to do so, the newspapers were focused on the prosecution’s attempts to discredit Chesham’s femininity. The defence soon procured enough witnesses to state that Chesham ‘never...act[ed] in any manner unlike a kind mother’ (George Brookes’ testimony, *The Times*, March 12, 1847) and that she was ‘looked upon...as a kind and affectionate mother [who] exhibited all the appearances of the mother who had suddenly lost her two children’ (Mary Pudding’s testimony, *The Times*, March 12, 1847). According to these positive statements to her character, Chesham’s maternal feelings, and therefore her femininity, were considered beyond reproach. The prosecution’s witnesses stated under cross-examination that Chesham was a good mother. The defence’s strategy of depicting Chesham as a woman unwilling to hurt her children was a necessity because poison had been discovered in the bodies of the two boys. Philip, her oldest son, stated ‘his mother treated them all well, she had been a good mother’ (*ECC*, March

1847) and the Vicar noted that ‘I saw nothing but kindness by her to her children while I was there, she made what is called a good mother’ (*ECC* March 1847).

The *Chelmsford Chronicle* opted to use the coroner’s summation to further its argument that Chesham was a woman with questionable morals (Nov. 6, 1846). Only one witness could have attested to there possibly being more than just a casual acquaintance between Chesham and Newport, and even then the witness did not appear at the inquest (*Ipswich Journal*, Oct.31, 1846). *The Preston Guardian* (Jan. 30, 1847) wasn’t able to offer more than ‘several witnesses deposed to having seen Chesham and Newport frequently together’ after Newport himself was arrested. The coroner, Charles Carne Lewis, in his summation of the case details to the inquest jury emphasised the possible illicit connection between Chesham and Newport but ‘as to the connection said to exist between the woman Chesham, and Mr. Thomas Newport, they, the coroner and the jury, all knew a great deal upon that point, but they must dismiss from their minds everything not in evidence’ (*Chelmsford Chronicle*, Nov.6, 1846). Just what the connection was between the two was not elaborated upon, but the suggestion was there from the judge and prosecution that Chesham was not only a bad mother, but also a bad wife who was being unfaithful to her husband. However, the judge’s suggestion of Chesham’s infidelity is only reported in the *Chelmsford Chronicle*, which underlines the importance of not relying only on newspapers, or one newspaper, for interpretation of criminal women’s femininity. Chesham’s version of the events surrounding the deaths of the children was left unreported by the papers. The witness depositions from the inquest also remain silent about Chesham’s statement about the deaths. The narratives competing for the valid depiction of Chesham were from the newspapers, the defence and the prosecution in Chesham’s first case.

The Times (March 12, 1847) published a letter that was read out in court as evidence against Chesham and Newport. The letter, which never made it past the governor of the

Chelmsford Gaol, was the one Chesham instructed to have sent to Newport. In it Chesham states ‘you caused the death of my poor children’, and continues that ‘you deserve to be here more than I do; for it is you who did it’. In the letter, Chesham insists that Newport should support her ‘for I am suffering for the crime you did’. The accusations against Newport didn’t go unheard by the authorities. Charles Carne Lewis, the coroner, quickly dispatched a letter to the Secretary of State asking whether Newport should be apprehended; the answer was an affirmative. Although Newport was socially better situated than Chesham, and even though the local gentry were supporters of the Newport family (including the local Lord Braybrooke), it didn’t help him evade the authorities. It was also the first piece of strong evidence that the prosecution had against Chesham- it was as close to a confession as they had come. Thomas Newport never had to stand before the judge to defend himself against Chesham’s allegations; with her acquittal there was no case for him to answer. Regardless of the endless negative depictions of Chesham in the newspapers and by the prosecution, the jury found her not guilty and so she was released. The defence’s narrative of the kind, caring mother and wife for whom it was ‘most improbable, if not indeed impossible that she should have perpetrated such a diabolical act’ (Defence’s summation, *The Times*, March 13, 1847) prevailed, and even the letter to Newport was not considered evidence to the contrary by the jury. The jury’s verdict was ‘we have no doubt of the child[ren, Joseph and James] being poisoned, but we do not see any proof of who administered it’ (*ECC*, March 1847). Chesham was acquitted and returned to Clavering.

Between 1847, when Chesham returned to Clavering, and 1850, when she was again under arrest, two women were apprehended in Essex and charged with poisoning; one for poisoning her brother, the other for poisoning her husband (respectively, Mary May who is the focus of Chapter Five, and Hannah Southgate who is discussed in Chapter Six). The public’s curiosity in following the criminal proceedings in Essex did not diminish over the

years and by September 1850 the focus was again on Chesham and her femininity, this time on trial for the murder of her husband, Richard.

Guilty from the Outset: Chesham's Second Trial

In 1847 Chesham was acquitted of the murder of her sons and Lydia Taylor's baby. Yet when the details of the inquest into Richard's death appeared, Chesham was deemed guilty from the outset by the newspapers, and the prosecution. It seemed that given the numerous cases involving women using poison to dispose of family members between 1847 and 1850, the authorities and also the wider community became increasingly anxious about a poisoning epidemic (*The Times*, Sept. 20, 1848; *The Times*, Sept. 25th, 1847). If *The Times* were to be believed then there was no other crime which could 'create more real terror' (Sept. 22, 1848) than poisoning. *The Times* stated that poisoning had grown into an 'extraordinary and unnatural familiarity' (Sept. 22, 1848) for the people of England. The report in *The Times* illustrates as Rowbotham and Stevenson write, how 'the expressions of moral outrage which accompany a period of social panic involve the argument that something extraordinary needs to be invoked to deal with a particular crises, since the 'normal' social pressures are deemed to have failed' (2005, xxviii). Given that women, and some men like J.S. Mill, were at the time campaigning for legal and social emancipation of women, the fear *The Times* appears to refer to is that women were choosing independence from traditional patriarchal systems of children and family in exchange for a life of independence. The newspaper stated that 'murder itself no longer wore any hideous or repulsive aspect in the eyes of the villagers [women] in question' (Sept. 22, 1848). According to this article, social controls were failing in the villages of Essex (*The Times*, Sept. 22, 1848). Knelman agrees and states that 'though it [the crimes of women like Chesham] shocked the middle and upper classes, [it] must have been accepted by their peers, since several of them had accomplices or helpers and the

collusion of the community' (1998, p. 227). *The Times* appeared concerned that the time-honoured constraints on committing crime were breaking down and women were increasingly becoming more likely to transgress rather than conform to societal norms.

As Wiener notes 'by the mid-nineteenth century even women killers, unless their victims were multiple, were able to draw from the increasingly dominant cultural motif of the "helpless woman," the woman as much sinned against as sinning' (2004b, p.131). The understanding of femininity during that period was that women were much weaker mentally and physically than men, and due to the image of women as mothers, juries were less willing to convict women even when they used the surreptitious method of poisoning to kill (Wiener, 2004b; Watson, 2010). Chesham could not argue that she was sinned against as she was again appearing before the magistrate. The accusation that she had poisoned her husband, slowly, meant Chesham could not claim she was a helpless woman. She was not depicted by the increasingly common image of a weak woman who in a moment of apparent madness or fear poisoned her husband. Instead, one narrative that emerged was of Chesham as a mastermind of a poisoning ring (*The Examiner*, Mar. 8, 1851; *Daily News*, Mar. 1851); in another she was a woman who killed members of her community in Clavering openly (*The Times*, Mar.8, 1851); and across several newspapers (*The Times* (Sept. 5th 1850; Sept. 23rd 1850), *Daily News* (March 1851), *Freeman's Journal* (March 27, 1851), *Chelmsford Chronicle* (September 6 1850)) the depiction of Chesham was that she was behaving in a diabolical, even witch-like manner. The newspapers each depicted Chesham as a bad woman but there appeared to be little agreement as to how this manifested in her character.

According to the *Daily News* (March 1851), because Chesham had stated to an acquaintance, Hannah Phillips, that, 'her husband would not dare hit her, and if he ever did so, she would put him under the bricks' she had gained 'terrible celebrity...and the reputation...of being a professional poisoner'. *The Examiner* likewise reported that 'this case

excited a good deal of interest on account of the terrible celebrity gained by the prisoner and the reputation she has of being a professed poisoner' (Mar.8, 1851). The *Lloyd's Weekly* was one of numerous newspapers to note that 'the abominable system of poisoning that had been going on in the village of Clavering had excited much sensation in this part of the country' (Sept. 15, 1850). The concern for social commentators was that rather than eliciting repulsion, women like Chesham elicited interest and sensation from other women (Hartmann, 1977). On reporting her hanging, the *Chelmsford Chronicle* noted that the scene was 'a sea of heads, a large proportion as always the case at these dreaded scenes from which it would be supposed that women from their very nature would fly with faintness and afright being female' (Mar. 28, 1851).

Chesham maintained throughout her trial that she was innocent, both of poisoning her sons and of poisoning her husband (PRO ASSI 36/6). Legally Chesham was innocent of the previous crimes; within newspaper articles her acquittal was not taken into account when publishing articles about her husband's death. The *Freeman's Journal* noted that 'there is too much reason to fear that many others had also fallen victims to the evil designs of this wicked wretch' (Mar. 27, 1851), while the *Ipswich Journal* reported that the Secretary of State, Sir George Grey, had called for the coroner to 'put a stop if possible to the system of poisoning which has been carried on for some time past in the village of Clavering' (Sept.28, 1850). Although no exhumations took place, or even suspicions aroused about other deaths in the village, Chesham was labelled a serial poisoner. In an editorial in *The Times* (Mar.8, 1851), the complaint was about why Chesham had been allowed to remain free. She had, according to *The Times*, 'led a notorious and almost public career for four years' culminating in the 'murder of that unnatural foulness' that was 'nothing less than wholesale indiscriminate and almost gratuitous assassination'; the death of Richard Chesham. As Robb notes, 'the spectre

of the murdering wife clearly evoked fears of sexual anarchy and decreasing patriarchal authority' (1997, p. 177).

Wiener writes that 'press coverage of these women's cases...made more of their rustic primitiveness than of the threat to gender hierarchies they might have symbolized' (2004b, p. 131). In Chesham's second case the focus was on the threat she symbolized to the community; that is to men. In *The Examiner* (Mar.8, 1851) there appeared a short piece titled "A Lesson for Juries". The theme was that poisoners, namely women, were out of control in the country and it was up to the juries (who were comprised wholly of men) to be willing to return guilty verdicts in order to enable judges to pass death sentences on them. Juries and the death penalty also served to protect women from themselves. As the writer argued, 'the jury which acquitted her ... have thus to answer for the blood of four persons, and more than that, for the load of guilt which this woman has since heaped upon her soul'. Thus, if only Chesham would have been imprisoned (or executed) when she was first charged with a murder, she would have been saved from herself. Countering the argument that the death penalty ought to be meted out more frequently an anonymous letter writer in *Reynold's Newspaper* noted that the death penalty needed to be abolished as 'a woman like Sarah Chesham...might meet this death with an obduracy that divests it of all its terrors and for this reason the penalty is inefficient' (Apr. 6, 1851). For *The Examiner* Chesham was a dangerous woman who needed to be made an example of and made to pay for her crimes; for campaigners against the death penalty, Chesham became an example of why the death penalty failed to deter others. According to *The Examiner*, it was the duty of men to decide whether a woman lived or died in order to protect other women and other families. From this it followed that Chesham had not only poisoned people in her village but also 'instigated a woman, named May, to poison her husband' and then 'added to her known catalogue of

atrocities the murder of her [own] husband' (*The Examiner*, March 8, 1851). Husbands were not safe with women like Chesham and May.

The Times editorial depicted the scene of arsenic poisonings as the home; it implied that arsenic poisonings only took place inside the domestic sphere and only when women decided to kill. The editorial noted that 'the use of arsenic became a kind of family secret - a weapon in the hands of the weaker vessel by which an ill-favoured husband or a troublesome family might be readily put out of the way' (Mar.8, 1851). But a poisoner, that is a woman, would clearly not be able to exercise any control; it wasn't only families at risk but entire communities because 'if they [poisoners] were left at large they would depopulate the neighbourhood'. While the editorial had commenced with a discussion of Chesham and the crime for which she was on trial, a shift took place whereupon Chesham became the archetypal poisoner. Apparently, Chesham's crime was proof that 'the examples before us are not solitary instances of crime, but rather indications of guiltiness more general than it would be easy to believe' and more damningly 'our village poisoners are worse than the reptiles of the field who discharge their venom only in self-defence'. Chesham was depicted as the monstrous woman: she was out of control and uncontrollable. According to *The Times* 'mothers locked their children up when she was seen about the premises' and 'one witness swore of having saved her own infant by plucking the deadly morsel from its lips'. Many were therefore fearful that Chesham was preying on the innocent and vulnerable of society, and readers were invited to speculate 'what havoc may not have been wrought by a murderess in the full swing of her profession' (Mar. 8, 1851).

The prosecution, throughout Richard's trial, was focused on the earlier deaths of Joseph and John. Five witnesses called by the prosecution- William and Hannah Phillips, James Parker, John Holgate and Thomas Newport- gave statements about the deaths of the two boys rather than the case of Richard Chesham's death. The prosecution's narrative of

Richard Chesham's murder was intertwined with that of the first case against Chesham. According to one statement, a witness, John Holgate commented how 'she seemed very unhappy [while Richard was ill] and...I told her what a serious case it was [the deaths of Joseph and John] and how she had disgraced herself and that everyone disliked her' (PRO ASSI 36/6). The depiction of Chesham's character that emerged from the prosecution's narrative at her second trial was that of a woman shunned by her community, who caused the villagers to be fearful. While this wasn't evidence of Chesham poisoning her husband, it was used by the prosecution to frame her as a woman disliked and feared by the inhabitants of Clavering.

Although there was no evidence that Chesham and May had ever met, it became helpful to link them however tenuously. As the next chapter will show May was thought to be connected to more than one poisoning in her area, but this had nothing to do with Chesham (apparently the most infamous Essex poisoner). Although the two women, Chesham and May, were linked in newspaper reports, it is unlikely they ever knew each other. Due to the temporal proximity of the two women appearing before the courts, the use of arsenic in both cases, and both being inhabitants of Essex, the idea of a conspiracy of women poisoning husbands was a story sensationalised by the newspapers. This story helped create an image of a covenant of women around Essex who were plotting to kill men.

The constant proclamations of the newspapers that "diabolical crimes" were taking place in Essex (*Freeman's Journal* (Sept. 5, 1850); *The Times* (March 13, 1847; March 8, 1850), *Essex Standard* (Sept. 4, 1850), *Chelmsford Chronicle* (March 26, 1850)) served to reinforce the image of criminal women as unfeminine: the conjured image was that these women were witchlike. It had been illegal since 1838 to accuse anyone of being a witch. However, the idea and image of witchcraft and witches had become ingrained in the cultural psyche (Maple, 1960). At her sentencing Chesham said, 'I am innocent, and wish to be taken

before a witch and then you will know who did the poisoning' (*Chelmsford Chronicle*, Sept. 23, 1850). Witches were a part of Essex's working-class lives and it weren't yet discredited by working-class men and women in the mid-nineteenth century. Essex's last well-known and regarded witch, or cunning folk as they preferred to be known, died in 1909 (Maple, 1960). George Pickingill had lived his life, all 93 years of it, in Essex where he was a known cunning man who would help people out whether by calling in witches to do his bidding, or remove hexes and give people charms.⁷ Although no one could be accused of witchcraft and taken before the courts for it, or indeed taken seriously if they claimed to believe in it, the image of witches would still have been strong. As Bell and Fox write 'a public reaction is much more likely to be generated if the media narrative contains the ingredients of a "successful" story. There are simply some stories which we are more "fond" of than others' (1996, p. 479). Labelling the crimes as "diabolical" or as *The Freeman's Journal* put it 'secret and diabolical acts' (Sept. 6, 1850) served to paint a picture of women who were being underhanded and secretive, the characteristics witches were believed to have.

As Robb notes, the very nature of poisonings, 'created an image of women as witches, practicing their arcane on guileless men' (1997, p. 179). As *The Times* wrote 'all these cases possessed certain common features of atrocity and terror. Though the deeds actually detected were frightfully numerous, it was reasonably conjectured that many more remained behind, and suspicions were multiplied almost without limit' (March 8, 1851). Moreover, the report suggested that other women 'locked their children up when she was seen about the premises' (March 8, 1851). Chesham was described as a woman who committed diabolical acts, a woman of 'gigantic' or 'masculine proportions', and one who 'did not manifest a mother's affection to the child' (*Illustrated Police News*, Dec. 6, 1890). She was not feminine or

⁷ Maple, E. (1960 March) Cunning Murrell: A Study of a Nineteenth-Century Cunning Man in Hadleigh, Essex. *Folklore*. 71(1), 37-43.

exhibiting the behaviour or looks associated with loving, kind women. Such descriptions served to underline the monstrous looks and nature of Chesham.

As I've illustrated the newspapers appeared to be in agreement that Chesham was guilty but this was not based on any evidence that she either had arsenic in her possession or that she had been seen administering arsenic to her husband. Instead the focus was on her womanhood and her guilt was deduced from her unfeminine behaviour. Despite the fact that the newspapers shored up the prosecution's narrative by depicting Chesham as a bad mother, she was acquitted. However, at her second trial, she was depicted as guilty from the outset. Indeed, *The Times* concentrated on the threat that Chesham posed to children; *The Examiner* depicted Chesham as a professional poisoner who passed on the secrets of her trade to other women. Through using language that called her crimes "diabolical", "professional" and Chesham herself "wicked" it would appear that the cultural image of witches gained authority in the minds of readers. This image of course was completely at odds with Chesham's repeated protestations of her innocence.

The narratives mobilised in the witness depositions provides an interesting point of comparison with the ways in which Chesham was represented in the legal and media materials. According to the approach I am using, Chesham's own narrative is just as legitimate a source as those produced by the newspapers or in court. Throughout the inquest and at her second trial, Chesham insisted that she was a good wife and had not committed any crime. At Richard's inquest, she said 'I don't know what I have got to stand trial for I have done nothing and I say so both of you Gentlemen and to God that I have done nothing- I did my duty towards him both night and day and it is very hard that I have to stand my trial for that,' (PRO ASSI 36/6). Earlier she had stated 'I am innocent of it as the Lord knows, I am innocent as the Lord Jesus Christ who is now in heaven- I am innocent of everything,' (PRO

ASSI 36/6). However, the only glimpse of Chesham's own narrative is that in the witness depositions.

In an earlier statement given at the inquest on the 3rd September, Chesham suggested that it wasn't she who was in an unhappy relationship with her husband but the principal witness against her, Hannah Phillips. According to Chesham:

he was a good Husband to me. I am sure nobody lived more comfortably together than we did altho' Hannah Phillips says we did not. I did everything for him as far as I could do in every respect. He told Mr Brooks the Clergyman that I had done my duty towards him in everything...I have got nothing to answer for misusing of him not at all. (PRO ASSI 36/6)

All Chesham could do to prove her innocence was to name people who were willing to testify that she had been a loving wife and accuse others of committing a crime. The most dangerous thing that could happen to a woman, as this trial showed, was to be accused of poisoning or attempting to poison a husband. Chesham stated that 'I can tell the truth as well as Hannah Phillips- Now I will tell you what she came to ask me...She asked me if I had any poison by me that I could give her that she wanted to give it to her Will' (PRO ASSI 36/6). In order to prove her innocence Chesham pointed to how there were 'three different times she asked me for poison. I told my poor husband, he told me not to say anything about it, there might be a time to speak about it' (PRO ASSI 36/6).

Phillips herself was called as a witness in light of Chesham's allegations. According to Phillips she 'never asked the prisoner if she had any poison by her that she could give me and that I wanted it to give to my Will' (PRO ASSI 36/6). Phillips had to be distanced from Chesham in order to be a credible witness. The entirety of the prosecution's case stood on Phillips' testimony. According to reporters writing about Phillips' testimony, 'Sarah

Chesham had offered to teach her how to use arsenic in order to get rid of her husband' (*The Examiner*, March 8, 1851). However, she was a valuable witness because of her insight into the events of the Chesham household and Chesham's behaviour in the village.

The biggest obstacle faced by the coroner C.C. Lewis was that the inquest jury had found that Richard Chesham had died from tubercular consumption not from arsenic poisoning. Lewis instructed his secretary to write to Sir George Grey and seek advice about how to have Chesham brought to justice. Lewis was hoping that the *Offences Against the Person Act*, the one enacted in 1837, would offer the key (PRO TS 25/513). In Chapter 85, Section 2 there was the provision to have someone tried with the crime of administering poison with intent to harm or kill. By 1861 the section (23) read:

whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other person any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable ... to be kept in penal servitude for any term not exceeding ten years.⁸

In 1851 the crime of poisoning with intent still carried the death penalty. Chesham was the fourth person to be charged with the crime of poisoning with intent. Lewis contacted Taylor for his opinion on whether it would be possible to charge and convict Chesham for poisoning with intent. Taylor replied:

I am afraid that there would be no chance of a conviction if the woman were committed for trial under the Statute for administering poison with intent. Medically speaking the administration at an

⁸ <http://www.swarb.co.uk/acts/1861OffencesAgainstThePersonAct.shtml>

antecedent period would be only inferential as no poison of the matter vomited during these repeated attacks of illness was analysed. The case therefore stands too much upon presumption. Morally speaking there can be little doubt of arsenic having been the cause of these intermittent attacks of illness but there is a want of that strong medical proof which is necessary for conviction. (PRO TS 25/ 513, emphasis in original)

The Coroner however was driven, to continue investigating, by the ‘very strong feeling [which] existed at Clavering that the deceased had been poisoned by his wife’. Lewis also argued that ‘the public feeling however is so very strong that some further investigation should take place and it appear[s] so necessary to stop the wretched woman in her horrid career’ (PRO TS 25/ 513) in hoping that the Home Secretary would see the importance in prosecuting Chesham. Just who had the very strong feeling outside of William and Hannah Phillips that Chesham had indeed poisoned her husband is not revealed either in the letter or in the trial. *The Examiner* only offered that ‘several other witnesses...went on to show that the prisoner who was commonly called “Sally Arsenic” was a professed poisoner’ (March 8, 1851). Besides Hannah Phillips’ testimony in which she labelled Chesham “Sally Arsenic” there is no record of any other witnesses using that nickname for her or claiming that Chesham was a poisoner. Analysis of this personal correspondence between the Home Secretary, the coroner and Alfred Swaine Taylor elucidates how Chesham’s femininity was created and re-created by these men away from public view to justify arresting and charging her with any crime. Even though there was agreement among them that it would be very hard to charge Chesham, with such a lack of clear evidence against her, she was thought to be a thoroughly “wretched” woman who posed a grave threat to her community, and must be stopped at all costs.

If we disregard the testimonies of William and Hannah Phillips, there was no one in the village who even hinted at wholesale murder committed in their vicinity. The prosecution was relying solely on William and Hannah Phillips to provide the information from which the narrative of the wayward and threatening woman could be created. William Phillips testified that ‘my wife told me about a fortnight after the inquest [into the boys’ deaths] that the Prisoner told her that she went to Maunden to poison the child of Lydia Taylor’ (PRO ASSI 36/6). This was four year old information but the prosecution used it to construct Chesham as posing a threat to the entire community. The prosecution sought to use this information to depict Chesham as a woman feared by her peers in her village; that they were afraid to tell the authorities the truth for fear of reprisal. This would appear to support the arguments appearing in the newspapers that there was a fear of secret poisoning and a fear that entire neighbourhoods would be wiped out by poisoners on the loose; if the villagers were scared of Chesham, because of their belief in her guilt, then it would stand to reason that they would not serve as witnesses against her at her trial. However, it could also mean that either the deaths were not viewed suspiciously or Chesham was not considered, by the locals, to be a threat. William Phillips’ testimony would support this latter point. Rather than worry about Chesham, William Phillips was worried about how the Newports would respond to his wife’s testimony. When discussing Hannah’s first appearance at the inquest of Richard’s death ‘I told her I thought she had better leave his [Thomas Newport’s] name out for that I had been working for nearly thirty years upon Mr. Newport’s farm and ... very likely I should be turned out of work’ (PRO ASSI 36/6). The fear appears to have been job loss not retribution from a “professed poisoner”. However, the supposed statement from Chesham to Phillips that ‘her husband would not dare hit her, and if he ever did so, she would put him under the bricks’ (*Daily News*, March 1851) and that ‘it was no sin to bury such husbands’ (*Times*, Sept.23 1850) were widely published in the newspapers to underline the unfeminine and dangerous

nature of Chesham. In fact even with Phillips' initial evidence that Chesham had returned to Clavering and boasted that she had got away with the deaths of her children, the jury was convinced that it was a natural death for Richard. Grey's opinion on the other hand was that Chesham should be charged with poisoning with intent.

In a response to C.C. Lewis's query about what could be done to stop Chesham, Grey thought it was necessary to persevere and find evidence that would bring Chesham to justice. Although admitting the evidence thus far was not the best that could be gathered, and that it was highly possible that a jury would not convict her, the go-ahead was given by Grey to stop Chesham by any means necessary. He also noted that 'in a matter of this nature the enquiry for the present had better not be attended with greater publicity than is necessary for the proper conduct of it; for too great publicity might possibly stifle an Investigation already requiring great care and caution' (PRO TS 25/ 513). At the retrial Chesham was found guilty of poisoning with intent and was sentenced to death.

When sentencing Chesham, the judge noted 'he was afraid this was not the only crime of which she'd been guilty...and although she had escaped from that charge [deaths of Joseph and James] justice had overtaken her and she now only a short time to live' (*Daily News*, March 7, 1851). Chesham's conviction and harsh sentence was possibly due to the crossing over of the narratives from the first case into the narrative about the death of Richard. With the focus in the second case not only on Richard's death but also on that of her sons, Joseph and James, Chesham's femininity came under harsh scrutiny. Chesham's femininity was not merely constructed, according the prosecution, as a bad wife, but also as a bad mother, neighbour and a woman who was willing to equip women with the knowledge to poison unwanted husbands. Chesham did not have any defence counsel in the second case, thus there was no positive narrative of her femininity operating in the courtroom. The newspapers' construction of her femininity had become increasingly hostile throughout the years and

many were insinuating she was a witch, or at least a witch-like woman. To the Home Secretary Chesham was a woman who posed a great threat to not only her community but to English society in general. Unlike in the first case where there was positive depictions of her femininity in the courtroom, by her trial and sentencing in 1851 Chesham was stripped of all positive feminine attributes across all narratives.

Depictions of Chesham at her Execution

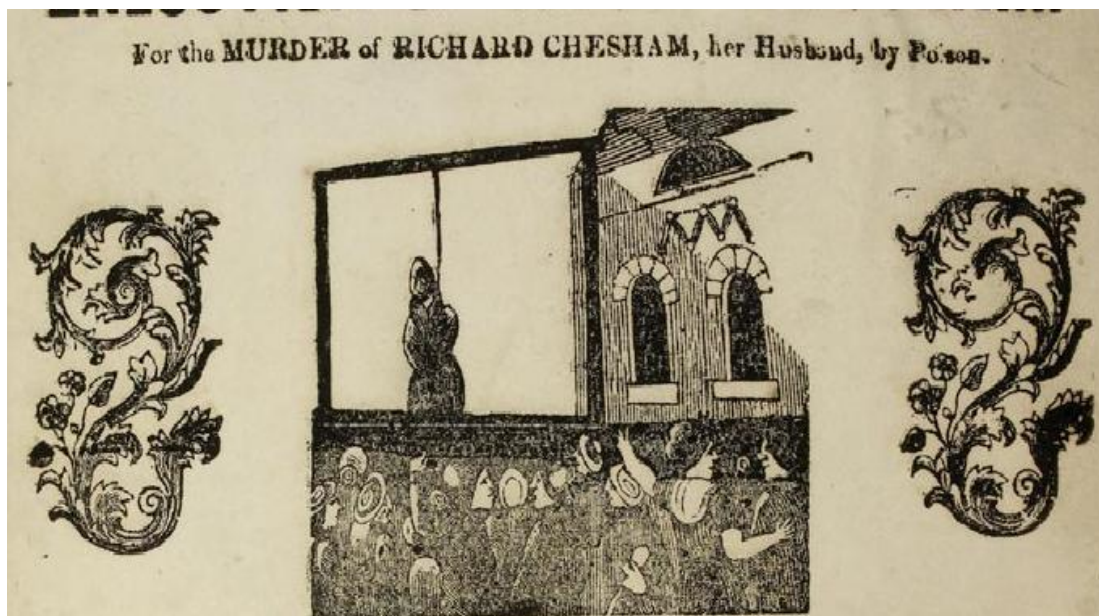


Image courtesy British Library 74/1888.c.3

Woodcut from "Sarah Chesham's Lamentation" Broadside ballad, pub. Hodges's Printer, 1851

On 25th March 1851 two people were hanged in front of the Chelmsford Gaol in Essex: one had been found guilty of murder for the death of Jael Denny, and the other was found guilty of poisoning with intent. The first person on the scaffold was Thomas Drory, a young farmer from Doddinghurst, who strangled his pregnant lover, Jael Denny, and dumped her body in a field. The other person was Sarah Chesham. Chesham's crimes were depicted as unnatural and a result of her monstrous nature as a bad woman; in contrast Drory was

depicted as a man who was intrinsically good, although his crime was committed in a moment of weakness.

The *Ipswich Journal* described Drory as ‘a well-formed young man. His light hair was brushed smoothly on his forehead, an open brow setting off a fresh coloured complexion...Altogether, the prisoner presented the appearance of a most respectable young farmer’ (March 8 1851). According to this media report, Drory’s appearance suggested he was a young man of essentially good character and importantly one who didn’t “look” like a murderer. Unlike Drory, however, greater interest in Sarah Chesham’s appearance was absent; attention wasn’t on Chesham because of good looks or a respectable background.

The media and public coverage of the execution of two criminals, one, Drory, whose innocence was inferred from the fact that he conformed to the normative understanding of masculinity, and the other, Chesham, whose guilt flowed on from the fact that she departed from the norms of femininity, was wide ranging. Across the local and national newspapers reporting on the executions there was curiosity in Chesham’s perceived transgressions. Locally the *Chelmsford Chronicle* ran pieces reporting the trials and then executions of Drory and Chesham, and nationally the London papers such as *The Times*, *The Daily News* and *The Morning Chronicle* were interested in the reporting the executions, as was *The Manchester Times*, and even further afield the *Freeman’s Journal* in Dublin.

Part of the negative coverage of Chesham’s execution built upon the images of her already in circulation as well as her apparent unwillingness to confess to any crimes. Whereas it was assumed that in Drory’s case ‘satisfactory proofs of sincere repentance were witnessed’ (*Chelmsford Chronicle*, March 28 1851), Chesham was described as ‘the wretched woman [who] has never made anything approaching an admission of a guilty knowledge’ (*Morning Chronicle*, March 26 1851). The assumption that Drory’s repentance was a sincere one was made on the basis that upon entering jail he ‘gave way to a paroxysm

of grief' (*Bristol Mercury*, March 29 1851) and chose to start attending church services. These factors were taken as evidence of his apparently genuine attempt to repent for his sins, which weren't forthcoming from Chesham. Newspaper reports made repeated references to the fact that Chesham was unwilling to go to church or make peace with God. Unlike Drory, Chesham was labelled 'the wretched woman...[who] pertinasciously refused all religious instruction' (*Freeman's Journal*, March 27, 1851). According to the reporter, she 'urged that she needed no repentance' (*Daily News*, March 26, 1851). Chesham's refusal to receive religious guidance further underlined the belief of the reading audience that she was unchristian and undeserving of pity. Nor was she willing to confess to any crimes (e.g. that of poisoning any children, or of poisoning her husband etc) and so the newspapers concluded that 'there [wa]s too much reason to fear that many others had also fallen victims to the evil designs of this wicked wretch' (*Freeman's Journal*, March 27, 1851). On the day of her execution Chesham's unwillingness to leave her cell to walk to the scaffold further served to underline her guilt: 'the female convict had expressed an unwillingness to leave her cell, and it was only upon the intimation that if she refused to walk she'd be carried, that she was induced to do so' (*Bristol Mercury*, March 29, 1851). At the scaffold she was 'literally brought up by two attendants seeming in a state of great prostration and mental agony' (*Chelmsford Chronicle*, March 28, 1851). This was in contrast to Drory who apparently willingly walked to the scaffold (*Chelmsford Chronicle*, March 28, 1851). In order to perhaps reassure readers that Chesham was indeed guilty the *Morning Chronicle* reported 'it is the opinion of the reverend chaplain of the gaol, who has had constant opportunities of observing her behaviour, that she has been most justly convicted' (March 26 1851). Confessions were important to the public, newspapers, and the legal community in order to legitimise the death penalty which had been meted out- the condemned had to be seen to accept the sentence by

willingly embracing their death in the name of justice. Chesham wasn't willing to confess to any crimes, no matter how she was pushed to do so by various chaplains or prison officials.

Because no confession was forthcoming from Chesham, the newspapers needed to draw on the depictions of her femininity, and did so in speculating on her behaviour in jail, in order to legitimate the sentence she received. The image of Chesham was as uncaring, unchristian, bad mannered and bad tempered, and unwilling to submit to the authorities in the jail. This served to confirm her guilt. The problem was that unlike Drory, Chesham maintained her innocence, stating 'that it was hard to die for what she had never done' (*Morning Chronicle*, March 26 1851) and 'that though her neck had been put in the halter she was perfectly innocent of the crime for which she had been convicted' (*Bristol Mercury*, March 29 1851). While Chesham offered an explanation for the events of her husband's death, as the *Bristol Mercury* reported 'the statement was of such a rambling character and so utterly incredible that not the slightest importance was attached to it' (March 29, 1851). What is interesting is that the very same article contained remarks on Drory's statement from the reporter who noted that although 'these statements [in the confession] certainly appear inconsistent at a first glance, yet it is quite possible that they may be all true'. Chesham's story was deemed incredible, yet Drory's, although inconsistent, was considered believable. *The Examiner* summed it up by stating 'if denial of guilt were any proof of innocence Sarah Chesham...was not culpable, but assertions from one so deeply dyed in crime no attention can be paid' (March 8 1851).

The image of Chesham as the archetypical poisoning woman also featured in numerous newspaper reports that commented on the hours leading up to her execution. Various newspapers, for instance *The Freeman's Journal*, *The Examiner*, *Chelmsford Chronicle*, *The Times*, *The Morning Chronicle* and *The Daily News*, all published accounts of Chesham's last hours in jail. According to one newspaper, Chesham 'passed the night as the

guilty who are about to die impenitent might be expected to endure' whereby her 'mental sufferings were extreme. She never closed her eyes to sleep and could taste no food' (*The Examiner*, March 8, 1851). Another newspaper commented that not only could she not close her eyes to sleep but 'she continued to bewail her fate, and as morning dawned, her eyes assumed a wild aspect' (*Bristol Mercury*, March 29, 1851) and another noted that she spent 'Monday night...in a state of deep agitation and agony of mind' (*Chelmsford Chronicle*, March 28, 1851). The significance of these reports is that while in Drory's case the focus was on his attending church services in the chapel, in Chesham's case the interest was in seeing her in discomfort. Drory's actions were viewed as inherently sincere. For Chesham, the attention on her distress was in order to interpret her actions as signs of guilt. Her "mental agony" was considered to be the result of her conscience not being cleared; it was not considered to be because of a fear of impending death. In contrast, Drory 'throughout has exhibited a perfect resignation to the justice of his fate' (*Freeman's Journal*, March 27, 1851) and he 'first ascended...the fatal drop, walking upright and apparently with some firmness' (*Chelmsford Chronicle*, March 28, 1851). On walking to the gallows Chesham 'reiterat[ed] her declaration of innocence' (*Daily News*, March 26, 1851) but her actual words didn't rate a mention. Drory's last words, however, were published verbatim by the newspapers; with the noose around his neck Drory repeated 'this is the faithful saying, and worthy of all acceptance, that Christ Jesus came into the world to save sinners, of whom I am chief' (*Morning Chronicle*, March 26, 1851).

This chapter has argued that there were varying depictions of Chesham's femininity across newspapers, in witness depositions and in personal correspondence. The newspaper narratives from Chesham's second case all had the common feature of depicting Chesham as a wholly bad woman, but there were variations in the depictions. Chesham's acquittal for the deaths of her sons and the baby Solomon Taylor did not remain outside of the scope of the

case of her husband's death. The death of her children was a focus of the newspapers that covered the investigations into the death of Richard Chesham. This focus helped underline the threat that Chesham was not only to children but to grown men as well. Just what a deviant woman looked or acted like or to who she was a threat was an issue that the newspapers couldn't be resolved.

Certain narratives were privileged over others. The sensational representation of Chesham in the newspapers, most especially in *The Times*, won greater authority than that of the prosecution's narrative which depicted her as a woman who was poisoning her family. The lack of an apparent motive to her crimes resulted in the newspapers creating a narrative that tapped into the fears of contemporaries- the underhanded, secretive woman who knew how to kill with poison. The prosecution was concentrating on her children's deaths whilst prosecuting her for her husband's death. However, the image utilised in court was one of Chesham as a serial poisoner, a thoroughly reprehensible woman who did away with her family. This was despite the limited evidence against her and rising fears by the local coroner, the judge and the Home Secretary, all of whom became convinced that she might thwart their attempts to bring her to justice.

As Bell and Fox (1996), Birch (1994), and Creed (1996) have noted when female criminals appear in court and act in a gender appropriate manner, the narratives within newspapers and the subsequent legal outcome enforce the notion that the female criminal's behaviour in court is the appropriate behaviour for women, and that a woman who kills is either (momentarily) mentally unstable or monstrous. The issue of mental instability never arose in Chesham's trial. While it was regularly used with middle-class women involved in crime (Whitlock, 1999) in Chesham's cases the focus of newspaper narrative was with how immoral and monstrous she was. As the discussion above has highlighted, throughout both trials Chesham was repeatedly described as 'masculine', 'diabolic' and 'wretched' and as

unfeminine. Thus, she could be contrasted with all the hallmarks of appropriate femininity: being Christian and loving. According to the prosecutions' narratives, the newspapers, the private correspondence and even the petition, Chesham was the archetypical poisoning woman.

As this chapter has also illustrated, although newspapers do offer insight into the events surrounding court cases, reliance on them alone fails to take into account other narratives told by individuals who took an interest in or were central to the case. Thus, due to the conservative nature of many newspapers, especially *The Times*, the woman on trial, in this case Sarah Chesham, had her femininity interpreted through a lens that did not allow a woman to act outside the culturally accepted gender norms; failing to adhere resulted in a negative depiction. Through using the trial of an alleged poisoner to investigate competing narratives about femininity, the distinctions between newspapers and other sites of narrative creation become more focused and illustrates that not all narratives align and that struggles are not easily resolved.

Not all poisoning crime cases followed the same pattern or even created the same stereotypes of the women accused. The discourses around a case could and did change. Although Mary May was accused of poisoning a half-brother, a man in his 40s, the discourses were concerned with infanticide, and separately there were also discourses about burial clubs and the right of working-class men to live and be buried with dignity. In turn May's femininity was constructed along the lines of the stereotypical infanticidal mother who killed her children for a few extra pounds. In the following chapter I analyse May's case and locate the competing representations of her femininity in important discourses about working-class families and gender norms.

Chapter Five

Death Clubs, Secret Poisonings and an Execution: The Case of Mary May

On 14th August 1848 Mary May was executed before a crowd of several thousand in Chelmsford. She was the first woman to be executed in Essex in 44 years and was the first person executed in the county since 1839. May was found guilty of poisoning her half-brother, William Constable, who was widely known by his alias, Spratty Watts. The motive, as established by the prosecution, was a small sum of money reported to be between £9 and £10 that was payable to May from a Harwich mourner's club upon Watts' death. Only a fortnight had passed between his enrolment into the club and his death. His death was considered suspicious by the parish reverend and so the authorities were called in to investigate. At no time during the proceedings or even on the day of her execution did May confess to poisoning Watts; throughout the inquest, the trial and lead up to her death she protested her innocence. May's trial and execution attracted wide-spread media scrutiny with at least 27 articles appearing between 17th June and 22nd September 1848 in *The Times*, *Chelmsford Chronicle* and *The Examiner*.

In this chapter I continue my inquiry into constructions of gender in mid-nineteenth century poisoning cases. As argued in the previous chapter Chesham was initially constructed as a good woman and mother only to have that depiction replaced with the figure of the dangerous wife, with the consequence that she was executed. May in contrast was depicted as guilty from the outset by newspapers, social commentators and in the prosecution's narrative. Her name became inextricably linked to the threat posed by burial clubs to men and children. In this chapter I argue that the depictions of May and her femininity that appeared across numerous sources served to underline the intensity of the alleged threat that female poisoners

posed to British families. There was considerable focus on May's mothering abilities even though the case did not involve children. In the newspapers and in the narratives of social commentators May was positioned as a bad mother who poisoned her children for money even though she was actually accused of poisoning her half-brother, a man in his forties. May's case was a site of struggle about infanticide, burial clubs and the severity of the law, and so her femininity was constructed accordingly to each discourse.

In the first section I discuss the threat posed by burial clubs, and the attention May's case attracted due to the emerging narratives, in newspapers and the inquest and trial, that reignited concerns about the morality of working class women. I argue that the focus of burial clubs in May's case transposed cultural fears about the crime of infanticide onto a case that didn't involve the deaths of any children. This intertwining of narratives resulted in representations of May whereby she was labelled variously as "repulsive", or under the effects of a "demoniacal mania" and illustrated an extension of popular fears of the supposed depravity in working-class women. In the next section I discuss another narrative that gained momentum in discussions about burial clubs and May's femininity, one which was concerned with secret poisoning rings. Although the media accused May of poisoning her children and first husband during her trial, it was only with May's imminent execution that the story of women working in groups to poison unwanted children and husbands gained momentum in newspapers like *The Times*. The panic concerning poisoning rings in Essex was exacerbated by newspapers and perceptions of May's deviant femininity were utilised to highlight the importance of tackling these rings. In the final section of this chapter I consider how May's case was utilised by anti-death penalty campaigners to mobilise the image of the woman being hounded and wrongly persecuted by authorities in contrast to the narratives from newspapers, especially *The Times* and *Chelmsford Chronicle*, where reports were used of May's time in jail to highlight the appropriateness of her death sentence. The sympathetic

portrayal of May from the anti-death penalty campaigners did not gain momentum because it came too late in the case to have any effect in countering the negative images of May. This case, due to its uniqueness where infanticide was so clearly an issue even though no children were victims and where there was a fear of poisoning clubs when there was no evidence of May being a member, illustrates the contradictory and contested ideas of femininity that circulated even without the support of facts in the case.

The facts elicited during the inquest and trial of Mary May were that Spratty Watts, as he was commonly known around Wix, passed away after a short illness on 11th June 1848 (PRO ASSI 36/6). According to one witness, Susannah Foster, a neighbour, she had taken May to Harwich to sign herself and her brother up to a burial club where Foster had previously been a member herself. May apparently learned about burial clubs from her. Within a week following his enrolment into the club Watts became ill, complaining of a sore stomach and head (PRO ASSI 36/6). After his death Watts was buried within two days at the Parish's expense (PRO ASSI 36/6). May went to the reverend of Wix to receive a certificate that Watts had been in good health till his death, telling the Reverend Wilkins that she wanted to claim the burial money. No certificate was ever released to May; instead police investigated the manner of Watts' death within a few days to see if there had been any foul play (PRO ASSI 36/6). On June 27th 1848 the inquest into Watts' death commenced.

Burial Clubs, Infanticide and Mary May

Burial clubs had been set up as a form of insurance for the poor to allow them upon death to be buried with dignity. Pauper funerals at the parish's expense were not considered convenient, or a way of helping the poor. As Laqueur writes 'funerals of the poor became pauper funerals and pauper funerals became occasions both terrifying to contemplate oneself and profoundly degrading to one's survivors' (1983, p. 109). During the century between

1750 and 1850 ‘the commemoration of the soul’s departure from the body and the body’s return to dust became an occasion to represent...the possibility of social worthlessness, earthly failure and profound anonymity’ (Laqueur, 1983, p. 109). Children, especially infants, were regularly enrolled in burial clubs until 1834. But there was a fear that large numbers of newborns were being murdered, often with poison, so that mothers, and on occasion fathers, could collect substantial sums of burial money payment (Knelman, 1998). A change to Poor Law legislation in 1834 led to children under the age of six years being prohibited from enrolment. It was hoped this would result in fewer children dying. However, as Hunt notes ‘so-called burial insurance murders continued to make news through the mid-1850s’ (2006, p.77). As discussed in Chapter One, there was a general fear in the mid-nineteenth century that the rising consumer culture was leading to an increase in female criminals.

Through newspapers, it was the middle-classes who dictated the impressions and narratives of a crime or criminal. Given that subscribers to the newspaper of the time were largely middle-class, it followed that the narratives appearing across all the newspaper articles are middle-class male perceptions of May and her alleged crime⁹. Although literacy was on the rise throughout the century and therefore the nature of reports often had to be written in a manner to appeal across classes (Knelman, 1998; Altick, 1986), it was conservative newspapers, like *The Times*, that held sway with politicians (Knelman, 1998). Burial clubs and the Poor Laws were initiated by philanthropic oriented governments who wished to do something to help the poverty stricken in England. As an anonymous letter writer notes, ‘the reason I have most frequently heard assigned for the existence of these

⁹ See for instance *Exeter Working Papers in British Book Trade History*; 9 Newspaper readership in south west England: an analysis of the Flindell’s Western Luminary subscribers list of 1815. (<http://bookhistory.blogspot.com/2007/01/luminary-introduction.html>, accessed 10/1/11). It shows that subscribers to *Flindell’s Western Luminary* were mostly individuals of a middle-class background: clergy, bankers, surgeons and solicitors. Until the Stamp Tax was abolished in 1855, newspapers were expensive and restricted to those who could afford the price. However, literacy rates were rising in Britain during the nineteenth century, see *Learning to Write in 19th Century England* (<http://www.nrdc.org.uk/content.asp?CategoryID=602&ArticleID=467>, accessed 10/1/11).

clubs is, a great desire felt by the poor of procuring decent internment' (*British Farmer's Magazine*, 1851, p. 236). A labourer who had worked hard his entire life felt it was his right to be buried with dignity (Laqueur, 1983; *British Farmer's Magazine*, 1851). This aspiration was held by the working-classes and the trial of Mary May became an occasion to respond to threats posed to this aspiration.

According to the *Liverpool Mercury* 'Mary May [was] a repulsive looking woman' (Jul. 28, 1848). The *Ipswich Journal* and *The Times* agreed (Jul. 29, 1848; Jul. 25, 1848). What made May a repulsive looking woman is not elaborated upon. No feminine images are presented of May's looks or dress, rather, she is depicted as missing the necessary feminine appearance and charm. Like Chesham, May was cast as a thoroughly wretched woman (*LWN*, Jul. 9, 1848; *The Times*, Aug. 29, 1848; *Chelmsford Chronicle*, Aug. 18, 1848) because of the crimes she had allegedly committed. Across nine (out of a total of twenty-seven) newspaper articles that referred to May's case between July 1848 and August 1848 May is labelled either a 'wretched' or 'miserable' woman. In the remaining eighteen articles, there is no reference to her being 'wretched' or 'miserable'. May is nonetheless depicted in negative light as a woman lacking feminine grace and is therefore portrayed as guilty from the outset. As *The Times* noted, 'the evidence against the prisoner was as usual in cases of this description, circumstantial but convincing' (Jul. 25, 1848).

The alleged motive for May's "diabolical" crime can be summed up by the following headline: "Murder to Obtain Burial Fees" from the *Lloyd's Weekly Newspaper* (Jul. 30, 1848). Similar headlines appeared in the *Jackson's Oxford Journal* (Jul. 15, 1848) ("Poisoning for Burial Fees") and the *Manchester Times and Gazette* (Jul. 11, 1848) ("Poisoning for Burial Fees. Suspicious Death of Fourteen Children"). The issue of burial clubs and the promise of money upon the death of a child or other loved one was a concern to the middle-classes during the nineteenth century. Even though, according to Sauer, 'more

than two-thirds of coroners who responded to the Friendly Society Commission's questionnaire [1874] believed that burial insurance was not a significant incentive for infanticide' (1978, p. 88), contemporaries thought otherwise. May's case became synonymous with the lengths that the working-class, especially working-class women, were willing to go to acquire a few pounds. According to one reader of *The Times*, May had succumbed to 'the temptations offered by burial clubs' to 'poison or otherwise destroy [lives] for the sake of the coveted burial money' (Aug. 20, 1848). Burial clubs and the working-class were not thought to be a good combination. As an article, written several years later, noted in the *British Farmer's Magazine* 'the suspicion that a great deal of "foul play" exists with respects to these clubs is supported not only by comparison of different rates of mortality [pre- and post-burial club formation] but is considerably strengthened by the facts proved upon the trial of Mary May' (1851, p. 238). May's case was taken as proof that burial clubs were the cause of the untimely deaths of many children and men, due to the lure that money had for women. In 1865, C. Edwards Lester, an American traveller to England, wrote a collection of books called *The Glory and Shame of England*. Although written years after May's arrest and execution, Lester listed four women, including May, and one man who had killed their children and family members for burial club money. May's name became synonymous with burial club deaths.

In the minds of May's contemporaries, burial clubs were linked with the crime of infanticide. For the poor, the death of a child who was enrolled in a burial club could result in the family receiving a few extra pounds that in turn could be used to feed the living members of the family. C. Edwards Lester wrote three volumes about the welfare of the poor in England. In *The Glory and Shame of England*, Lester wrote that 'I was bringing home to my countrymen correct views of a state of society in a kindred nation, so revolting to humanity, and withal so little dreamed of as possible among a Christian community' (1865, vol. II, p.

307). It was not only disappointing to read how helpless and hopeless the English peasantry were, but Lester also wrote about what he considered the most ‘shocking feature we have yet visited- Burial Clubs and Infanticide’ (1865, vol. III, p. 386). The story of this ‘shocking feature’ of English life reveals the extent of child murder and burial clubs. When writing about May, Lester took a story from the *Morning Chronicle* to explain the dastardly nature of burial clubs and the effect they had on women like May. Even 17 years after her execution, May’s name was still synonymous with burial club deaths. Although she was convicted of poisoning her half-brother Watts, the concern was with whether she had poisoned her children (Lester, 1865, pp. 386-7). As in the witness depositions, the newspaper article contains details from witnesses that depicted May as a greedy woman with money as her only interest.

It is interesting to note that the witnesses are strikingly different from those who gave evidence at the trials of Chesham and Hannah Southgate. Unlike Chesham’s case where a female neighbour offered the damning evidence against her, or in Southgate’s case where the witnesses for the prosecution were all women in the locality (further discussed in Chapter Six), it is predominantly men who make up the witnesses against May. More importantly it is worth noting that almost all of these men were professionals, authority figures and/or middle-class. Women figure infrequently in the case and are not considered to have the capacity to speak with authority about May’s guilt or innocence. The witnesses called to testify or give evidence against May included the Manningtree pharmacist (Mr. Hooker), Inspector Raison of the Essex Constabulary, Alfred Swaine Taylor (a chemist), William Thompson, who was a surgeon in Manningtree, and the parish church leader, Reverend Wilkins (PRO ASSI 36/6). Medical men and other professional witnesses were rare in criminal court cases in the earlier part of the nineteenth century (Burney, 2000), but by the time of May’s case this was beginning to change. They were now regarded as reliable, honest

witnesses who were there to serve the courts best (Eigen, 1995; Burney, 2000). Only one working-class man who personally knew and was close to May, James Simpson, was called to give evidence at the inquest and trial. All the other male witnesses listed above did not know May well or at all.

According to May's lodger, James Simpson:

she said...she should get 10 pounds and if she got the money she would get a dress of mourning and bury him respectably and if she had any money to spare she would get a donkey and cart and higgler a little (PRO ASSI 36/6; PRO HO 18/239/37).

Higgling was an occupation akin to that of the travelling salesman, a job that could take the higgler away from their home for a time while they sold their wares. This would have provided a family, like May's, an extra income. That May had already decided what she would spend the money on when the time came to receive it was proof of, according to *The Times*, 'the motive for the commission of the dreadful crime imputed to her' (Jul. 25, 1848). Rather than give any money resulting from Watts' death to her husband, according to one reporter 'to one person she also said that, if she got the money, she should buy a horse and cart and turn higgler' (*Ipswich Journal*, Jul. 29, 1848). Across three newspaper articles (that of the *Ipswich Journal*, Jul. 29, 1848; *The Times*, Jul. 25, 1848; and *Chelmsford Chronicle*, Jul. 28, 1848) there are comments made about her killing Watts for the burial money and her plans for using that money when she received it. The *Ipswich Journal* mentions the horse, cart and higgling plans, but her plans for the money she was set to receive are left unexplored by both the *Chelmsford Chronicle* and *The Times*. The *Chelmsford Chronicle* only stated that there were 'purposes to which she intended to appropriate the money' (Jul. 28, 1848). To prevent their reliance on workhouses for food and shelter, many married women had to work. May's plans to become independent and work for herself deeply usurped her husband's role

as breadwinner and protector of his family. The information that she wished to buy a horse and cart and sell goods was the base of the 'various alarming and painful rumours' that arose concerning Watts' death (*Ipswich Journal*, Jul. 29, 1848). According to Kent, a woman's involvement in supplementing the income of their husband could result in them being 'denounced by their peers for assaulting working men's manliness and be regarded as destroyers of other women's homes' (1999, p. 181). However, there was a necessity for women of the lower-classes to work and supplement the husband's income, which was rarely enough to support a family (Kent, 1999). Some women worked out of their homes as washer-women or allowed lodgers to live with them and their family for a small rent. Other women would higggle, or take produce to markets and sell their wares that way (Davies, 2000).

The prosecution sought to position May as a greedy and lying woman who had no respect for male familial ties, especially to her husband and to her brother. According to the *Chelmsford Chronicle*, the prosecutor:

gave an outline of the...facts to be detailed in evidence, to show the insurance of deceased's life by the prisoner, and the misstatements she made as to his age- the various rumours she had circulated in reference to deceased's attempt to commit suicide and...the purposes to which she intended to appropriate the money- and the motives which were assigned for her conduct (Jul 28, 1848).

According to *LWN* May allegedly lied to get Watts and herself enrolled in the club where 'she had...falsely represented his age and described him by a false name' (Jul. 30, 1848). Not only had she misrepresented his identity but 'her object, it appears, was to receive the burial-money from a club in which she had entered him without his knowledge' (*Liverpool Mercury*, Jul. 11, 1848). Thus, Watts was marked as a victim but he could not defend himself. As the prosecution argued:

it was not the case of a man who, in the irritation of the moment, or to gratify some feeling of revenge, took the life of a fellow creature, but at the same time did it so openly as to afford him an opportunity of defending that life, but it was a crime...that was perpetrated in secrecy and in silence; and when no eyes were present to witness its commission (*Chelmsford Chronicle*, Jul. 28, 1848).

The *Chelmsford Chronicle* wrote that May's crime was one of the 'most appalling and horrifying kind' and killing Watts with poison was murder 'by the most diabolical and dastardly means that the human mind can conceive' (Jul. 28, 1848).

The prosecution relied on the testimony of Reverend Wilkins, who was of the view that May was disrespectful towards not only her husband, but the parish and his position. Furthermore, May allegedly revealed to Wilkins that her husband did not know that she had entered Watts into a burial club. When it came to collecting the money for Watts' funeral, Wilkins was adamant that the money belonged to him. Wilkins stated that the only person with a right to have the money was either the parish or May's husband, Robert. He stated that:

I said "but this money doesn't belong to you it belongs to your husband"...I said it must belong to your husband when she replied "My husband knows nothing about it. I put him in myself. I went down to Harwich and put him in." I then reminded her that the deceased had been buried by the Parish and that the Parish had a claim on the money (PRO ASSI 36/6).

This image of May as a greedy and disrespectful woman mobilised in Wilkins' statement would be repeated in numerous newspapers and across other sources seemingly accepted as a universal truth about women who enrolled men into burial clubs. Wilkins' testimony

constructed May as greedy; however, that he too was also interested in receiving money from May is not discussed.

Wilkins was the first to alert the authorities about Watts' death after this conversation with May. Her apparent refusal to yield to the Reverend's authority as well as her repeated claims that she would keep the money cast May outside the acceptable bounds of her gender. After Wilkins told May that the money from the burial club belonged to the parish and to her husband, May responded 'no one else was entitled to it, as she had done it all herself, and nobody else knew anything about it' (*Jackson's Oxford Journal*, Jul. 15, 1848).

In contrast, the defence sought to position May as a loving sister and respectable woman. May's reputation in the nearby town of Manningtree was good. James Hooker, the pharmacist in Manningtree, was called as a witness for the prosecution, but his testimony was used in the defence's narrative which described May as a good woman. May had gone to Hooker in hope of procuring arsenic. Hooker stated in court that 'if she had applied for it I should have given it to her without hesitation, from having known her so long' (*Chelmsford Chronicle*, Jul. 14, 1848), suggesting that he knew her to be a trustworthy woman. The defence also called on Simpson, her lodger, for information about her behaviour with her brother while he was ill. Simpson noted that 'Mrs. May held the pot for him' when he was ill and 'May herself had gone for the doctor' (PRO ASSI 36/6).

The case of the prosecution relied heavily on the feeling of disgust that contemporaries felt about poisoning crimes. It did not matter that those who knew May portrayed her as a trustworthy, kind sister when the image of the poisoner was a greedy and manipulative person. As the defence lawyer, Mr. Sergeant Jones, noted in his opening, 'the very nature of the crime which she was charged was calculated to cause a strong feeling against her, although she might be innocent, because the human mind recoiled' (*Chelmsford Chronicle*, Jul. 28, 1848). Jones portrayed May as the antithesis of the poisoner- she 'evinced that grief

which a sister would manifest under the sufferings of a brother' and she was not exhibiting the wickedness associated with the image of the female poisoner (*Chelmsford Chronicle*, Jul. 28, 1848). May was not a woman who would poison her brother; as Jones stated 'if with this design she committed this [crime] she was as weak as she was wicked' (*Chelmsford Chronicle*, Jul. 28, 1848). May herself protested her innocence throughout her arrest and trial. According to a police constable, who was the witness for the prosecution, when he interrogated May she had said 'I never had poison in the house. I have seen poison but I have never used any' and later she had said 'the world is against me but I know they cannot hang me. I defy them to bring anyone forward to say that he saw me give the old man poison. I never gave him anything but that was wholesome and good' (PRO ASSI 36/6). Her claim that she only ever gave him (food, drink and medicine) that was wholesome and good would serve to underline the image of herself as a caring and loving sister, wife and mother. Not only then would the fare she gave her brother be beyond reproach but it would mean she was taking care of her family and being a good woman. Upon asked by the court if she had anything to say May stated 'all I've got to say is I never done this crime and I don't know who did. I never gave him anything in my life only what I shouldn't mind taking myself' (PRO ASSI 36/6). May's reputation in the community was seemingly without blemish. The concern about poisoning was not evident from the witnesses, especially not from those closest to May. Reading the narratives from the witness depositions alongside newspaper narratives about May it is as though two different crimes and two different women are being discussed and portrayed.

The fact that a woman had multiple children die did not infer that she was killing them. Infant mortality was high during the mid-nineteenth century with many children being lost to cholera and malnutrition (Knelman, 1998; Sauer, 1978). Likewise, a man dying suddenly did not automatically imply that his wife had poisoned him. There were four female

witnesses who offered positive portrayals of May and who were called by the defence in order to give evidence. According to these witnesses May had been a loving and caring sister of Watts and had done her feminine duty by her brother. Mary Feint, a friend and neighbour of May, testified that ‘I never saw but what the deceased lived comfortably with May and his wife’ (PRO ASSI 36/6). Although not an express focus on a brother/ sister relationship, it implied that all was well in the May household. Feint also noted the ‘prisoner was in the house at the time [when Watts died], but not in the room and fretted some when he died’ (*Chelmsford Chronicle*, Jul. 28, 1848). When Charlotte Elvish (a woman who would resurface in the Southgate inquest and trial) testified how May had looked after her brother it seemed no one had anything bad to say about her or her behaviour. According to Elvish, May had cleared up the pot that Watts had been sick in, May had also given ‘him stuff out of a bottle of brown colour’ that which the doctor had sent Watts medicine in, and she was careful to keep the rest of the house calm when Watts was ill (PRO ASSI 36/6). On this view, May had conformed to prevailing expectations of the good woman- caring for the ill in the house and nursing them back to health. However, the defence narrative’s sympathetic portrayal of May’s character was insufficient to prove her innocence because the death of Watts was so clearly linked to burial club money.

Working-class women were often not able to adhere to the middle-class expectation of good womanhood. Infanticide, as Lester wrote, ‘is a common practice among the more degraded classes of poor...What more horrible system of moral degradation can be conceived?’ (1865, vol. III, p. 387). As Knelman (1998) has noted women were perpetrators of infanticide in much higher numbers than men, and it mostly occurred amongst the working-class not the middle or upper-classes. In the mid-nineteenth century when the incidence of infanticide rose, Knelman argues that ‘murder by women seemed very prevalent [and] the press regularly registered profound shock, contempt, disgust and dismay at the

increasing evidence that women were killing members of their families for money' (1998, p. 229). While during the mid-nineteenth century infanticide was strongly linked to the lax morals of working-class women, later in the century, as Hunt argues 'as burial club murders gained national attention, it was somewhat more common to find fathers along with mothers charged with being murderous profiteers' (2006, p. 77). Throughout the nineteenth century, 'the supposed practice of killing babies was regarded as a sign of moral decline' (Smart, 1992, p. 16), a moral decline of the working-class that was assumed would affect the upper-classes.

An anonymous letter-writer to the editor of *The Times* was concerned that May's case was 'only a portion of the positive murders resulting from the temptations offered by burial clubs' (Aug. 18, 1848). Infanticide for burial club money, according to Lester, was apparent in 'a great part of the poorer classes of this country [who] are sunk into such a frightful depth of hopelessness, misery and utter moral degradation, that even mothers forget their affection for their helpless little offspring and kill them, as a butcher does his lambs, to make money from their murder' (vol. III, 1865, p. 392). This link to burial clubs made it clear that the perpetrators were assumed to be not fathers but mothers for 'no one can guess how many more victims...have been poisoned....for the sake of the coveted burial money' (*The Times*, Aug. 18, 1848). It also illustrates a fear that deaths for burial money might escalate and that more women would use their inherent deviousness in order to obtain, what was considered by the better-off, a small sum of money.

The morality that was considered the ideal for all women to adhere to, but only possible for middle-class women, was considered to be missing from working-class women who were willing to kill their families for money. The code that proper and respectable women were expected to adhere to included a woman being 'frail but appealing, intellectually inferior but morally superior being, whose duty it was to be passive, decorative and sexually

pure' (Hartmann, 1977, p. 2). This woman, Hartmann states, 'existed mostly in fantasy, but [her] image has been slow to fade' (1977, p.2). A woman who killed her family for money transgressed this code and could not be considered by her contemporaries to be a "good woman".

Although there was no proof of any of May's children dying under suspicious circumstances, the *Lloyd's Weekly Newspaper* (Jul. 9, 1848) headlined its article with 'Murder by Poisoning- Suspicious Death of Fourteen Children'. May's case was not connected to the deaths of children. However, the newspaper headline claiming that May had killed not one, but *fourteen* children, under suspicious circumstances, demonstrates how the issue with burial clubs and suspicious deaths was linked to women killing their children. As mentioned in previous chapters, poisoners were not considered to stop at one killing. Chesham was firstly accused of poisoning not only two of her sons, but also the child of Thomas Newport's lover, and *The Times* reported on the fear mothers had of Chesham poisoning children in the village. But May's case became intertwined with the issue of burial clubs while Chesham's did not. The reporter of the *Lloyd's Weekly Newspaper* does not note their mistake that she didn't have fourteen but 'ten children [who] have died under considerable suspicion' (LWN, Jul. 9, 1848). That May 'is a woman of most forbidding aspect' and 'throughout the early part of the proceedings evinced the utmost indifference' (LWN, Jul. 9, 1848) served to position her as a guilty woman. The exact number of her children or those dying did not appear to be important. May was depicted as a woman to whom maternal ties were of no concern, and that she had first killed her children and then her first husband before killing her half-brother.

The argument that 'there was every reason to believe that the prospect of obtaining it [the burial money] was the motive for the commission of the dreadful crime imputed to her' (*Ipswich Journal*, Jul. 29, 1848), resulted in newspapers tying the death of Watts to the other

supposed crimes of May: murdering her children and first husband also for burial club money. Nine articles of the twenty-seven found refer to May's children and first husband. The *LWN* mentions that 'she has been married twice, and had ten children...[who] have died under considerable suspicion' (Jul. 9, 1848). The *Liverpool Mercury* stated that 'it is believed she had previously poisoned several of her children' (Jul. 11, 1848). Another newspaper, the *Jackson's Oxford Journal* didn't state that the dead were her children but rather that there was a 'general belief that as many as fourteen or fifteen human beings have fallen victims under a similar diabolical system' (Jul. 15, 1848). The *Caledonian Mercury* reported 'the prisoner has been twice married, and had 16 children, all of whom, with the exception of one, have died under considerable suspicion' (Jul. 13, 1848). On the same day as the article from the *Jackson's Oxford Journal*, the *Manchester Times* also wrote that 'some fourteen or fifteen persons in the neighbourhood have lately fallen victims under similar circumstances' (Jul. 15, 1848). With the exception of the *Manchester Times* widening the circle of suspicious deaths outside of May's immediate family, the other newspapers decided that her children, whether all 10, 14, 15 or 16 of them had been poisoned by May.

Clearly murders for burial money, by poison or other means, were "diabolical" (*LWN*, Jul. 9, 1848; *Jackson's Oxford Journal*, Jul. 15, 1848; *Manchester Times*, Jul. 11, 1848), "horrible" (*The Times*, Aug. 18, 1848; *Manchester Times*, Jul. 11, 1848), "appalling" (*The Times*, Jul. 25, 1848; *Chelmsford Chronicle*, Jul. 28, 1848), and "horrifying" (*Chelmsford Chronicle*, Jul. 28, 1848). The word diabolical mobilises the image of a witch-like figure. Reverend Clay, who wrote an open letter to a South Hampshire MP in 1853 expressing dismay at how burial clubs were used by the poor, noted that May had suffered from, 'a demoniacal *mania* [which seems] to have obtained possession of [May's] mind which had learned nothing in a civilized age but its worse than barbarous depravities and corruptions' (1853, p. 13). Along with the use of "diabolical" and "horrifying" as adjectives to describe

the crime of poisoning, women who killed with poison for money were assumed to be under the effects of a 'demoniacal mania' underlining the idea that poisoning crimes committed by unhuman, witch-like figures, and were therefore extremely dangerous to society. The definition of diabolical, as defined by Samuel Johnson's *A Dictionary of the English Language* (1755-56) was 'devilish, partaking of the qualities of the devil; impious, atrocious, nefarious, pertaining to the devil' (vol.1, p. 584) and was illustrated with the quote 'the practice of lying is a diabolical exercise and they that use it are the devil's children' (vol.1, p. 584). The definition of demoniack was 'one possessed by the devil, one whose mind is disturbed and agitated by the power of wicked and unclean spirits' (vol. 1, p. 562). Demoniac was defined as 'those lunaticks and demoniacs that were restored to their right mind, were such as fought after him, and believed in him' (vol.1, p. 562). Using these words in association with May depicted her as a woman who was a danger to the morality and spirituality of her community due to a devilish possession. Interestingly, only May was thought to be suffering from possession by demoniacal forces. While Chesham's behaviour was thought to be witch-like, descriptions of witches, demons or devilish behaviour were absent from the legal and media responses to Hannah Southgate.

The narratives contained within the newspapers appeal to the humanity and morality of the article's reader. As the Reverend John Clay wrote about the effects of burial clubs 'the humane public must be prevailed upon to look at this foul blot on our specious civilisation' (1853, p. 3). Burial clubs were a 'hideous aspect' of English life (Clay, 1853, p. 3). The act of killing for burial club money was inhuman, uncivilised, demonical, barbarous, and the use of poison to kill was foreign and feminine (within primary sources: Clay, 1853; De Quincey, [1867] 2009; within secondary sources: Robb, 1997; Knelman, 1998; Hartmann, 1977; Burney, 2002). As Clay writes, 'crimes of deadly character are propagated by the morbid- the almost insane- inclination to imitate which is so often seen working in low and demoralized

natures. The Essex poisonings owed their horrible prevalence, no doubt to the same cause' (1853, p. 13). Poisoning crimes were considered a vice of working-class women, one which they preferred to practice in groups and with one another's aid. The perception of May's deviant femininity and the supposed threat it posed to men and children is further played out in the newspaper reports of her being suspected of being the ringleader in a secret poisoning ring around Essex. It was implied that May was exercising her influence on other working-class women, leading such women astray and encouraging them to do away with unwanted children, and teaching them how to poison their husbands.

Secret Poisoning Clubs in Essex

The belief that women were murdering their families for money resulted in burial clubs being regarded as having a negative effect on the minds of working-class women. It was assumed that women would recruit one another to join these rings and then help each other slay unwanted children and husbands. The interest in poisoning rings indicates that there was a belief that women did not commit crimes on their own or of their own volition, and that collectively criminal women were a threat to men. It was her friendship with May that led authorities to investigate Hannah Southgate (see Chapter Six). Another body, that of Nathaniel Button in the nearby village of Thorpe-le-Soken, was exhumed but no foul play could be discovered. May was on friendly terms with both Southgate and Button's wife and *The Times* wrote, May had allegedly before her execution made, 'unpleasant statements, implicating one or more women with other murders' (Aug. 29, 1848). Statements made throughout May's trial suggest a fear of contemporaries that women would taint one another and convince each other to poison their families. The Victorians saw women as sites of contagion, through, as Driscoll writes, 'the medical community...repeatedly portray[ing] female reproductive organs as the site of contamination' (2009, n.p). The contamination did

not necessarily have to be biological but could be moral contamination. May's case highlights the fear her contemporaries had about the power of women to undermine men and by extension British society.

The story of a secret poisoning ring operating in Essex appears to have originated from the *Chelmsford Chronicle* (Aug. 18, 1848) after May had been sentenced and executed. The discovery of arsenic in Watts' body and May's subsequent trial led the Coroner of the district to initiate investigations into other men who had died suddenly (*Chelmsford Chronicle*, Aug. 18, 1848; Wilson, 1977). The *Chelmsford Chronicle* noted that 'sudden and mysterious deaths, it is stated, have also occurred in other houses where she was intimate, with which it is believed she was connected' (Aug. 18, 1848). Reverend Clay, who wrote about burial clubs and secret poisonings in 1853, and C. Edwards Lester in 1865 described these as 'The Essex Poisonings'. As Clay notes in relation to May's case, it still 'stand[s] prominently forward as being associated with localities terribly notorious for such deeds' (1853, p. 12-3) that 'would be too full and foul for belief' (1853, p. 12). As the historian Robb writes, poisoning cases, especially where there was more than a single victim 'were statistically small, [but] in the minds of many they were omnipresent' (1997, p. 177).

May was according to *The Times* 'the wretched woman ... [who] urged and advised the commission of the dreadful crimes' (Aug. 29, 1848). In 1851 at Chesham's trial newspapers claimed that May had in fact implicated Chesham when she (May) allegedly confessed to a poisoning ring. Although I have found no surviving evidence for this, for May and Chesham's contemporaries the method of the murders as well as the timing, location, and proximity of the deaths was sufficient proof of a poisoning ring in operation.

According to *The Times* the executor of the secret poisoning crimes was assumed to be female (Sept. 22, 1848). Women such as May were, as stated by *The Times*, 'believed by everybody to have made away with their husbands and children, were yet received into the

common society of the village without any other regard than perhaps a little secret dread'. However, the newspaper noted that 'witnesses admit with perfect naivete that they were always convinced that certain persons, either men or children, had been quietly poisoned' (Sept. 22, 1848). *The Times* further noted that in rural villages 'it is perfectly clear that the administration of poison to destroy human life was not looked upon in the light of murder' (Sept. 22, 1848). Women are not noted as the victims of arsenic poisoning but as those using it as a weapon to commit murder. *The Times* notes it was 'Mary May [who] paid the penalty of her crimes before the system of which she had been the head and chief' (*The Times*, Sept. 22, 1848). A hierarchy was assumed to exist within the supposed secret poisoning rings, and it was believed that they were run as a matriarchal group who flouted the social conventions of the day. No man is considered a member of this poisoning ring, even though there was evidence that men poisoned their children (Hunt, 2006; Sauer, 1978) (like John Rodda who poisoned his daughter and was executed for the crime in 1846).¹⁰

According to *The Times* the idea that in rural England women were poisoning men created 'more real terror and [raised a] call for more prompt interference than even the very enormity of the deeds themselves' (Sept. 22, 1848). Evidence that May or any women in her vicinity committed multiple murders was reported by the newspapers but didn't appear in any official reports. As Robb explains 'the belief in a sisterhood of poisoners had remarkable staying power in popular discourse. Such a sisterhood may well have existed, but that scenario is not borne out in the records of the Victorian criminal courts' (1997, p. 180).

The *Chelmsford Chronicle* was interested in finding proof of May having murdered her first husband. It's noted that while talking with Robert, May says:

"I have another husband to meet" at which latter remark she sank on the bed and shook violently,- a circumstance which perhaps in the

¹⁰ <http://www.capitalpunishmentuk.org/1837.html> (accessed: 2/1/11)

minds of some may strengthen the suspicion which is now entertained
of her having caused her first husband's death (Aug. 18, 1848).

The *Chelmsford Chronicle* couldn't provide a confession from May or strong evidence of May's guilt in relation to Watts' death. All that the newspaper could state is that May had:

long been suspected...of poisoning other persons, especially her first
husband, and the children she had by him, as they died suddenly and
mysteriously and with symptoms of foul play of this kind, though the
rumour and statements afloat never swelled into the shape of judicial
enquiry (Aug. 18, 1848).

The authorities never acted on the deaths perhaps because there was little or no proof of any foul play. Instead rumours are utilised as evidence of May's guilt and bad womanhood, implying she possibly killed not only her husband but also her children and other members of her community. May, as such, had to be stopped and made an example of.

The threat of escalating deaths of men by poison do not appear in narratives from the government, police or legal establishment. *The Times* expressed 'some surprise...at the course the authorities adopted in not investigating other charges of murder in which Mary May was said to be implicated' (Aug. 29, 1848). However, the *Chelmsford Chronicle* suggested that because 'the grave has now closed over her and her crimes...it is useless to pursue the awful enquiry any further' (Aug. 18, 1848). The authorities had no evidence or reason to investigate the death of her husband or any of her children; May had been executed because there was no doubt about her guilt in poisoning Watts.

The Times was the newspaper with the largest circulation of the day, and expressed the greatest concern about poisoning rings. Locally, the *Chelmsford Chronicle* supported an end to investigations into her other alleged crimes (Aug. 18, 1848). While May was alive no stories were published proposing a secret scheme involving women and poison. It was after

May's death (August 14, 1848), once focus had shifted to Hannah Southgate, that the question of secret poisoning rings was raised, but only to the effect above illustrated by *The Times*. Poisoning rings in Essex were referred to in the articles about May's case but the idea that May was somehow a member or leader of a poisoning ring in Essex was not entertained within the petitions sent to the Home Secretary calling for May to be spared from the gallows.

Petitions for Mercy: May and the Death Penalty

In the month of August 1848 only four articles appeared that were concerned with May's execution. Of the four, one was a reprint of an article from *The Times* (*Glasgow Herald*, Aug. 18, 1848) and the other consisted of a few lines informing the public of May's execution (*Caledonian Mercury*, Aug. 17, 1848). *The Times* (Aug. 15, 1848) and the *Chelmsford Chronicle* (Aug. 18, 1848) offered an opinion on May's last days before her death. In both articles May's conduct in jail is considered to underline her guilt and all aspects of her femininity are considered to be deviant. Her guilt is considered to be beyond doubt. In a later editorial in *The Times* May is labelled the 'deserving victim' of the death penalty who 'paid the penalty of her crimes before the system of which she had been the head and chief' (Sept. 22, 1848).

However, May continued to protest her innocence throughout the trial, right up until her execution. Once in jail, according to *The Times*, she 'formed the design of starving herself to death' (Aug. 15, 1848). Moreover, once 'hunger at length subdued her' May continued to 'sullenly den[y] her guilt and treat[ed] her fate as a matter of indifference' (*The Times*, Aug. 15, 1848). The *Chelmsford Chronicle* was also interested in the way in which May spent her last days, and noted that she continued 'in the dogged state which she had maintained since her condemnation, denying her guilt and evincing little sense of the true nature of her

situation' (Aug. 18, 1848). Through insisting on her own innocence, the *Chronicle* was troubled that there were 'no signs [or]...proof of true penitence, a free confession. To all appeals on this subject she turned a deaf ear' (*Chelmsford Chronicle*, Aug. 18, 1848). Even the jail reverend couldn't get a confession from May. Reverend J. Hutchinson was the 'gentleman [who] kindly lent his aid under the awful circumstances, [to] bring her to a proper consciousness of what human justice demanded of her- an acknowledgement of her guilt' (*Chelmsford Chronicle*, Aug. 18, 1848). A reporter wrote that a 'fearful conflict agitated her mind' and she 'shrank from submitting to ministerial assistance' (*Chelmsford Chronicle*, Aug. 18, 1848).

Although the *Chronicle* and *Times* remained concerned about the absence of a confession from May, the *Chronicle* insisted in referring to May as 'the woman...of whose guilt there cannot be the slightest doubt' (Aug. 18, 1848). Moreover, a lack of Christian feeling couldn't be attributed to her by the papers, because May 'seems to have possessed much knowledge of the scriptures' and 'her prayers for mercy were fervent' (*Chelmsford Chronicle*, Aug. 18, 1848). Thus, May was an enigma- her behaviour regarding religion could not be faulted and she was doing as the judge had suggested she do, yet she refused to acknowledge the guilt of which the papers and court were so sure. The judge, Chief Baron Pollock, had entreated she 'make...peace with the God you have offended...and apply to the source of mercy for the pardon of all your sins, and especially for that enormous sin to which today you have been found guilty' (*Ipswich Journal*, Jul. 29, 1848). Other aspects of May's behaviour while jailed were interpreted by the newspapers as indicators of her guilt, and reinforced the appropriateness of the death sentence. For newspapers, such as *The Times*, this supported their stance on the necessity of the death penalty when patriarchal institutions, such as the family unit of mid-nineteenth century Britain, appeared to be under threat. As Whorton argues 'only execution could stop them [poisoning women], and indeed these deadly women

[were] cited more than once as the best refutation of the fledging campaign to abolish the death penalty' (2010, p.39).

Another way in which different and competing constructions of the criminal woman were mobilised was through the focus on May's relationship with her husband and their meetings in jail. On the one hand, May appeared to have had a good relationship with her husband, Robert, who stated to the prison governor 'she has been a very good wife to me' and 'the criminal expressed great satisfaction at seeing her husband' (*Chelmsford Chronicle*, Aug. 18, 1848). On the other hand, the final meeting between husband and wife was depicted by the newspaper as evidence of May's failure to conform to the norms of good womanhood. She allegedly told Robert that 'she expressed a hope that he would not marry again and said "If you do marry again I will haunt you" at the same time turning her head from him towards the attendants, and smiling as if in pleasant derision' (*Chelmsford Chronicle*, Aug. 18, 1848). May also instructed Robert that 'he was not even, she said, to have any woman in the house for fear of her stealing the things, but his sister was to make his bed' (*Chelmsford Chronicle*, Aug. 18, 1848). Not only was she dictating to her husband how to lead his life after her death, but 'she talked with him and gave him directions on various subjects with an indifference almost amounting to levity' (*Chelmsford Chronicle*, Aug. 18, 1848). The conversation between Robert and May was used to underline her unfeminine nature and her failure to behave as a demure, repenting wife. The *Chelmsford Chronicle* wrote that:

the wretched woman passed in a disturbed and restless manner, frequently muttering to herself the names of the witnesses against her, expressing a wish to get at them, and declaring they were false sworn; on mentioning one name she worked herself into so great a rage that she swore and ejaculated "Let me get at him- I'll tear his heart out" (Aug. 18, 1848).

The idea that May had allegedly uttered a threat to attack another man is treated as confirmation of her criminal nature. If considered alongside the claim by the *Chelmsford Chronicle* that ‘it is well known in the village that she led a most abandoned life, and no further proof need be given of her lightness of character than ... while she was in custody for the murder for which she suffered, she made indecent overtures to the policeman who had her in charge’ (Aug. 18, 1848), May was a woman, who even in the darkest hour was unwilling to repent and mend her supposed bad ways while also behaving at times in an overtly sexual manner. Although none of this was evidence that she had actually killed Watts, it constituted evidence of her acting contrary to acceptable gender norms.

There was also the unanswered question about the fate of her other children and first husband. As *The Times* summed up ‘for the culprit individually little commiseration was felt, as there were strong suspicions that, in addition to the crime for which she suffered, she had poisoned several of her own children’ (Aug. 15, 1848). It was for this overriding reason that May was ultimately constructed as deserving of the death penalty. Yet, prior to May’s execution, the last woman put to death in Essex was in 1804 when Elizabeth Laughan was hanged for killing her illegitimate child (PRO HO 26).¹¹ Essex was not a county known for high incidences of capital punishment; the last man executed in Essex was in 1835 when George Cranfield was hanged for arson (PRO HO 26).¹² For thirteen years judges would sentence prisoners to transportation, time in jail or fines instead of sending them to the gallows.

In response to the sentence passed on May, three petitions were sent to the Home Secretary, as well as two letters from Judge Pollock, the judge presiding over May’s trial, all discussing the validity of the sentence, as well as the evidence upon which this sentence was passed (PRO HO 18/239/37). Thirty-five individuals signed the first petition sent to the

¹¹ <http://www.capitalpunishmentuk.org/1800.html> (accessed 4/1/11)

¹² <http://www.capitalpunishmentuk.org/1828.html> (accessed 4/1/11)

Home Secretary. The second petition was sent by George Clement, on the encouragement of 'several county gentlemen' (PRO HO 18/239/37). The third contained the evidence taken during May's trial, and sent by a Mr. Ryland simply 'for Prisoner' (PRO HO 18/239/37). Little is known of the petitioners except that they wrote on behalf of May 'from charitable motives' (PRO HO 18/239/37).

May's crime was considered so severe that Judge Pollock sentenced her to death. When passing the sentence, the judge noted:

I must here denounce, as exceedingly mischievous any association that could give you an interest in his death, without his knowing anything about it, and furnish you with the wicked and base means of getting rid of him, that you might obtain that small sum (*Ipswich Journal*, Jul. 29, 1848).

Poisonings were 'wicked and base' as was May for using poison to kill. The idea of burial clubs is also derided by the judge, but ultimately May is the one at fault for being greedy. May was, according to Judge Pollock, driven 'merely by this sordid love of a small, an exceedingly small sum' to 'destroy the life of a near relative, and [doing so] periled your own soul' (*Ipswich Journal*, Jul. 29, 1848). Poisoning a relative for a small amount was unacceptable and required the highest penalty to be handed down. While passing this sentence the focus of the *Ipswich Journal's* reporter moves to highlight the humanity of the judge and those present. As the reporter writes 'His lordship appeared deeply affected during the delivery of his solemn address, and many of the ladies by whom he was surrounded were bathed in tears' (Jul. 29, 1848). The judge and ladies were depicted as human and feeling. This was in contrast to May who was a 'miserable woman...[who] evinced no feeling, and it was only after sentence had been passed that she appeared at all conscious of the awful situation in which she was placed' (*Ipswich Journal*, Jul. 29, 1848).

Two narratives appear in the petitions to the Home Secretary. The first is from the anti-death penalty campaigners. The campaigners mobilised a narrative that told a story about May being an undeserving victim - she was hounded by the police and tricked by the authorities, and although no clear evidence existed of her innocence, there was no clear evidence of her guilt (PRO HO 18/239/37). This narrative is a distinct shift from all other preceding narratives that appeared across other primary sources. According to this narrative, May's execution served as a mark of an uncivilised society. In contrast, the narrative that emerged from the judge is one where May was seen as someone who deserved the death penalty. This opinion was formed on the basis that she was motivated by money. The judge claimed that although he didn't hear the recommendation to mercy in court, even after discovering that there had been a recommendation, he still considered that the hanging ought to be carried out because in his view the crime was a most wicked and cruel one. As the judge noted 'the case appeared to be one of most deliberate murder- long planned- and executed with great cruelty to gratify (not revenge) avarice' (PRO HO 18/239/37).

The Times noted that petitions had been sent to the Home Secretary, hoping for mercy on May's death sentence. As *The Times* reported, 'great exertions were made to save the culprit's life, both by her legal defenders and others, but the reply of the Home Secretary to two memorials presented to him on the subject was, that her crime was so horrible, and her guilt so clear' (Aug. 18, 1848). According to the *Chelmsford Chronicle*, however, even the petitioners were not sure of May's innocence. The newspaper stated that, 'her defenders are now convinced of her guilt' (Aug. 18, 1848). According to the petitioners, the issue wasn't so much whether she was guilty or innocent of the crime but rather that they wished to bypass 'the horror [of] the possible execution of sentence of death' due to:

the manifest inefficiency of Capital Punishment in repressing crime
and the demoralizing effect the executions in general [have] in

attracting together large crowds of people to witness such a revolting spectacle and by this means to diminish in the public mind a sense of the sacredness of human life (PRO HO 18/239/37).

The petitioners further argued that:

although unhappily there may not be in her case any clear evidence of any mitigating circumstances to urge in her favour...your memorialists beg that her life may be spared and more especially as it is more than forty four years since any woman was executed in this town (PRO HO 18/239/37).

Thus, they sought to utilise May's case as a way of furthering their criticism that executions were inhumane and served no greater purpose other than to assemble together groups of people to watch a spectacle that involved government sanctioned murder. The petitioners generally believed in the sanctity of human life, and in rescuing a woman from the scaffold. Individuals in the United Kingdom during the mid-nineteenth century were increasingly beginning to view violence (and executions) as barbaric and inexcusable (Wiener, 2004b; Wood, 2002). The need for women to be protected from the death penalty was slowly beginning to gain hold in the minds of many during the mid-nineteenth century. When debating the merits of the death penalty in the House of Commons, Mr. W. Ewart stated 'our juries have become more reluctant to convict...[o]f one class of murderers it may be remarked, that they are beginning to escape capital punishment altogether. I mean women (*Hansard, HC* 10 June 1856 vol 142 c1231). In 1848, only one other woman was executed in the whole of England, and she for the crime of killing her step-children through suffocation.¹³ While men were more likely to be sentenced to death, women were more likely to be acquitted or transported for their crimes (Wiener, 2001). This would appear to suggest that the petitioners

¹³ <http://www.capitalpunishmentuk.org/parker.html> (accessed 4/1/11)

were less concerned with May's guilt or innocence than with the impact that executing a woman would have on the empathy and humanity of the spectators. The MP, Ewart, was correct when stating that juries were becoming more reluctant to convict. In May's case the jury recommended mercy (PRO HO 18/239/37).

The judge, Chief Baron Pollock, who, despite the lack of evidence against her, was nonetheless convinced of May's guilt, appeared to be more concerned about the influence the presence of burial clubs were having on the working-classes. As one petitioner noted 'the Lordship seemed to have a great abhorrence of a club which allowed the entry of the deceased without his knowledge....the evidence shows that it was unknown to her husband and there is no evidence that deceased was ignorant of it' (PRO HO 18/239/37). Pollock in his letter to the Home Secretary creates a new narrative of May and her alleged crime, and maintains that his sentence was just. According to Pollock 'I have already stated that I did not hear the recommendation myself [to mercy] and with some difficulty believed the fact that the jury did recommend the prisoner to mercy' (PRO HO 18/239/37). May is depicted to the Home Secretary, Sir George Grey, as a woman who had planned the death of her brother coldly and meticulously in order to benefit from his death. She was, in Pollock's narrative of her femininity, greedy, cruel, cold and heartless. Evidently, May was not someone who deserved mercy. In Pollock's words, he 'passed sentence in the usual manner' and saw 'no ground upon which...the Crown can be advised to attend to the recommendation of the jury' (PRO HO 18/239/37). Judges were expected to uphold the recommendation for mercy because it was the jury's verdict (Wiener, 2001). Although judges were known to strong-arm juries into repealing their recommendations to mercy (Wiener, 2001, 2004b; Knelman, 1998), most respected the recommendation.

In comparison to the greedy and cruel woman that Pollock depicted in his letters to the Home Secretary, the anti-capital punishment campaigners constructed an image of May as

a poor, confused woman who was being hounded by the police. May was a woman ‘in a needy circumstance’ who lied about Watts age not ‘for purpose of concealing the identity of the individual as there was so much publicity about it’ but for ‘the sake of getting into the Club or for paying lower fees’ (PRO HO 18/239/37). May’s poverty led her to lying; it wasn’t an intrinsic part of her character. In fact, she is described as an honest woman for two reasons; one, because ‘the evidence does not record with a guilty knowledge of her having need this powder’ and two, ‘went publicly in company with another person whom she allowed to hear her ask for it’ when she went to purchase arsenic from a chemist (PRO HO 18/239/37). Police Inspector Raison, who was the apprehending officer, presented the most damning evidence against May at the trial. He told the court of the three stories she had repeated to him concerning Watts’ death. Raison stated that first May told him that ‘he [Watts] had told her he had found a bottle the evening he was taken ill that he had drank out of and had not been well since’ (PRO HO 18/239/17; PRO ASSI 36/6). Later ‘she said [to me, one] day he took a rope and went to the field to hang himself and would have done so if it had not been for her’ (PRO HO 18/239/17; PRO ASSI 36/6). Lastly, during a search of her home, May stated that ‘I never had any poison in the house in my life. I don’t know what he had and if he had he took it himself for I never gave it to him’ (PRO HO 18/239/17; PRO ASSI 36/6). That her stories were inconsistent were once again, according to the petitioners, not proof of May’s guilt but rather proof of her impoverished life and corresponding fear of authority that was so often attributed to the working-classes. As the petitioner noted ‘those who have any knowledge of the lower class and their resort to untruths when they find themselves in the hands of the officers of Justice, are not suspect at the many untruths to which she [was] and their quick suspicion’ (PRO HO 18/239/37). It was considered normal that the poor, even a poor woman, would lie. The trap that was laid for May by Raison was considered reprehensible. He apparently:

went to Mrs. May when suspicion was first detected towards her, under the pretence that he was willing to assist her in obtaining the money from the club but in reality for the purpose of extracting from her in an unguarded moment some admission which might become potent evidence against her (PRO HO 18/239/37).

Indeed 'his superior officer Captain Hardy who was in court during the trial...dismissed him for the Police Force the same day' (PRO HO 18/239/37). Tricking a woman into divulging potentially incriminating evidence was disgraceful and ungentlemanly. However, for a woman to be involved in such a case was proof that she had behaved in a manner to garner the attention of the authorities. George Clement, in his petition for May, states that there is clearly a need to re-examine May's case as 'the recommendation of the jury to mercy...implies some doubt in their minds as to her guilt' admitting, however, that 'of course I am aware that if they really had some doubt in their minds it was their duty to have acquitted her' (PRO HO 18/239/37). The case invoked a strong feeling in Pollock, and according to the petition of the 35 signatories, 'great prejudice which...exists against this woman, no doubt grounded in the belief of her guilt, [which] has deprived many of...the power to consider this case with the deliberation it requires' (PRO HO 18/239/37). May was portrayed as a woman in distress and need of protection, which the petitioners were willing to offer her. This need to protect a woman in distress was felt more by men than by women- 28 men signed their name to the petition, whereas only seven women did (PRO HO 18/239/37). The narratives emerging from the petitioners did not become part of the larger set of narratives regarding May's crime, but stood alone, and until now, unexplored. As I have argued throughout this thesis new narratives can be discovered through an uptake of broader source material, and a greater understanding about changing gender constructions can be achieved through integrating the analysis of competing narratives with currently available research about female criminality

and femininity. The portrayal of May's womanhood by the petitioners was a more sympathetic representation of her womanhood than that of her legal defence. However, the petitioners didn't clearly position May's femininity as "good" within their narrative, and therefore there remained the question of whether she really was deserving of mercy.

I have argued in this chapter that the social and legal responses to the case of Mary May highlight the different and competing constructions of gender. Her case came to the attention of the authorities because of her rejection of the authority of the parish reverend, and her refusal to promise to hand over money to him from a burial club payout. These unfeminine refusals escalated May's crimes beyond the poisoning of Watts to 16 children, her first husband and positioned her as one who taught other women in the area how to poison men. Without any evidence of May murdering Watts (and certainly no evidence of her committing any other murders) focus was firmly on May's femininity in establishing her guilt or innocence.

The discourses at play in May's case from newspapers, social commentators, petitioners and even the judge, Chief Baron Pollock, illuminated broader societal concerns than the poisoning death of a half-brother. They all focus on the plight of the working-class and, specifically, the immorality of working-class women. The social and legal responses to May's case highlight the rise in fears of burial clubs being used for immoral purposes, infanticide, secret poisoning rings and the impact of witnessing death sentences which were all being discussed by the greater community.

Paternalistic attitudes of the era led to these middle-class male discussions about working-class women's morality. For anti-death penalty campaigners the execution of a working-class woman was seen to interfere with the minds and morals of the lower class, especially of other women. For reporters, social commentators, and members of the general public, working-class women in rural communities were a danger to men due to their

susceptibility to influence from demoniacal manias, their lack of education and a corresponding lack of morality all of which pointed to their resulting refusal to act within the boundaries of acceptable female gender norms. This propensity for gender transgression supposedly resulted in the desire of mothers to kill their children, wives to poison their husbands, and other expressions of agency such as leaving the home to find work. May's case became a site for the repository of fears about women's growing independence (from men), the depravity of the working-classes, and the disintegration of the family. In turn, May's femininity was depicted negatively by almost all sources in order to highlight the risk of women behaving outside of accepted cultural norms.

Unlike Chesham, who initially appeared to be a good mother, only later to be figured as witch-like, from the outset, May's femininity was constructed in a very negative manner, although the petitioners who sought mercy cast May in a more sympathetic light. Her case became inextricably linking to broader social anxieties about the crime of infanticide, even though there was never any investigation into the deaths of any of her children. Burial clubs, and deaths for burial club payouts, were seen to be synonymous with the killing of children. It appears that across all of the narratives about May's case and their associations with burial clubs, the judge, commentators and reporters each became convinced that because this woman had murdered a grown man she must have also poisoned her children. As this chapter has shown, the use of alternate sources to the newspaper reports about female poisoners reveals the centrality of the maternal to constructions of "good" womanhood. This idea of the "good" or "bad" maternal figure was in circulation across numerous discourses that were in circulation about May's case at the time even though her case didn't involve the deaths of any children.

May's femininity was contested across the various narratives and the societal discourses about burial clubs, infanticide and the death penalty. Central to this chapter is the

close reading of various materials- how this case was seized upon by the middle-classes in order to argue for increased controls over women regarding burial clubs and children, but also to argue for the leniency that needed to be afforded women when it came to sentencing due to their delicate natures. This case especially illustrates how the analysis of a poisoner's case moves beyond the individual trial and offers illumination of how the English responded to crimes concerning women and burial clubs, and the use of poison to kill.

May's case led to the investigation of another woman in Essex, Hannah Southgate. In the next chapter I discuss the positioning of female witnesses in poisoning trials where the witnesses' status as good or bad women could impact on whether the accused was found guilty or innocent.

Chapter Six

Fallen Woman or Bad Witnesses? The Case of Hannah Southgate

As discussed in the previous chapter, Mary May's trial and execution provoked a spate of similar investigations into suspicious deaths of husbands in Essex. The perception that other women might have been assisted by May to poison their husbands began to gain authority. While in May's case, she was allegedly motivated by the small sum of money she would receive from a burial club, the authorities focused on May's known associates and investigated the deaths of their husbands. The next woman to attract the authorities' attention was Hannah Southgate. As with May and Chesham, the narratives of Southgate and the death of her husband, Thomas Ham, were concerned with her performance of femininity and how closely she adhered to contemporary ideals of good womanhood rather than her actual guilt or innocence. Within a week of May's execution, Southgate was arrested for the poisoning murder of Thomas Ham. However, unlike May, Southgate was spared from going to the gallows. This case especially illustrates how narratives of the accused's femininity were in flux: Southgate was initially depicted as the bad woman only to have her physical appearance in court, and the alleged unfeminine nature of her maid and female acquaintances, change how her femininity was represented and accepted. Previous research has explored how the perceived morality or immorality of a female victim during the Victorian period resulted in the imprisonment or acquittal of her attacker (D'Cruze, 2005b; Gleeson, 2005; Wiener, 1999; Foyster, 2005). If the victim's femininity could be found to be tarnished then her attacker could be acquitted of the crime because she was seen to be responsible for the attacker's actions. If her femininity was beyond reproach the attacker could find themselves receiving a

harsher penalty. I argue the femininity of the witnesses is an important aspect of the treatment and the fate of the accused.

This chapter argues that Southgate's acquittal was due to contrasts mobilised between her performance of femininity and that of her maid, Phoebe Reed, and other female witnesses who gave evidence in court. It was established at the trial that Ham died of arsenic poisoning and that arsenic was found in the home of the deceased and the prisoner. In Southgate's case the focus was not only on establishing whether she was a good or bad woman, but also on the female witnesses. Competing representations of the femininities of the female witnesses intersected with emerging narratives of the prosecution, the defence and the newspapers.

As illustrated in the previous chapters both Chesham and May were negatively depicted in the media coverage of their cases as serial poisoners who posed a threat to their communities, and English society in general. Although the death of Ham was suspicious, no other deaths could be linked to Southgate. As such, the image of a farmer's wife on the loose in the village poisoning innocent men and children was not able to be utilised by either the prosecution or the newspapers to the detriment of Southgate's character. The defence did not attempt to reinforce the image of Southgate as a woman with upstanding morals, but instead chose to focus on the femininity of the witnesses by questioning them about their private lives, thereby demonstrating that the trustworthiness of all women in the case was questionable.

In contrast the prosecution mobilised the image of bad womanhood but this narrative did not ultimately gain authority because, as I argue, the narratives that circulated in the newspapers were not singularly united against Southgate. Rather there were numerous descriptions across multiple newspapers of Southgate's appearance in court that cast her in a positive light (*The Times*, *Chelmsford Chronicle*, *Ipswich Journal*). Initially, newspapers were interested in Southgate's case because of her friendship with May, but as the narrative

of Southgate's good womanhood gained momentum in the press, fewer newspapers were interested in her trial. Following the trial's conclusion, and Southgate's acquittal, the story of the "Essex Poisonings" disappeared from the papers. Through a close reading of the witness depositions as well as newspaper articles we can see how representations of femininity fluctuated in court and how the narratives transformed in order to accommodate these changes.

In the first section of this chapter I analyse the prosecution's narrative of Southgate's case which sought to position Southgate as a drunkard, and an unfaithful and abusive wife who was guilty of poisoning her husband. This negative image of Southgate's femininity, I argue, is partially based upon the figure of the fallen woman, the stereotypical prostitute. As Kent has argued there were 'only two possible images for women ... they might be either the idealized wife and mother ... or the depraved, corrupt prostitute. The image of the respectable, passionless middle-class lady depended upon a contrast with the other image of the fallen woman' (1999, p. 190). As the previous chapters have illustrated the idealised wife and mother was important to the Victorians but there was an absence of clear consensus of what constituted good or bad womanhood.

In the next section I analyse how the defence's narrative centred on the femininity of the witnesses in order to show that Southgate was innocent. In turn, the newspapers gradually depicted Southgate as a wronged woman based on their assessments of the femininity of the witnesses. By discrediting the witnesses as women of dubious morals and character, Southgate could then emerge as a good woman. In this section I also reflect on the possible reasons Southgate's case failed to receive as much attention by the newspapers as did the cases of Chesham and May. Whereas Southgate was initially thought to be a member of a supposed Essex poisoning club, the newspapers eventually concurred with the defence that

Phoebe Reed, the main witness against Southgate, was a woman who had little or no credibility in the case.

“Blast you Tommy, I’m glad you’re dead”- Legal Narratives of Southgate

The inquest into Thomas Ham’s death began a week after Mary May was executed. Ham had died on 25th April 1847 after a prolonged illness. From the witness statements it is difficult to tell whether Ham had been a healthy or sickly man. According to Mary Symonds, a neighbour, ‘he was a ruptured and a weakly man but I don’t know what ailed him’ (PRO ASSI 36/6), whereas Phoebe Reed, the servant of Ham, stated that ‘he appeared to be enjoying very good health’ (PRO ASSI 36/6). Whatever his health, he had spent the last month of his life in pain and agony. Reed, who had been fond of her master, and due to her being in the privileged position of witnessing the events in the Ham house, was the primary witness against Hannah Southgate who at the time of Ham’s death was still Hannah Ham. The female witnesses served to create the image of Southgate that lay close to the Victorian stereotype of prostitutes (or otherwise known “fallen women”). Although no suggestion was ever made that Southgate had sexual intercourse with men for money, the emphasis on her violent behaviour, her excessive drinking, swearing, and transmitting of a sexual disease (to her husband) all fit the Victorian stereotype of prostitutes. The piecing together of Southgate’s behaviour, which was then interpreted negatively within the prosecution’s narrative, sought to build the image of Southgate as the fallen woman that would be recognisable to her contemporaries. It wouldn’t have been difficult for the prosecution to argue that Southgate’s behaviour in and outside of her marriage was undesirable as ‘women [were] posited typically *as* sex and indeed the very essence of sexual danger in their “contagion” and manipulative ways’ (Gleenson, 2005, p.228).

In Reed's testimony Southgate is first portrayed as a callous wife when her husband was in pain and sick. As Reed stated 'Mrs Ham said to the deceased when he was retching "Dear I wish you wouldn't retch so- I know you do it on purpose to tease me"' (PRO ASSI 36/6). She thought it unnecessary to call for the doctor stating, according to Reed, 'Dear, I don't think there is any cause to send for him not now' (PRO ASSI 36/6) even when he asked for one. The prosecution, through its questioning of Reed, was able to create a comparison between the two women- Reed who spent the days beside her master's bed and cleaned up his vomit (duties of a good wife), versus Southgate who went out to the market and 'and started on her rounds' (PRO ASSI 36/6), behaviour which could be interpreted negatively. As Reed states Ham 'asked me to go for the doctor Mr. Manthorpe' (PRO ASSI 36/6), but Southgate herself offered to go, which she did. However, Southgate told the doctor that Ham was feeling better, and when by that evening Ham was still unwell, he 'said he felt so very bad that I [Reed] must go for him [Mr. Manthorpe]. He was just as bad as he'd ever been' (PRO ASSI 36/6). Through Reed's testimony Ham's words, actions and feelings are available to the court. But it is only the prosecution's narrative that is concerned with Ham as the victim. The use of the Ham's voice in the prosecution's narrative was to create the image of the uncaring wife who the victim didn't trust. As Foyster observes, the Victorians recognised 'that women in the past could be violent to men in ways that were not physical' (2005, p. 111), through being scolds or by not treating them with the necessary respect. Southgate's comment to her husband as well as not getting the doctor to visit him could be indicative that she was dismissive of his pain, and of her duty to care for him.

Reed's description of Southgate as the uncaring wife soon shifted to that of a wife glad to see her husband dead. Within hours of his death Southgate allegedly stated to Reed 'well poor fellow he's gone and I'm glad of it- for we never lived happy together for I never liked him and I wished he'd died before...I cannot grieve for him' (PRO ASSI 36/6). It was

also just within a few hours of his death that Southgate allegedly said, again according to Reed, ‘blast you Tommy, I’m glad you’re dead’ (PRO ASSI 36/6) while he lay dead on the bed. Southgate was, according to Reed, Charlotte Elvish and Mary Ham, never silent about her dislike of her husband. Reed stated that before Ham’s death Southgate had said ‘Phoebe I shall be glad when your master’s buried’ and ‘Phoebe now I shall have that young man that I love’ (PRO ASSI 36/6). Mary Ham, Thomas Ham’s mother, heard Hannah Southgate ‘tell him [Thomas Ham] that she liked [John] Southgate’s little finger better than she did his (the deceased’s) whole body’ (PRO ASSI 36/6). Elvish, a friend of Southgate, also stated that ‘she [Southgate] liked John Southgate’s little finger better than his (the deceased’s) whole body’ (PRO ASSI 36/6). In 1847 divorce would have been impossible for a couple from the Ham’s background.¹⁴ Even though Southgate and Ham ‘lived very unhappily together’ (Elvish, PRO ASSI 36/6), Southgate could not have married the man she loved, John Southgate, until Ham died. From the testimonies of the female witnesses it emerges that Southgate regularly threatened to kill her husband in order to be free to marry John Southgate.

According to a statement by Mary Ham, she saw Southgate being violent towards her husband. She stated that ‘I saw her [Southgate] beat him seriously [with] the handle of a whip’ (PRO ASSI 36/6). Rather than behaving in a passive manner, Southgate was subverting gender ideals. However, there were also witnesses who testified that Ham had also acted in an aggressive manner towards Southgate. As Jane Harvey noted ‘I have often seen and heard the deceased and his wife quarrelling and have heard shrieks of murder come from the house’ (PRO ASSI 36/6) and John Peck, who worked with Ham, stated that ‘[I] know they lived uncomfortably together. I have heard them quarrelling together...She [Southgate] has told me that her late Husband the deceased beat Southgate one night for going to Tendring with her from Wix’ (PRO ASSI 36/6). Peck continued that ‘the prisoner said “Let

¹⁴ It wasn’t until 1857 that the *Divorce and Matrimonial Causes Act* was passed which moved divorce cases from the jurisdiction of the ecclesiastical to the newly created Courts of Divorce and Matrimonial Causes, opening up divorce to the masses.

them take him up for I know I've used him as well as he did me for he strived to take my life away once". I said "how so". She replied "By disordering me when I was in the family way" (PRO ASSI 36/6). But Ham's aggression was left unexplored by both the defence and the prosecution. As Wiener argues that 'more kinds of violence came to fall within the circle of condemnation and punishment, including...those directed at women', and when a man was violent towards women classed as "bad" her inherent immorality 'could mitigate the otherwise heightened offensiveness of male violence against members of the opposite sex' (2004b, pp. 6-7).

As Foyster observes, 'women were expected to be the victims, not the perpetrators of marital violence' (2005, p. 109). Men were apparently 'in need of women to elevate them and save their souls, as domestic and intimate "angels"' (Wiener, 2004b, p.30). Working-class women in the nineteenth century were considered to be coarse, who would resort to violent behaviour due to their lack of refinement, morality and education (D'Cruze, 1999; Knelman, 1998). Violent behaviour and actions committed by women against their family did not always figure in depictions of corrupted womanhood- Chesham and May are not represented as violent or aggressive. Indeed, as Foyster writes, 'to date we have a very partial historical understanding of women's violence within marriages' but the 'evidence of women's violence in marriage proves that there were occasions when wives belied the stereotype of female passivity' (2005, p. 102). While Ham's death was attributed to poisoning, the prosecution wanted to establish Southgate's character and femininity, during which an incident of her violence towards her husband arose.

Southgate's bad behaviour, according to the prosecution, didn't just manifest itself in her quarrelling with her husband but also in her drinking. Although no testimony states Southgate was drinking during her marriage, John Peck notes 'the Prisoner appeared to me to be flushed at this time' when on one occasion talking to Peck, and Reed testified that 'a few

weeks after his death she came home one night the worse for drink' (PRO ASSI 36/6). That Southgate apparently on this latter occasion asked Phoebe, "'aren't you glad your Master's dead?'" and proceeded in 'taking up her gown with both hands [and] danced around and said "Whoop!"' (Reed, PRO ASSI 36/6) was proof of her callousness at a time when she should have been grieving the passing of her husband. The violence and drunkenness allegedly exhibited by Southgate went part of the way in proving the prosecution's depiction of a cruel woman who had poisoned her husband. This behaviour allegedly exhibited by Southgate presumably shored up the prosecution's depiction of her as sexually indifferent. Excessive drinking, swearing, poor hygiene, and (in women) promiscuity were all thought to be habits, along with aggression and violence, associated with the stereotype of the fallen woman or the prostitute (Driscoll, 2009; Gleeson, 2005). Any woman thought not to be conforming to the strict, yet undefined, moral code of Victorian femininity could run the risk of being stereotyped as a prostitute, for example, even if she wore a dress of a quality too good for her station (Valverde, 1989). A key component of the prosecution's narrative was to mobilise this image of the fallen woman as a way to convince the judge and jury that Southgate was guilty of the poisoning death of her husband.

Apparently Southgate's infidelity was well known throughout the village. Elvish noted that 'the deceased has often come to my home after his wife but has not found her there and I have seen him go to the house of John Southgate for her' (PRO ASSI 36/6). Reed herself noted that 'Mrs Ham used frequently to stay out all night during her husband's lifetime and I have heard her husband ask her on her return why she wanted to leave home' (PRO ASSI 36/6). As John Peck testified, Hannah Southgate was 'seen...coming from his [John Southgate's] house as early as five in the morning' (PRO ASSI 36/6). The prosecution sought to establish that Southgate had been unfaithful and not fulfilling her wifely duties. Through the testimonies the prosecution had been able to demonstrate that the couple lived

unhappily together, and the neighbourhood knew too. Southgate's dismissive comments about Ham's illness were used to depict her as an uncaring and bad wife. To further illustrate the unfeminine nature of Southgate the prosecution's narrative focused her refusal to stay at home and her choice to instead spend time away from the home with another man. The idea that she killed Ham in order to marry Southgate was not central to the prosecution's arguments- as a motive they could not utilise it as, according to Peck, her affair with John Southgate had begun four years before Ham's death and they had been living unhappily together for a long time (PRO ASSI 36/6).

However, when listed alongside the alleged evidence of her having a sexual disease, the representation of Southgate was clearly that of a prostitute or fallen woman. Reed stated early in the inquest that 'Mrs. Ham told me some time before he was taken ill that the deceased had had "the foul disease" and that it would kill him in time and said that some put of it was the cause of his death' (PRO ASSI 36/6). She added 'I have heard the deceased say that he had this disease and that his wife had given it to him but that he was cured of it' (PRO ASSI 36/6). The "foul disease" that Reed was referring to was venereal disease. As Savage writes, 'the historical record does not seem to provide us with more than a few tantalizing clues about the impact of venereal disease on family life' (1990, p. 36). In the instance of a working-class family, the reason for the lack of insight into venereal disease and family life is predominantly due to the lack of written record from working-class men and woman, and also due to the Victorians' aversion to talking or writing about sexual matters (Stevenson, 2005). The criminal record of Southgate offers a minute snippet of life in a working-class household. Specifically it illustrates that female passivity and sexual abstinence were not necessarily the norm for women in mid-nineteenth century England: Southgate was having an affair with John Southgate, and the village seemed fully aware of it, yet that did not result in her having a bad reputation, as revealed, by the generally positive character assessment given by John Peck

in court. Peck appears to be understanding of Hannah Southgate's actions because of the known aggressive nature of her husband, Thomas Ham. The courts and prosecution considered sexual behaviour of a woman to be relevant information to a murder trial; and the sexual behaviour of a working-class woman could be used to define her value as a good or bad woman, and through that underline her innocence or guilt. As Knelman states of working-class women, 'promiscuity continued to be regarded as an indicator of criminality well into the twentieth century' (1998, p.232) unlike that of middle-class women where it could be conceived as a momentary lapse of judgement (Hartmann, 1977).

The fact that Southgate had contracted venereal disease and infected her husband was not central to the prosecution's construction of failed womanhood, but it did serve to solidify the depiction. Beyond Reed's brief mention of Ham contracting a sexual disease, this topic is not mentioned outside of Dr. Manthorpe's statement, 'I never attended him for the venereal disease' (PRO ASSI 36/6). The victim's words, via Reed, point to Southgate being the purveyor of the disease, and during the nineteenth century women were considered the source of sexually transmitted diseases due to 'the medical community...repeatedly portray[ing] female reproductive organs as the site of contamination' (Driscoll, 2009, n.p). It wasn't just any woman who was the potential contaminator of men but specifically, as Driscoll notes, 'prostitutes and fallen women were repeatedly portrayed as the site of venereal contamination' (2009, n.p). Although there was little said about the disease that Southgate allegedly transmitted to her husband, the mention of it as well as Ham's comments that he contracted it from his wife served to reinforce the image of Southgate as, at least, an unfaithful wife, and at worst created the image of her as a prostitute. Southgate could not argue she was a "good" woman because some Victorians saw, 'the sinful woman [as] diseased. The moral woman [as] healthy' (Driscoll, 2009, n.p). During the nineteenth century there were campaigns to free women from the stigma of venereal diseases and shift blame to

men who carried the disease from prostitutes back home to their wives (Savage, 1990; Gleeson, 2005). In 1849, however, the blame for the sexually transmitted disease would have lain solely with Southgate- both as a woman, and thus the site for the contamination, and as an unfaithful wife, the disease being proof of her infidelity. As Driscoll argues venereal diseases ‘metaphorically became a form of divine retribution for the unrepentant prostitute’ because ‘women- such as prostitutes- violated traditional sexual taboos by having multiple partners and they had to be punished’ (2009, n.p). However, the divine retribution of venereal disease on Southgate had done little punish her, instead contaminating the body of Ham. This information about the sexual disease within the family further underlined the prosecution’s narrative of the wayward woman poisoning her husband in order to free herself of her lawful spouse so that she could remarry. A woman capable of being unfaithful to her husband and flouting sexual mores received the punishment of a deadly disease. The image of Southgate thus was of a woman who was a danger to men and a site of contamination.

The prostitute in Victorian imagery was a woman with the habits of promiscuity, excessive drinking and poor hygiene (Driscoll, 2009). These women were seen as a threat to the men around them because as Smart notes, it was women ‘whose sexual and reproductive capacities need[ed] constant surveillance and regulation because of the threat that this supposedly “natural” woman would otherwise pose to the moral and social order’ (1992, p.7). Repression of emotion, passion and sexuality was key. As Kent writes, ‘passionlessness seemed to offer positive rewards for women [and thus] women had a stake in its creation as an ideology and its acceptance and perpetuation by society’ (1999, p. 186).

The only evidence the prosecution had against Southgate was the threats she made to kill Ham in the months leading up to his death. As Reed stated ‘she told me shortly after I first went to live there that she would kill the deceased for she hated him- that he should never be such a torment to her as he had been and added that he would never live...And I

have heard her tell the deceased that she would poison him' (PRO ASSI 36/6). The conversations with Ham, according to Reed, were quite candid where he said "'Madam you must stop till you get rid of me first", she said she would have him [John Southgate] if she could and added "if you don't soon die I'll kill you"' (PRO ASSI 36/6). Jane Harvey also testified to Southgate making threats against her husband: 'I heard Mrs Ham say one day when they were quarrelling and that if he didn't soon die she would kill him' (PRO ASSI 36/6). Southgate also appears to have stated to Charlotte Elvish 'several times that if he didn't die she would poison him' (PRO ASSI 36/6). While there was no doubt of there being arsenic in the Ham household there was no proof that Southgate had proceeded with her threats. Instead it was her association with May that became the "proof" for the prosecution that Southgate was a killer.

The prosecution alleged that May and Southgate were close. After Ham's funeral, according to Reed, May said "'Well Hannah it's a good thing Tommy's died'....Mrs. Ham replied "Yes it is a good job for I always hated him for he was a nasty little blackguard, let him go where he would"' (PRO ASSI 36/6). Although nothing untoward was overheard by Reed at this conversation, the prosecution chose to delve more into Southgate's association with May. Elvish was called forth by the prosecution to offer information about Southgate and May. She stated that:

some time before the death of the deceased I saw Mrs. Ham in the house of the late Mrs. May. Mrs. May was talking to her about quarrelling between herself and her husband when Mrs. May said to her if he was my husband I'd give him a pill. Mrs. Ham replied "Yes, I'll be damned if I don't give him a dose one of these days. I'll learn him Hait". I have heard Mrs. Ham say that she would poison her

husband if he didn't die soon for that she wouldn't live with him.

(PRO ASSI 36/6)

Asked about any further connection to May, Elvish noted that:

on Tuesday the 24th of July last on my return home from the trial of Mary May, John Southgate and his wife the Prisoner came to my House and questioned me about Mrs. May. Mrs. Southgate asked me if she said anything. I said no. She then said 'I am sorry for her I shouldn't like to have her hang for a thing'. John Southgate then said she ought to be hung it served her right. I then said 'you had better sing small John it may not be all over yet'. Mrs Southgate then sad 'Ah! Charlotte mate he don't know all I know' (PRO ASSI 36/6).

This was the extent of the connection between May and Southgate as testified to by the witnesses. Threatening to poison a husband was morally reprehensible but it did not indicate that a woman was going to poison him. Maintaining the company of a woman found guilty and executed of poisoning crimes was a different matter. The narrative created by the prosecution of Ham's death and Southgate's motives meant that the evidence of May and Southgate's friendship was to serve unfavourably against Southgate. For the statements of Reed to be interpreted in a negative fashion against Southgate, her (Southgate's) femininity had to be less than acceptable. The witness statements about the threats would serve to underline this negative depiction of Southgate to illustrate that she failed in her duties as a wife, how she was a bad woman and ultimately guilty. Elvish's statement regarding May's death sentence, and Southgate's subsequent response, can likewise be interpreted outside of the "bad woman" schema set up by the prosecution. The witnesses against Southgate, however, were not given space to speak outside the scope of the narrative set up by the

prosecuting counsel and their words would be interpreted within the parameters of the prosecution's narrative.

Southgate's behaviour- her choice of friends, her affair with Southgate, her alleged transmission of a sexual disease to her husband, her threats and drinking- all created the image of the prostitute that the prosecution could use as proof of her killing Ham. According to the prosecution she had not attempted to restrain herself, the manner in which a good woman would do so in order to create the illusion of respectability. Respectability for working-class women would come by 'establishing a distance from their erring sisters' (Knelman, 1998, p. 229) which Southgate did not do by being friends with May. The defence chose not to refute the claims of the women who served as witnesses against Southgate, but to discredit the women by focusing on the actions of Reed, Elvish, and Mary Ham that depicted them as falling short of ideal womanhood too.

The Femininity of the Witnesses- The Counter Narratives

The women who served as witnesses against Southgate were of a similar social background to Southgate: rural working-class women, the wives of farmers, tradesman or other labourers. Doody states that, 'women represent the unofficial domestic history; they stand for the local memory of a person' (1994, p. 302). While there were only four men as witnesses during the trial (Dr. Manthorpe, John Peck, John Crampion (a friend of Ham) and Alfred Swaine Taylor (the chemist who tested the stomach contents)), there were six women, who were all close to Southgate. Of the men, two were outsiders, both in class and in location.

Women were considered to have knowledge of the private sphere occupied by the accused, and for this purpose more women were called as witnesses in case of domestic crimes (Doody, 1994). As Doody writes 'women are not only moral witnesses to each other, but are expected to be in some sort useful guardians of morals' (1994, p. 303). Reed stated

that 'she [Southgate] has often told me since the death of the deceased that she had slept with the man she has since married several times during her husband's life and that...a week after her husband's funeral she had a man to sleep with her in the same bed in which her husband died' (PRO ASSI 36/6). Reed's testimony served to illustrate Southgate's lack of morals. Why she testified about Southgate's sleeping arrangements or its relevance to the case are lost as questions were not recorded. However, it could have served as a public shaming of Southgate's act by a woman who did not consider this behaviour as acceptable. Whatever the reasons for this statement's inclusion in the depositions, the women were called to offer insight into the actions of Southgate.

The defence narrative focused not on establishing Southgate's credentials of "good" womanhood, but on establishing that the four main female witnesses against Southgate were not the guardians of morals as presented by the prosecution. The defence narrative was concerned with whether the female witnesses were credible. The femininity of Reed, Elvish, Jane Harvey (also a friend of Southgate) and Mary Ham were all under scrutiny. Tommasson Goodwin argues that 'male lawyers know that social attitudes, including attitudes about women, operate in the courtroom' (1998, n.p). The social attitudes about women that were held during the mid-nineteenth century were also relevant to other women in the witness box not only Southgate. The questions asked by the defence sought to position the witnesses as lacking credibility. There was just as much interest shown in Reed's prior sexual encounters as in Southgate's. Elvish's motives for standing witness against Southgate are explored and she is found to be vindictive and bearing witness out of ill-will for Southgate. Southgate's femininity was not the only femininity under investigation in the courtroom during the trial. Victorian ideas of female passivity, sexual purity, morality and staying home with their families did not only apply to an accused but to all women.

When recalled to be examined, Reed mentioned that soon after Ham's death 'I was then going away [due to] being in the family way' (PRO ASSI 36/6). The defence probed further, 'on behalf of the Prisoner' and discovered that 'I [Reed] have but five children but only one of them is living, two of the children who died were not of my husband's...two of the children by my husband died in the workhouse' (PRO ASSI 36/6). Quickly re-examined by the prosecution, Reed stated 'at the time I was about to leave Ham's service in consequence of being in the family way Mrs. Ham told me to make haste and get rid of the Cub, meaning the Child with which I was pregnant...she told me she would get me something to take which would get rid of the child' (PRO ASSI 36/6). But because Southgate had 'felt in her pocket for the pills when she said she had lost them' (PRO ASSI 36/6), the focus was back on Reed to prove her credibility as an honest and "good" woman. Again questioned by the defence she admitted that 'I never of which I have stated now said anything about this child before Mrs. May was hung... I again went to live with Mrs. Ham. I am now pregnant but not by my husband' (PRO ASSI 36/6). Reed's pregnancy with an illegitimate child served to depict her as an unreliable witness- she was a woman with lax morals. Having two children from men other than her husband was proof of not just a singular moment when her judgement lapsed. Instead it was indicative of Reed's own womanhood. She also admitted 'one night she [Southgate] turned me out and refused to pay me my wages in consequence of her having missed a Copper kettle which she accused me of stealing' (PRO ASSI 36/6). She was now also an accused thief as well as an adulterer. The defence was questioning Reed's integrity as a woman and through that her credibility as a witness against Southgate. According to Tommasson Goodwin, in trial advocacy handbooks, from the 1870s and early 1900s, female witnesses were considered to have 'a propensity for exaggeration, emotion, evasiveness, facileness and tenacity' (1998, n.p).

The defence argued that Charlotte Elvish's negative testimony against Southgate was not because of Southgate's behaviour towards Thomas Ham, but because Elvish was under notice to leave her lodgings. The defence elicited from Elvish that 'I am a tenant of John Southgate's father and am under notice to quit but have not applied to be allowed to remain' (PRO ASSI 36/6). Elvish owed money and was forced to go. Her inability to pay her rent made her story untrustworthy. Jane Harvey likewise found her version of events disputed by the defence because she had previously stood trial for stealing potatoes (PRO ASSI 36/6); her response to the incident was 'but it turned out well' (PRO ASSI 36/6). Mary Ham was also found owing money to the Southgate family (PRO ASSI 36/6).

Although, as stated by Doody, 'we can see the power of female witnesses in registering neighbourhood values (or at least appearing to stand for them)' (1994, p. 299), it was not only the female accused who would have her past, and her femininity questioned and probed. There were many witnesses, the majority of them women, claiming that Southgate and Ham lived unhappily, and there was proof that the man she had been carrying on an affair with she had later married. It did not serve the defence's purpose to create the narrative of the loving and caring wife and mother, the "good" woman when there were statements to the contrary. Instead, the credibility of the female witnesses was questioned. Reed's infidelity and her illegitimate children, Elvish and Ham's owing money to John Southgate's father and Harvey's theft charges created the image of women with serious character flaws who could not be trusted to give honest testimonies to Southgate's character.

Southgate was acquitted. As Wilson writes the *not guilty* verdict was returned by the jury because 'the evidence of half-a-dozen other women from Wix was judged to be too malicious to be true' (1971, p. 62). I argue that the evidence was judged too malicious because of the character of the women who were witnesses; they were found to be women of dubious

morality. This was reiterated by the newspaper coverage of the case. As a result Southgate was recast as a wrongfully accused woman.

Initially the *Chelmsford Chronicle* wrote that Southgate's case was closely linked with Mary May, noting that 'the enquiry into the crimes with which Mrs. May, who was hanged last week, was supposed to be connected, have not been permitted to die with her' (Aug. 25, 1848). The main argument behind the *Chelmsford Chronicle's* belief in a connection was that 'Mrs. May was very intimate with the deceased's wife, in fact their maiden names were the same and we conclude they were related' (Aug. 25, 1848). Their maiden names were the same, Angier, but there was no relation between the women. Other newspapers also reported on the "secret poisonings" in Essex and the "poison ring" led by May, but as the case progressed interest in Southgate waned. The number of newspapers interested in the trial gradually decreased as the witnesses came under cross-examination and were found to be women of doubtful moral character. Initially at least a dozen newspapers ran articles on the inquest into Thomas Ham's body. By the end of her trial only three newspapers, the *Lloyd's Weekly Newspaper*, the *Newcastle Courant*, and the *Liverpool Mercury*, reported the verdict. I argue that the newspaper representations of Southgate were generally favourable, even though initial reports considered Southgate to be part of May's poisoning ring, but as the case drew to its conclusion Reed's femininity, as highlighted by the defence, became the focus in the newspapers.

As with the poisoning crimes of Chesham and May, *The Times* labelled Thomas Ham's death, 'another most atrocious murder by secret poisoning' (Aug. 29, 1848). *The Times* editorial commented that poisoning appeared to be 'a distinct crime in Essex' where 'the husband has fallen victim to the criminal practice of the wife' (Sept. 1, 1848). The *Ipswich Journal* made note of the prosecution's observation that 'this species of murder having been formerly considered by the law to be a species of petty treason' (Mar. 10, 1849). Indeed, the

Chelmsford Chronicle called it ‘a very serious and important subject’ (Sept. 8, 1848). *Freeman’s Journal* noted that there had been a ‘horrible system of poisoning going on in the district for some time past’ (Sept. 7, 1848). Southgate had come to the notice of the authorities due to her acquaintance with May and at least five newspapers linked the two women to the crimes from the outset (*The Examiner*, Sept. 9, 1848; *Ipswich Journal*, Sept. 9, 1848; *Liverpool Mercury*, Sept. 12, 1848; *LWN*, Mar. 11, 1849; *Preston Guardian*, Aug. 5, 1848). The *Liverpool Mercury* reported that ‘the woman Mary May was sister to Ham’s wife and from the facts elicited there seems no doubt that the latter was incited to get rid of her husband, and assisted by May, by poison’ (Sept. 12, 1848). *The Examiner* went a step further and wrote ‘the accused was an intimate friend of Mary May...and the suspicion is that the two women were engaged in more than one of the poisoning cases which has disgraced this county’ (Sept. 9, 1848). Again, as discussed in the previous chapters, where a woman was accused of killing with poison it was assumed that she was involved in numerous deaths, with men considered the most likely to fall victim to poisonings. Chesham allegedly poisoned children in the village at random as well as poisoning her children, her husband and an illegitimate child of her lover. Suspicion in Wix, according to the newspapers, was on May because her first husband and numerous children died suddenly. The number of children who were allegedly poisoned was considered proof of the fact that these women had poisoned grown men. Although there was no suspicion of Southgate poisoning any of her children, her close relationship with May was received by the newspapers as evidence of criminal wrongdoing stretching further than just the death of Ham.

Southgate’s alleged involvement with May and other murders around Essex did not prevent positive depictions from being published in the newspapers. In the *Chelmsford Chronicle* the reporter stated that ‘she was very respectably attired, rather good-looking and during the investigation frequently exchanged smiles with her husband’ (Sept. 1, 1848). *The*

Times concurred also noting that ‘she was very respectably attired and rather good looking’ (Aug., 31, 1848). Although only twenty-nine years of age the *Chelmsford Chronicle* reporter also noted ‘she appears much younger’ (Sept. 1, 1848). *The Times* wrote that ‘Hannah Southgate...appeared much more reserved than on the previous occasion and watched the evidence with much earnestness’ (Sept. 5, 1848). Southgate’s behaviour in court was in accordance with expectations of appropriate feminine conduct. *The Times*, *Chelmsford Chronicle* and *Ipswich Journal* all noted her ‘firm voice’ when answering charges (Aug. 31, 1848; Mar. 10, 1849; Mar. 10, 1849). She wasn’t behaving in an ‘irregular and loose manner’ (*Chelmsford Chronicle*, Aug. 25, 1848) as Reed had indicated in her testimony of Southgate’s behaviour with Ham. The *Ipswich Journal* described Southgate in greater detail than Chesham and May had ever been described. The newspaper noted that ‘[her] deportment was very firm and collected and [was] well dressed. She had on a squirrel tippet and wore a black veil, her hands being folded into a squirrel muff, appearing altogether in the attire of a respectable farmer’s wife’ (Mar. 10, 1849). Southgate’s appearance in court, in dress and deportment, was in a manner appropriate to her class and relationship status: a farmer’s wife. Southgate throughout the inquest and trial is passive and an observer to the proceedings. Grossman argues that ‘the first thing to notice is that once the lawyers started doing the talking, the defendant was swiftly and almost completely silenced’ (2002, p. 21). It is also significant that Southgate’s own narrative of events is largely absent. The only words Southgate utters during the inquest are, ‘I’ve nothing else to say but I am perfectly innocent of the charge that’s all I’ve got to say. I come of the [illeg.] have stated that which is false’ (PRO ASSI 36/6).

The reporters closely transcribed what was said in court and so similar if not the same statements are found in the articles as the witness depositions. However, there is one noticeable difference. As Doody argues ‘silencing can occur at two levels-within the courtroom and within the written record. Often the written record reflects the tendency of the

court, the inclination to find someone's testimony worth hearing, or worthless and thus inaudible' (1994, p. 292). Mentions of Southgate's thoughts about going to work for herself, resulted in Jane Harvey notes that 'she was a hardworking and industrious woman' (*Chelmsford Chronicle*, Mar. 10, 1849) were left out of the legal records but appear in the newspaper. As Morrissey (2003) has argued, courts have an inability to look favourably on a woman's expression of autonomy or agency. It is interesting that in a case so much about Southgate's character it was not noted in depositions. The women associated with Southgate, specifically Reed and Elvish, seemed to support the idea of a woman leaving her husband in order to make money and be free of her spouse. Reed and Elvish's statements were barely mentioned in the witness depositions but were picked up by the reporters. Reed noted that Southgate said 'she would not leave her little money with her husband' (*The Times*, Sept. 5, 1848) and Elvish said:

I told her she was a fool to talk in that way, for if she did not like him
she had better take her horse and cart and go dealing as she could by
that means get as good a living as her husband could. She replied
"D—m him I am not going to leave him with my little money"
(*Chelmsford Chronicle*, Sept. 8, 1848)

The image of a resourceful and hardworking woman was thus depicted by the newspapers as well as that of the respectable and good-looking woman. The descriptors the newspapers used in Chesham and May's case "masculine looking", "repulsive", "stout", "monstrous looking" were not applied to Southgate. Her appearance in court that showed a well dressed, attractive, demure farmer's wife, led to a favourable portrayal of Southgate's femininity. Although the information elicited about Southgate's drinking and infidelity with John Southgate was also published, like her alleged statement that 'she would marry Johnny as soon as possible after

her husband's [Ham's] death, the next day if she could' (*Chelmsford Chronicle*, Sept. 1, 1848), the fifteen newspapers I investigated did not cast Southgate as masculine or inhuman.

The *Ipswich Journal* is the only newspaper of the ones investigated that stated that they were omitting information from publication. Reed's testimony that Southgate and her husband suffered from venereal disease was not mentioned in any newspaper. As the *Ipswich Journal* argued 'several of the facts detailed by the witness are unfit for publication' (Mar. 10, 1848). The topic of sexual diseases was not one considered fit for newspapers to print, partly due to the belief that young women should not be exposed to such a vulgar subject matter (Driscoll, 2009; Savage, 1990). Stevenson observes that 'the language [in newspapers] was increasingly sanitized, especially in the "respectable" national press' (2005, p. 241). Language about sex, sexuality and sexual diseases for the Victorians was, as Stevenson argues, 'in both written and oral expression ... [in] a coded language ... Such discourse was often asexual, cryptic and nebulous, avoiding graphic terms and etymology' (2005, p. 233). Outside of the court, the general reading public therefore did not learn about Southgate's "diseased" body.

The *Newcastle Courant*, *Lloyd's Weekly Newspaper*, and *Liverpool Mercury* were the only newspapers concerned with the verdict of the case. The *Chelmsford Chronicle* at the end of its piece on the trial (Mar. 10, 1849) merely noted that the verdict was *not guilty*. In comparison the other three mentioned papers reported their opinions of why this verdict was returned. The defence's narrative about the questionable morals of Reed and the lack of credibility she offered as a witness was echoed by the *Newcastle Courant*. It was stated that 'Reid being of bad character, however, the jury did not believe her and the prisoner was acquitted' (Mar. 16, 1849). The details of Reed's illegitimate children and relationships with men other than her husband were published in the *Chelmsford Chronicle* (Sept. 8, 1848; Mar. 10, 1849). The *Liverpool Mercury* and *Lloyds Weekly* both agreed that Reed was 'a woman of very indifferent character' (Mar. 13, 1849; Mar. 16, 1849). Although 'a degree of intimacy,

and it was feared a criminal one' (*Ipswich Journal*, Mar. 10, 1849) had existed between Southgate and John Southgate during Ham's lifetime, Reed had likewise been found blameworthy especially as at the inquest she had admitted 'I don't live with my husband now ... I am now pregnant but not by him' (*Chelmsford Chronicle*, Sept. 8, 1848). Both Southgate and Reed were women of dubious morality but Southgate's positive appearance in court swayed the newspapers in her favour.

Each discourse about Chesham, May and Southgate created different images of bad womanhood that indicate there was no clear consensus on just what bad womanhood was. Smart posits that the 'category of Woman is constantly subject to differing constructions' (1992, p.7). Each woman is a variation upon the theme of bad womanhood but without being labelled as *the* figure of wayward femininity.

The question of Southgate's guilt or innocence rested on yet another stereotypical Victorian image of the bad woman - the prostitute. But equally important to the case was the female witnesses and their reliability based on whether or not they were considered to adhere to the constructions of her gender or contemporary ideals of good womanhood. As Gleeson notes 'any suggestion of female immorality reflected negatively upon any case' (2005, p.215), regardless of whether the woman concerned was a female accused, witness or victim who was deemed to have been behaving in an inappropriate manner. The prosecution's narrative of the foul-mouthed, dirty and diseased woman who was unfaithful to her husband was key to Reed's testimony. As in Chesham and May's cases, it was less important whether or not there was arsenic found in the deceased's body at the autopsy, instead the focus was on discovering whether the accused conformed or departed from Victorian gender ideals.

As I have argued in this chapter, the unique opportunity to include an examination of gender constructions of female witnesses who testified at criminal trials helps to better understand how and why female criminals were depicted as they were, and how surrounding

femininities influenced courts and newspapers about the femininity of the woman on trial. This chapter's contribution to the study of female criminality and femininity is through the reading of the sources against the grain to discover how Victorian standards of femininity were constructed regarding not only the accused but also the female witnesses. As the analysis of this case establishes, the trustworthiness of witnesses was linked to how closely their femininities mapped onto existing accepted conventions for Victorian womanhood.

Conclusion

Following Sarah Chesham's execution in March 1851 the hunt for secret poisoning rings in Essex and around England, by the authorities and the newspapers, died down. Two members of the four remaining members of the Chesham family, a daughter Harriet, and one of the three remaining sons, George, immigrated to Queensland, Australia. George died soon after arrival; Harriet married but lost her first husband soon after marriage, and under suspicious circumstances, before remarrying and starting a large family. Patrick Chesham, the eldest son of Sarah and Richard, soon found himself before various judges charged with theft. He is not mentioned in newspapers after 1853. Robert May, Mary May's widow, started a relationship with Susannah Foster, the woman who introduced Mary to the burial club in Harwich. Robert May committed suicide in the summer of 1851- he was found hanging from a rafter in his home. There is no news of what happened to Mary May's two children who were alive and well at the time of her execution. From the Public Records in Essex and Kew it appears that Hannah Southgate continued to live with John Southgate, neither her name nor his appearing again in newspapers or in assize records.

This thesis set out to explore *what narratives about femininity exist in available sources regarding female poisoners from the mid-Victorian era and how can these narratives enable us to better understand the contradictory and competing constructions of femininity in nineteenth century England*. As the analysis of the case materials illustrates, there was not a single narrative or depiction about female poisoners created during this period but numerous narratives, each one distinct for each woman investigated. Although there were similar themes explored in each case, for example, their behaviour as mothers and wives, the trajectory of each narrative was very different and intertwined with different societal concerns of the era.

In Chapter Four I analysed the case of Sarah Chesham, the first of the women to be tried and the first to bring attention to poisonings in Essex. Because of Chesham's two trials, it becomes possible to compare how narratives, depictions and responses to her and her alleged crimes changed in five years. The initial trial was concerned with the death of her sons and the death of an infant and from this came the focus on Chesham's mothering abilities, which became the contested area in the courtroom narratives about her. The prosecution sought to position her as a bad mother, and the defence opted to depict her as a caring and loving mother. The witness depositions especially show the debates about whether she was a good or bad mother. The newspapers too were interested in Chesham's mothering abilities but moved the debate further into the threat that her bad mothering had on the community and the greater British society. There was no reason to assume that Chesham was walking around Clavering randomly poisoning children, however, newspapers articles claimed that more than one "good" mother had rescued their child from Chesham. Even though she was acquitted the newspapers did not soften their language about Chesham's femininity. Following her acquittal Chesham returned to her village but she did not remain forgotten - in 1848 her name surfaced when May was tried.

The second trial created narratives that were very different from her initial appearance at the assize trials in 1847, and indeed there was an escalation beyond Chesham being a threat to children in Clavering and elsewhere: Chesham was now a threat to men everywhere, not only because of her poisoning her husband, but because she was likened to a witch who taught her "diabolical" craft to other women. Her appearance in court again fed into societal discourses and concerns that were at the forefront of the public imagination in 1850-1: the rise in arsenic poisonings, the control of poisons, the safety of men and children and the apparent rise in homicidal actions amongst lower-classed women. Chesham became the archetypal poisoner: female yet unfeminine (in looks as well as in character), rural,

working-class, uneducated, unchristian, devoid of maternal feelings, linked with dubious behaviour, and, even, witch-like. These narratives together produced the image of her as a poisoner.

Even though May too was accused of a poisoning crime, as I discussed in Chapter Five, her depiction as an infanticidal mother was a creation to explain her alleged motive rather than to explain the crime she was accused of. She was not on trial for poisoning her children but for poisoning her half-brother, a man in his forties. However, because she had enrolled her brother into a burial club, the assumption, in newspapers and social commentary, was that she was capping off a career in poisoning, having first poisoning anywhere between one and sixteen of her own children. From this case we can see that the societal concerns were not so much about infanticide (which could in certain circumstances be understandable) but rather in the use of poison and murder for profit. The witness depositions illustrate that in the courtroom the argument from the prosecution was not only about May's greed, but also about her disregard for male authority. In newspapers the focus was on the depravity of working-class women who killed for money, a focus which soon shifted to discussing (and depicting) May's children and their suspect deaths. May was also after her sentencing linked with an Essex poisoning club, of which she (or Chesham depending on the newspaper) was the leader. As with Chesham there was concern in the discourses about women acting in a manner all too appropriate to their gender and secretively poisoning men. For petitioners the answer also came in the femininity of May but instead by describing her as a duped and dim woman who couldn't comprehend her or the police's actions. Yet, the judge and prosecution's narratives of May as a greedy and manipulative woman were to stand and she was sentenced to death, the first woman to be hanged in Essex in over forty years.

For the last case, that of Southgate and the focus of Chapter Six, another narrative of a "bad" woman emerged, very different to the cases of either Chesham or May. Although not

explicitly called a prostitute, the depictions of Southgate within newspaper articles and the prosecution's narrative would conjure the images that were there in the social psyche about fallen women. Interestingly, the narrative produced by the defence did not contest the prosecution's, i.e. depicting Southgate as the epitome of good womanhood. Instead, the focus was on the femininity of the witnesses and their tainted credentials as prosecution witnesses because they themselves failed to adhere to societal expectations of good womanhood. In this case, although several newspapers began their reporting about Southgate in a negative manner due to her friendship with May, the progression of the courtroom narratives, especially the defence's representation of the witnesses, turned the newspapers eventually in favour of an acquittal. Unlike May or Chesham, Southgate was not presented as a threat to her greater community or to society in general. Her morality did not stand to threaten any more men; the newspapers even suggested, on her husband's presence in court, as indicative of his full support of her.

This thesis has illustrated how an interdisciplinary methodology and approach embracing broad ranging source materials can further knowledge about history, culture, society, crime and gender at specific points in history. Thus, women can be written back into the criminal record. Microhistorians, such as Levi (1991), Muir (1991), or Ginzburg (1989, 1993), have advocated this method for researching into unknown or little known individuals for decades now, however, it was yet to be embraced by feminist historians with an interest in crime in England. Wiener, who has researched changing responses to masculinity and crime during the nineteenth century, has suggested that historians embrace microhistory for research into crime and the lower-classes to overcome the problem of scarce single source material (1998). This has yet to be fully adopted by historians of British history, though it has been more common in French, Italian and American histories. Using single sources offers a valuable but potentially skewed representation of how criminal women were treated or

represented during their time. While other researchers such as Knelman have used newspapers alone to investigate working-class criminality, this thesis has established that the use of broad ranging source material offers a richer and more complex picture of the women and their crimes and of societal concerns, responses and discourses about women, femininity and criminality. This has also meant moving beyond microhistory and structuring the method of this thesis within a discourse analytic framework.

Criminologists such as Scheppelle (1998), Smart (1992), Papke (1991), Duncan (1989), and Yovel (2004) have embraced the possibilities that approaching legal documents as “literature” and “stories” offers for the analysis of how narratives are constructed within the courtroom, the manner in which gender is constructed by law and the possibilities this has for understanding how certain narratives are accepted by the judge and jury as truth, while others are dismissed as false. This thesis has taken “law as literature” and law as a site of cultural and gender struggles in these three historical cases. I have argued that this allows the competing representations of each case to be compared and analysed for how and why certain constructions of womanhood gained acceptance and authority by the courts while others did not. This thesis has illustrated the importance of finding and analysing competing narratives and representations in newspapers. While scholars, like Bell and Fox (1996), or Morrissey (2002, 2003), have looked at identifying newspaper and other media narratives for twentieth century cases of women who kill, this has not yet been applied to cases in the nineteenth century. The benefit of incorporating this into historical analysis is that differences between newspaper narratives are highlighted, at the same time also illustrating how the cases of murderous women were used to navigate and explain discourses about womanhood and femininity.

This thesis has argued that the application of theories about women and crime, which have been in regular use for contemporary crimes in the last twenty years, can be used in the historical study of women as murderers. This advances historical understandings about English women, crime and culture during the nineteenth century. Feminist historical understandings about how femininity was created, depicted and employed by the courts, newspapers, parliament, petitions, and social commentators in the nineteenth century are furthered by incorporating legal and media narrative research, and aspects of microhistorical method within a discourse analytical framework. This thesis has shown that microhistorical research can further research about working-class criminal women of the nineteenth century as it provides a method that is beneficial to the research of women who are missing from the criminal record. The interest in the *normal exception*, the use of broad ranging primary source material as well as the limited time frame are all conducive to research of women and crime in mid-nineteenth century England. In this research the motives of the women have not been explored, because as I have explained earlier in this thesis, that has not been of importance to understanding English society and gender relations of the mid-nineteenth century.

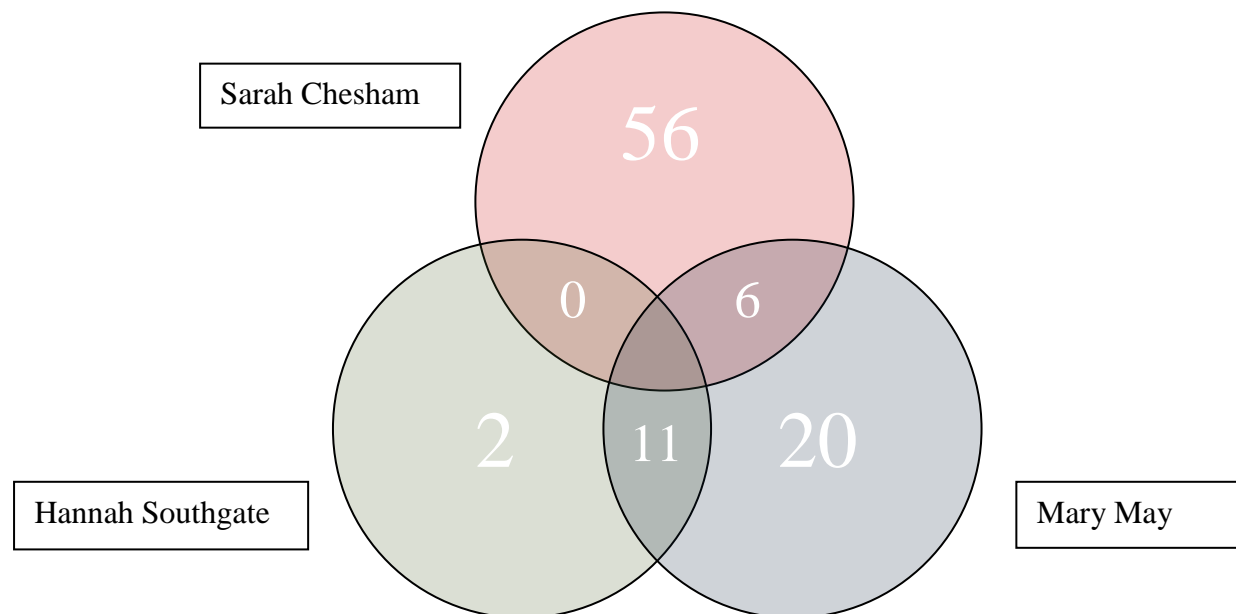
This thesis has raised questions about further areas for research. As Chapter Six showed there has not been much scholarly attention paid to non-professional, female witnesses at criminal trials and the effect examinations of their femininity had on the outcome of the trial. Women have been witnesses at criminal trials in English law for many centuries but this has not been a key focus of scholarly attention. Chapters Four and Five analysed the narratives presented within the petitions to the Home Secretary and found that petitioners would create their own stories and depictions of the femininity of the accused. In the case of Mary May the petitioners wrote in order to try and prevent an execution taking place not because of her presumed innocence but because the petitioners were against the death penalty. Questions thus arise about how petitioners throughout the nineteenth century would

create narratives about female criminals found guilty of murder or manslaughter, and how the petitions of anti-death penalty campaigners differed from those by other individuals who wrote expressing their concern at a woman being sentenced to death.

Although Chesham, May and Southgate were working-class women from rural villages in Essex and thus did not create their own direct records, the use of multiple intersecting sources of information makes it possible to write working-class women back into the historical criminal record. Their position in society would have prevented them from ever coming to the attention of scholars and had they adhered to societal gender norms they may not have been accused of serious crimes. That they did not adhere to these feminine prescriptions has resulted in details about their lives being recorded and preserved and offers new insights into the contests over appropriate feminine behaviour in the mid-nineteenth century; the local stories of women such as Chesham, May and Southgate are important in our broader understandings of Victorian English society, crime and gender constructions.

Appendix 1

The diagram illustrates the number of articles published about Chesham, May and Southgate individually and how the articles about them overlapped, or didn't overlap. Chesham had the most articles published about her due to her appearing at inquests and courts in 1846-7, and 1850-1. As the diagram illustrates, only 2 articles appeared about Hannah Southgate that made no mention of Mary May to her crime, and none linked her to Sarah Chesham. In turn, 56 articles were published about Chesham alone- 36 more than May- but this was more likely because of her being tried once in 1847 and once in 1851. May had overlaps between her and both Chesham and Southgate- 6 with Chesham and 11 with Southgate. All women were linked in reports to each other, however tenuously, which led to the idea that they were operating together in a poisoning ring.



Appendix 2

A list of the newspaper articles between 1846 and 1890 that include details of Sarah Chesham's, Mary May's and Hannah Southgate's cases. The 'x' symbolises who the article was about. Several articles include the names of not only one of the women, but link her to another. Chesham and Southgate are never noted together in the same article.

	Sarah Chesham	Mary May	Hannah Southgate
Bristol Mercury, Mar.29, 1851	x		
Caledonian Mercury, Aug. 17 , 1848		x	
Caledonian Mercury, Jul. 13 , 1848		x	
Chelmsford Chronicle, Sept. 11, 1846	x		
Chelmsford Chronicle, Jan.22, 1847	x		
Chelmsford Chronicle, Jan.29, 1847	x		
Chelmsford Chronicle , Jul.2, 1847	x		
Chelmsford Chronicle, Oct. 30, 1846	x		
Chelmsford Chronicle, Nov.6, 1846	x		
Chelmsford Chronicle, Jul. 28, 1848		x	
Chelmsford Chronicle, Sept.8, 1848		x	
Chelmsford Chronicle, Sept.25, 1846	x		
Chelmsford Chronicle, Aug. 18th 1848		x	
Chelmsford Chronicle, Aug. 25th 1848		x	x
Chelmsford Chronicle, Jul. 14th, 1848		x	
Chelmsford Chronicle, Jul. 7, 1848		x	
Chelmsford Chronicle, Mar. 21, 1851	x		
Chelmsford Chronicle, Mar. 28, 1851	x		
Chelmsford Chronicle, Mar. 28, 1851	x		
Chelmsford Chronicle, Mar.7, 1851	x		
Chelmsford Chronicle, Sept. 1, 1848		x	x
Chelmsford Chronicle, Sept. 14th 1848		x	x
Chelmsford Chronicle, Sept. 23, 1850	x		
Chelmsford Chronicle, Sept. 8, 1848		x	x
Daily News, Sept.5, 1846	x		
Daily News, Jun. 8, 1850	x		
Daily News, Mar. 26, 1851	x		
Daily News, Mar. 7, 1851	x		
Essex County Chronicle Sept. 1846	x		
Essex County Chronicle, Mar. 1847	x		
Essex Standard Jan., 1847	x		
Essex Standard Sept. 4, 1850	x		

	Sarah Chesham	Mary May	Hannah Southgate
Freeman's Journal, Mar. 27, 1851	x		
Freeman's Journal, Sept. 6, 1850	x		
Glasgow Herald, Aug. 18, 1848		x	
Hull Packet and East Riding Times, Jul. 14, 1848		x	
Illustrated Police News, Dec. 6, 1890	x		
Ipswich Journal, Sept. 12, 1846	x		
Ipswich Journal , Mar. 13, 1847	x		
Ipswich Journal, Aug. 22, 1846	x		
Ipswich Journal , Sept.26, 1846	x		
Ipswich Journal , Oct. 31, 1846	x		
Ipswich Journal, Jul. 29, 1848		x	
Ipswich Journal, Jun. 15th 1850	x		
Ipswich Journal, Mar. 10, 1849		x	x
Jackson's Oxford Journal, Jul. 15, 1848		x	
Liverpool Mercury, Jul. 11, 1848		x	
Liverpool Mercury, Jul. 28, 1848		x	
Liverpool Mercury, Mar. 13, 1849		x	x
Liverpool Mercury, Sept. 12, 1848		x	x
Lloyd's Weekly Newspaper, Oct. 25, 1846	x		
Lloyd's Weekly Newspaper Jul. 9, 1848		x	
Lloyd's Weekly Newspaper, Apr. 13, 1851	x		
Lloyd's Weekly Newspaper, Jul. 30, 1848		x	
Lloyds Weekly Newspaper, Jun. 9, 1850	x		
Lloyd's Weekly Newspaper, Mar. 11, 1849			X
Lloyd's Weekly Newspaper, Sept. 15, 1850	x		
Manchester Times and Gazette, Jul. 11, 1848		x	
Manchester Times and Gazette, Jul. 15, 1848		x	
Manchester Times, Mar. 26, 1851	x		
Morning Chronicle, Mar. 26, 1851	x		
Morning Chronicle, Sept. 23, 1850	x		
Newcastle Courant, Dec. 30, 1881	x	x	
Newcastle Courant, Mar. 14, 1851	x		
Newcastle Courant, Mar. 16, 1849		x	X
Newcastle Courant, Sept. 27, 1850	x		
Northern Star and National Trades, Jan. 30, 1847	x		
Northern Star and National Trades, Oct. 3, 1846	x		
Northern Star and National Trades, Sept. 26, 1846	x		
Northern Star, Mar. 22, 1851	x		
Pall Mall Gazette, Aug. 9, 1889	x	x	
Preston Guardian, Jan. 30, 1847	x		
Reynold's Newspaper, Apr. 6, 1851	x		

	Sarah Chesham	Mary May	Hannah Southgate
Reynold's Newspaper, Mar. 30, 1851	x		
The Derby Mercury, Jan. 29, 1847	x		
The Examiner, Mar. 29, 1851	x		
The Examiner, March 8, 1851	x	x	
The Examiner, March 8, 1851	x	x	
The Times, Mar.13, 1847	x		
The Times, Sept. 19, 1846	x		
The Times, Sept. 21, 1846	x		
The Times, Sept.5, 1846	x		
The Times, Aug. 15, 1848		x	
The Times, Aug. 29, 1848		x	
The Times, Aug. 31, 1848		x	X
The Times, Jul. 25, 1848		x	
The Times, Mar. 10, 1849			X
The Times, Mar. 26, 1851	x		
The Times, Mar. 8, 1851	x		
The Times, Sept. 11, 1850	x		
The Times, Sept. 22, 1848	x	x	
The Times, Sept. 5, 1848		x	X
The Times, Sept. 1, 1848		x	X
The Times, Sept.22, 1848	x	x	
Trewman's Exeter Flying Post, Apr. 17, 1851	x		

Unpublished Primary Sources

The documents listed below have not been published and are found either at the Public Record Office (PRO) in Kew, the Essex Record Office (ERO) in Chelmsford, or the British Library (BL).

1. ASSI 36/5: ASSIZES: HOME, NORFOLK AND SOUTH EASTERN CIRCUITS: DEPOSITIONS (PRO). Regarding the trial of Sarah Chesham for the deaths of her sons and Solomon Taylor. Contains witness depositions.
2. ASSI 36/6: ASSIZES: HOME, NORFOLK AND SOUTH EASTERN CIRCUITS: DEPOSITIONS (PRO). Regarding the cases of Sarah Chesham (1850-1), Mary May (1847-8) and Hannah Southgate (1848). Contains witness depositions, letters to the Secretary of State vis-a-vis Thomas Newport's appearance at Chesham's trial. Also includes Alfred Swaine Taylor's reports on tests conducted on remains delivered to him for analysis from the three cases.
3. TS 25/513: SUSPECTED POISONING (1851) (PRO). Letter to Secretary of State, Sir George Grey, regarding the death of Richard Chesham.
4. HO 18/239/37: Home Office: Criminal Petitions, Series II (Petition for Mary May) (1848) (PRO). The petition which called for May's punishment to be reduced to transportation or life in prison.
5. D/DTu/235: TUFNELL FAMILY OF LANGLEYS ESTATE, GREAT WALTHAM- List of persons executed in Essex, 1767-1848 (ERO) Lists persons executed in Essex during those dates with Mary May being the last entry in the list.
6. TP 114/4: COLLECTION OF NOTES, CUTTINGS AND PRINTS FOR THE HISTORY OF ESSEX BY ALFRED JOHN DUNKIN (1844-1851) (ERO). Collection of cuttings regarding curiosities in Essex. Cuttings involving Chesham's case are included, no notes in margins.
7. HS.74/ 1251. (88)/ 74/1888.c.3 (39) (1851) "Sarah Chesham's Lamentation" (BL) One sheet broadside ballad sold at Chesham's execution recounting her crimes against her husband and children.
8. HO 18/298/14 (1851) (PRO) Home Office: Criminal Petitions, Series II (Petition for Sarah Chesham). One letter petitioning the Secretary of State to reduce Chesham's sentence to life in prison.

9. HO 26 (1752-1880) (PRO) Criminal Registers. All persons charged with indictable offences showing the results of the trials, the sentences in case of conviction, and dates of execution of persons sentence to death.

Published Primary Sources

The sources listed here include House of Commons (HC) and House of Lords (HL) debates, ballads and a pamphlet. The newspapers are not dated due to the great quantity of articles used. In each chapter the relevant articles are appropriately referenced.

1. *British Farmer's Magazine*, vol. 20, 1851.
2. Lester, C. Edwards, *The Glory and Shame of England*, New York, 1865.
3. 7510.a.39 Observations upon the Sale of Arsenic and The Prevention of Secret Poisoning. James Tunstall, M.D. (1849) (BL) Tunstall's argument for why arsenic needed regulation and specifically why women should not be allowed to purchase the poison.
4. HC Debate: Poisons, 30th April 1850, vol 110, cc1053-8
5. HC Debate: Punishment of Death, 10 June 1856, vol 142, cc1231-61
6. 1850 *Poison. Return of the number of persons tried in the United Kingdom for murder and attempts to murder, by the administration of poison, from the year 1839 to 1849.* House of Commons Parliamentary Papers Online (2005)
7. *HL Debate: Punishment of Death on Women, 06 June 1856, vol 142, cc1056-9*
8. *HL Debate: Sale of Poisons, 10 July 1856, vol 143, cc540-3*
9. *HC Debate: Punishment of Death, 24 July 1872, vol 212, cc1707-41*
10. *Burial Clubs and Infanticide in England: A Letter to William Brown, Esq. M.P. for South Lancashire. John Clay. Knowsley Pamphlet Collection (1853).*
11. *The Annual Register of World Events*, 1846, 1848, 1851
12. Budds, D. (1995) *Arsenic and Old Wix* Essex: D. Budds. This short pamphlet includes 'The Ballad of Mary May'.

References

- Allen, H. (1987) Rendering them Harmless: The Professional Portrayal of Women Charged with Serious Violent Crimes. In: P. Carlen and A. Worrall (ed.) *Gender, Crime and Justice*. Milton Keynes: Open University Press. pp. 81- 94.
- Altick, R. (1986) *Deadly Encounters: Two Victorian Sensations*. Philadelphia: University of Pennsylvania Press.
- Annot, M. (2004) 'Understanding women committing newborn child murder in Victorian England' in S. D'Cruze (Ed.) *Everyday Violence in Britain, 1850-1950* Harlow: Pearson Education.
- Bailey, V. (ed.) (1981). *Policing and Punishment in Nineteenth Century Britain*. London: Croom Helm.
- Bandes, S. (Winter 2003) Review: Searching for the Worlds beyond the canon: Narrative, Rhetoric and Legal Change. *Law and Social Inquiry*. 28, 1. 271-293.
- Bartrip, P. (1992) A "Pennurth of Arsenic for Rat Poison": The Arsenic Act, 1851 and the Prevention of Secret Poisoning. *Medical History*. 36, 53-69.
- Behlmer, G. (1979) Deadly Motherhood: Infanticide and Medical Opinion in Mid-Victorian England in *Journal of the History of Medicine*. 34, 403-27.
- Bell, C. and M. Fox. (1996) Telling Stories of Women Who Kill. *Social & Legal Studies*. London, Thousand Oaks and New Delhi: SAGE Publications. 5 (4), 471-494.
- Bentley, D (2005) 'She-butchers' in *Criminal Conversations...*, ed. J. Rowbotham and K. Stevenson, Ohio State Press. pp. 198-214
- Best, G. (1971) *Mid-Victorian Britain 1851-75*. London: Weidenfeld and Nicholson
- Brabin, A. (2003) *The Black Widows of Liverpool: A Chilling Account of Cold-Blooded Murder in Victorian Liverpool*. Lancaster: Palatine.
- Briggs, J, C. Harrison, A. McInnes, D. Vincent. (1996) *Crime and Punishment in England*. London: UCL Press.
- Brooks, P. (2005) Narrative in and of the Law. In ed. J. Phelan and P. Rabinowitz, *A Companion to Narrative Theory*. Malden: Blackwell. pp. 415-426.
- Brown, L. (1985) *Victorian News and Newspapers*. Oxford: Clarendon Press.
- Brown, R. (2003 Spring) Microhistory and the Post-Modern Challenge. *Journal of the Early Republic*. 23 (1), 1-20.
- Burney, I. (1999 January) A Poisoning of No Substance: The Trials of Medico-Legal Proof in Mid-Victorian England. *The Journal of British Studies*, 38 (1), 59-92
- Burney, I. (2000) *Bodies of Evidence: Medicine and the Politics of the English Inquest 1830-1926*. Baltimore: John Hopkins University Press.
- Burney, I. (2006) *Poison, Detection and the Victorian Imagination*. Manchester: Manchester University Press.
- Burton, A. (2005) (Ed.) *Archive Stories: Facts, Fictions and the Writing of History*. Durham: Duke University Press.
- Caine, B. (1997) *English Feminism 1780-1980*. Oxford: Oxford University Press.
- Canning, K. (1994 Winter) Feminist History after the Linguistic Turn: Historicizing Discourse and Experience. *Signs*. 19 (2), 368-404.

- Carlen, P and A. Worrall (ed.) (1987) *Gender, Crime and Justice*. Milton Keynes: Open University Press.
- Chaudhuri, N., S. Katz & M.E. Perry (ed.) (2010) *Contesting Archives: Finding Women in the Sources*. Chicago: University of Illinois.
- Clark, A. (2000) Domesticity and the problem of wifebeating nineteenth-century Britain: working-class culture, law and politics. In S. D'Cruze (Ed.) *Everyday Violence in Britain, 1850-1950: Gender and Class*. Harlow: Pearson Education Limited. pp. 27-40
- Cockburn, J.S. (1991 February) Patterns of Violence in English Society: Homicide in Kent 1560-1985. *Past and Present*. 130, 70-106
- Corfield, P. J., J. Purvis & A. Weatherill (2006) History and the Challenge of Gender History In. S. Morgan (ed.) *The Feminist History Reader*. London & New York: Routledge.
- Creed, B. (1996) Bitch Queen or Backlash? Media Portrayals of Female Murderers. In. K. Greenwood (Ed.), *The Thing She Loves, Why Women Kill*. St. Leonards: Allen and Unwin.
- D'Cruze, S. (1998) *Crimes of Outrage: Sex, violence and Victorian working-women*. DeKalb: Northern Illinois University Press.
- D'Cruze, S. (2000) (Ed). *Everyday Violence in Britain, 1850-1950: gender and class*. Harlow: Pearson Education.
- D'Cruze, S. (2005a) (Ed). *Violence, Vulnerability and Embodiment: Gender and History*. Oxford: Blackwell Publishing.
- D'Cruze, S. (2005b) The Eloquent Corpse: Gender, Probity and Bodily Integrity in Victorian Domestic Murder. In J. Rowbotham and K. Stevenson (Ed.) *Criminal Conversations: Victorian Crimes, Social Panic and Moral Outrage*. Columbus: Ohio State University Press.
- D'Cruze, S., S. Walklate and S. Pegg (Ed) (2006) *Murder: Social and Historical Approaches to understanding murders and murderers*. Uffclume; Devon: Willan Publishing.
- Davidoff, L. (1983) Class and Gender in Victorian England. In J. Newton et al (Ed.) *Sex and Class in Women's History*. London: Routledge and Kegan Paul.
- Davis, N (2000) *The Isles: A History*. London: Papermac.
- De Quincey, T. (2006) *On Murder*. New York: Oxford University Press.
- DeFrancisco, V. (1997) Gender, Power and Practice; Or, Putting Your Money (And Your Research) Where Your Mouth Is, In. R. Wodak (ed.) *Gender and Discourse*. London: Sage Publications.
- Dellinger, B. (1995) Critical Discourse Analysis. <http://users.utu.fi/bredelli/cda.html>, accessed 15/5/2008
- Doody, M. A. (1994) Voices of Record: Women as Witnesses and Defendants in the 'Old Bailey Session Papers' In. S.S. Heinzelman & Z. B. Wiseman (ed.) *Representing Women: Law, Literature, and Feminism*. London: Duke University Press.
- Downs, L.L. (2004) *Writing Gender History*. London: Hodder Education.
- Driscoll, W. (Spring 2009) The Metaphor of Syphilis in Grand's *Heavenly Twins*. *Nineteenth-Century Gender Studies*, Is. 5.1.
- Duncan, T. L (1989) Narrative Jurisprudence: The Remystification of the Law. *Journal of Law and Religion*, 7. 1. 105-129.
- Eigen, J. (1995) *Witnessing Insanity: Madness and Mad-Doctors in the English Court*. New Haven: Yale University Press.
- Elkins, J. (1990a) From the Symposium Editor. *Journal of Legal Education*. 40, 1-2.
- Emsley, C. (2005) *Crime and Society in England, 1750-1900*. London: Longman.

- Emsley, J. (2005) *The Elements of Murder: A History of Poison*. Oxford: OUP.
- Evans, R. (1998) *Tales from the German Underworld*. New Haven: Yale University Press.
- Feeley, M., D. L. Little. (1991) The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912. *Law & Society Review*, 25 (4), 719-757.
- Finnegan, F. (1979) *Poverty and Prostitution: A Study of Victorian Prostitutes in York*. New York: Cambridge University Press.
- Foucault, M. (1975) (ed.) *I, Pierre Rivière, having slaughtered my mother, my sister and my brother...A Case of Parricide in the 19th Century*. New York: Panthenon Books.
- Foyster, E. (2005) *Marital Violence*. Cambridge: Cambridge University Press.
- Gattrell, V.A.C., B. Lenman, G. Parker. (1980) *Crime and the Law: the social history of crime in Western Europe since 1500*. London: Europa Publications.
- Ginzburg, C. (1989) *Clues, Myths and the Historical Method*. Baltimore: John Hopkins University Press.
- Ginzburg, C. (1993 Autumn) Microhistory: Two or Three Things that I Know about It. *Critical Inquiry*. 20 (1), 10-35.
- Ginzburg, C. (1994) Fiction as Historical Evidence: A Dialogue in Paris, 1646. In M.Roth (Ed.) *Rediscovering History. Culture, Politics and the Psyche*. Stanford: Stanford University Press.
- Ginzburg, C. (1999) *Judge and the historian: marginal notes on a late-twentieth-century miscarriage of justice*. London; New York: Verso.
- Ginzburg, C. (2005 Spring) Latitude, Slaves, and the Bible: An Experiment in Microhistory. *Critical Inquiry*. 31 (3), 665- 683.
- Goode, B and N. Ben-Yehuda (1994) Moral Panics: Culture, Politics, and Social Construction. *Annual Review of Sociology*. 20, 149-171.
- Goodwin, J. (Winter 1998) "More deadly than the male": Classifying female witnesses in trial advocacy handbooks College Literature. West Chester Vol. 25, Iss. 1; pp. 139- 164.
- Gordon, E., G. Nair. (2003) *Public Lives: Women, Family and Society in Victorian Britain*. New Haven: Yale University Press.
- Gorham, D. (1982). *The Victorian Girl and the Feminine Ideal*. Bloomington: Indiana University Press.
- Gregory, B. (1999 Feb.) Is Small Beautiful? Microhistory and the History of Everyday Life. *History and Theory*. 38 (1), 100- 110.
- Hartman, M. S. (1973 June) Murder for Respectability: The Case of Madeleine Smith. *Victorian Studies*. 16 (4), 381-400.
- Hartman, M. S. (1977) *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes*. London: Robson Books.
- Holmes Snedaker, K. (1991) Storytelling in Opening Statements: Framing the Argumentation of the Trial. In ed. D. Papke, *Narrative and the Legal Discourse*. Liverpool: Deborah Charles. pp. 132-157
- Homrighaus, R. E. (2001) Wolves in Women's Clothing: baby-farming and the *British Medical Journal*: 1860-1872. *Journal of Family History*. 26(3).
- Horn, P. (1980) *Rural World 1780- 1850: Social Change in the English Countryside*. London: Hutchinson.
- Howe, A. (2008) *Sex, Violence and Crime: Foucault and the "Man" Question*. Oxon: Routledge-Cavendish.

- Hunt, A. (2006) *Calculations and Concealments: Infanticide in Mid-Nineteenth Century Britain*. Cambridge: Cambridge University Press.
- Ingham, J (2007) Matricidal Madness In Foucault's Anthropology: The Pierre Riviere Seminar. *Ethos*. Vol. 35, Iss. 2, pp. 130-158
- Jackal, D.G. (2000) *Wicked Witches and Violent victims: Representations in the Criminal Justice System and in the Media of Women who Kill* (unpublished Masters thesis)
- Jackson, B. (1991) Narrative Models in Legal Proof. In ed. D. Papke, *Narrative and the Legal Discourse*. Liverpool: Deborah Charles. pp. 158-179
- Joyce, S. (2003) *Capital Offenses: Geographies of Class and Crime in Victorian London*. Charlottesville: University of Virginia Press.
- Kent, S. (1999) *Gender and Power in Britain, 1640-1990*. London: Routledge
- Knafla, L. (Ed). (1990) *Crime, Police and Courts in British History*. Westport, CT: Meckler.
- Knelman, J. (1994) The Amendment of the Sale of Arsenic Bill. *Victorian Review*. 17 (1), 1-10.
- Knelman, J. (1998) *Twisting in the wind: The Victorian Murderess and the English Press*, Toronto: University of Toronto Press.
- LaQueur, T. (Feb. 1983) Bodies, Death and Pauper Funerals. *Representations*. No. 1. pp. 109-131.
- Lee, C. (1999) *This Sceptered Isle*. London: BBC Books.
- Lepore, J. (2001 June) Historians who love too much: Reflections on Microhistory and Biography. *The Journal of American History*. 88 (1), 129-144.
- Levi, G. (1991) On Microhistory. In P. Burke (Ed.) *New Perspectives on Historical Writing*.
- Little, J. (2006) "The innocence in her beautiful green eyes": Speculations on seduction and the "feminine" in the Australian news media. *Pacific Journal Review*, vol. 12 (1), pp. 131-145
- Lombroso, C. (1898) *Female Offender*. New York.
- Magnusson, S. G. (2006a) Social History- Cultural History- Alltagsgeschichte- Microhistory: In-Between Methodologies and Conceptual Frameworks. *Journal of Microhistory*.
www.microhistory.org
- Magnusson, S.G. (2006b) What is Microhistory? *History News Network*.
<http://hnn.us/articles/23720.html>. Retrieved: 27/4/09
- Mahood, L. (1990) *The Magdalenes: Prostitution and Victorian Social Reform*. New York: Routledge.
- Maple, E. (1960 March) Cunning Murrell: A Study of a Nineteenth-Century Cunning Man in Hadleigh, Essex. *Folklore*. 71(1), 37-43.
- Marcus, J. (1989) The Death of the Family: Pierre Rivière, Foucault and Gender. *Criticism, Heresy and Interpretation* 2, 67-82.
- Markel Morantz, R. (1974 Spring) The Perils of Feminist History. *Journal of Interdisciplinary History*. 4 (4), 649-660.
- Maunder, A. & G. Moore (ed.) (2004) *Victorian Crime, Madness and Sensation*. Burlington: Ashgate.
- Maunder, A. (2004) "Stepchildren of Nature": *East Lynne* and the Spectre of Female Degeneracy, 1860-1861 In. (ed.) A. Maunder & G. Moore, *Victorian Crime, Madness and Sensation*. Burlington: Ashgate. pp. 59-71.
- McAdam, E. L. & G. Milne. (1982) *Johnson's Dictionary: A Modern Selection*. London: Papermac
- McHugh, P. (1980) *Prostitution and Victorian Social Reform*. London: Croom Helm.

- Meloy, M.L and S. Miller (2009) Words that Wound: Print Media's Presentation of Gendered Violence. In. D. Humphries *Women, Violence and the Media: Readings in Feminist Criminology*. Boston: Northeastern University Press. pp. 29- 56
- Merry, K. (2010) *Murder by Poison in Scotland during the Nineteenth and Early Twentieth Centuries*, (unpublished PhD thesis, University of Edinburgh)
- Mills, S. (1997) *Discourse*. London: Routledge.
- Morgan, S. (ed.) (2006) *The Feminist History Reader*. London & New York: Routledge.
- Morrissey, B. (2002) Crises of Representation, or Why Don't Feminists Talk About Myra?. *Australian Feminist Law Journal*. 16, 109-131.
- Morrissey, B. (2003) *When Women Kill. Patterns of Agency and Subjectivity*. New York, London: Routledge.
- Muir, E., G. Ruggiero. (1991) *Microhistory & the Lost Peoples of Europe*. Baltimore: John Hopkins University Press.
- Munich, A. (1996) *Queen Victoria's Secrets*. New York: Columbia University Press.
- Newton Ainsley, J. (2000 April) "Some Mysterious Agency": Women, Crime, and the Insanity Acquittal in the Victorian Courtroom. *Canadian Journal of History*. 35 (1), 37-55.
- Ochs, E. & Capps, L. (1996) Narrating the self. *Annual Review of Anthropology* vol 25. pp. 19-43.
- Papke, D. (1991) Discharge as Denouement: Appreciating the storytelling of Appellate Opinions. In ed. D. Papke, *Narrative and the Legal Discourse*. Liverpool: Deborah Charles. pp. 206-223.
- Paterson, M. (2008) *A Brief History of Life in Victorian Britain: A Social History of Queen Victoria's Reign*. London: Robinson.
- Phelps, T. (1990) Narratives of Disobedience: Breaking/ Changing the Law. *Journal of Legal Education*. 40, 133- 143.
- Prochaska, F. (2008) Women and Philanthropy in 19th Century England, *Women & Philanthropy*. Philanthropy UK, p. 29
- Robb, G. (1997 April) Circe in Crinoline: Domestic Poisonings in Victorian England. *Journal of Family History*. 22 (2), 176-190.
- Rowbotham, J., K. Stevenson (Ed). (2005) *Criminal Conversations: Victorian Crimes, Social Panic and Moral Outrage*. Columbus: Ohio State University Press.
- Sauer, R. (1978). Infanticide and Abortion in Nineteenth-Century Britain. *Population Studies*. 32 (1), 81-94.
- Savage, G. (Autumn 1990) "The Wilful Communication of a Loathsome Disease": Marital Conflict and Venereal Disease in Victorian England. *Victorian Studies*. Vol. 34, No. 1. pp. 35-54.
- Scheppele, K. (1988) Telling Stories In. *Michigan Law Review*, 87. pp. 2073- 2098.
- Scott, J. W. (2006) Feminism's History. In S. Morgan (ed.) *The Feminist History Reader*. London & New York: Routledge; pp. 387-389.
- Scott, J.W. (1987 Autumn) History and Difference. *Daedalus*. 116 (4), 93-118.
- Scott, J.W. (1988 Spring) Deconstructing Equality-versus-Difference: Or, the Uses of Poststructuralist Theory for Feminism. *Feminist Studies*. 14 (1). 33-50.
- Scott, J.W. (1991 Summer) The Evidence of Experience. *Critical Inquiry*. 17 (4), 773-797.
- Scott, J.W. (1996) Gender: A Useful Category of Historical Analysis In. J.W. Scott (Ed.) *Feminism and History*. Oxford and New York: Oxford University Press. 152-183.

- Scott, J.W. (2001 Winter) Fantasy Echo: History and the Construction of Identity. *Critical Inquiry*. 27 (2), 284-304.
- Scott, J.W. (Ed.) (1996) *Feminism and History*. Oxford and New York: Oxford University Press.
- Shaffer, T. and J. Elkins (1991) Solving Problems and Telling Stories. In ed. D. Papke, *Narrative and the Legal Discourse*. Liverpool: Deborah Charles. pp. 90-101
- Shapin, S. (1984) Talking History: Reflections on Discourse Analysis. *Isis*. Vol. 75, Iss. 1, pp. 125-130
- Shapiro, A.L. (1992 Dec.) Introduction: History and Feminist Theory; or Talking Back to the Beadle. *History and Theory*. (31) 4, 1-14.
- Shaw, M. (1995) Conceptualizing Violence by Women. In ed. R. Dobash, R. Dobash and L. Noaks. *Gender and Crime*. Cardiff: University of Wales Press. pp. 115-131
- Sherwin, R. (1994 Nov.) Law Frames: Historical Truth and Narrative Necessity in a Criminal Case. *Stanford Law Review*. 47, 1. 39-83.
- Smart, C. (1992) Disruptive bodies and unruly sex: the regulation of reproduction and sexuality in the nineteenth century. In C. Smart (Ed.), *Regulating Womanhood*. London: Routledge. 7- 32.
- Smart, C. (1992) The Woman of Legal Discourse. *Social Legal Studies*. Vol. 1, No. 1. pp. 29-44.
- Smart, C. (Ed.) (1992) *Regulating Womanhood*. London: Routledge.
- Snyder, T. (2003) *Brabbling Women: Disorderly Speech and the Law in Early Virginia*. Ithaca and London: Cornell University Press.
- Steedman, C. (1984) *Policing the Victorian Community: The Formation of the English Provincial Police Forces, 1856-60*. London: Routledge.
- Stevenson, K (2005) "Crimes of Moral Outrage": Victorian Encryptions of Sexual Violence. In: Rowbotham, J., K. Stevenson (Ed). *Criminal Conversations: Victorian Crimes, Social Panic and Moral Outrage*. Columbus: Ohio State University Press.
- Szijarto, I. (2008) Puzzle, fractal, mosaic. Thoughts on Microhistory. *Journal of Microhistory*. www.microhistory.org
- Taylor, S.C. (2004) *Court Licensed Abuse*. New York: Peter Lang.
- Trotti, M. (2001) 'Review: The Lure of Sensational Murder' in *Journal of Social History*, Vol. 35, No. 2 (Winter, 2001), pp. 429-443
- Tunstall, J. (1849) *Observations upon the Sale of Arsenic*. Bath.
- Tyrell, A. (2000) Samuel Smiles and the Woman Question in Early Victorian Britain. *Journal of British Studies*. 39, 185-216.
- Ulrich, L. T. (1990) *A Midwife's Tale: The Life of Martha Ballard based on her diary, 1785-1812*. New York: Alfred A. Knopf, Inc.
- Valverde, M. (1989 Winter). The Love of Finery: Fashion and the Fallen woman in Nineteenth-Century Social Discourse. *Victorian Studies*. 32 (2), 169- 188.
- Van Dijk, T. (1997) (ed.) *Discourse as Social Interaction*. London: Sage Publications
- Walker, G. (2003) *Crime, Gender and Social Order in Early Modern England*. New York: Cambridge University Press.
- Walkowitz, J. (1980) *Prostitution and Victorian Society. Women. Class and the State*. Cambridge: Cambridge University Press.
- Walkowitz, J. (1992) *City of Dreadful Delight*. Chicago: University of Chicago Press.

- Walter, J. (2001) Confessional Politics in Pre-Civil War Essex: Prayer Books, Profanations, and Petitions. *The Historical Journal*, 44, 3. pp. 677- 701
- Ward, T. (2005) A Mania for Suspicion: Poisoning, Science and the Law. In J. Rowbotham, Kim Stevenson (Ed.), *Criminal Conversations: Victorian Crimes, Social Panic and Moral Outrage*. Columbus: Ohio State University Press. 161-178.
- Watson, K. (2010) *Poisoned Lives: English Poisoners and their Victims*. London: Hambledon and London.
- Weymans, W. (2004 May) Michel de Certeau and the Limits of Historical Representation. *History and Theory*. 43 (2)
- Whitlock, T. (1999 Autumn) Gender, Medicine and Consumer Culture in Victorian England: Creating the Kleptomania. *Albion: A Quarterly Journal concerned with British Studies*. 31 (3), pp. 413-437.
- Whitlock, T. (2005) *Crime, Gender and Consumer Culture in Victorian England*. Burlington: Ashgate Publishers.
- Whorton, J. (2010) *The Arsenic Century: How Victorian Britain was Poisoned at Home, Work & Play*. Oxford: OUP.
- Wiener, M. (1990) *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914*. New York: Cambridge University Press.
- Wiener, M. (1999 Autumn) Judges v. Jurors: Courtroom Tensions in Murder Trials and the Law of Criminal Responsibility in Nineteenth-Century England. *Law and History Review*. 17 (3), 467-506.
- Wiener, M. (2001 April) Alice Arden to Bill Sikes: Changing Nightmares of Intimate Violence in England 1558-1869. *The Journal of British Studies*. 40 (2), 184-212.
- Wiener, M. (2004a Spring). Murder and the Modern British Historian. *Albion: A Quarterly Journal Concerned with British Studies*, 36 (1), 1-11.
- Wiener, M. (2004b) *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England*. New York: Cambridge University Press.
- Wiener, M. (September 1998) Treating "Historical" Sources as Literary Texts: Literary Historicism and Modern British History. *The Journal of Modern History*, vol. 70, no. 3. pp 619-638
- Wodak, R. (1997) (ed.). *Gender and Discourse*. London: Sage Publications.
- Wood, J. C. (2004) *Violence and Crime in Nineteenth-Century England: The Shadow of Our Refinement*. London: Routledge.
- Yovel, J. (2004 Spring) Running Backs, Wolves, and other Fatalities: How Manipulations of Narrative Coherence in Legal Opinions Marginalize Violent Death. *Law and Literature*. 16 (1), 127-159.
- Zedner, L. (1991) *Women Crime and Custody in Victorian England*. Oxford: Clarendon Press.
- Zedner, L. (1991) Women, Crime and Penal Responses: A Historical Account. *Crime and Justice*. 14, 307-362.

Further Reading

A comprehensive list of resources which helped shape this research.

Acton, W. (1857) *Prostitution: Considered in its Moral, Social and Sanitary Aspects in London and other large Cities and Garrison Towns*. 1st edn.

Allen, J. (1986) Evidence and Silence In. C. Pateman and E. Gross (Ed.) *Feminist Challenges: Social and Political Theory*. Boston: Northeastern University Press.

Anderson, N. (1994 Summer) Review. *Victorian Periodicals Review*. 27 (2), 158-160.

Armstrong, J. (1848 September) 'Female Penitentiaries' in *Quarterly Review*. 83.

Bal, M. (2004) (Ed). *Narrative theory: critical concepts in literary and cultural studies*. London; New York: Routledge.

Bennett, J. (2006) *History Matters: Patriarchy and the Challenge of Feminism*. Manchester: Manchester University Press.

Berry, M. (1991 December) Judging Morality: Sexual Behavior and Legal Consequences in the Late Nineteenth-Century South. *The Journal of American History*, Vol. 78, No. 3. pp. 835-856

Birch, H. (1994) If Looks Could Kill: Myra Hindley and the Iconography of Evil. In ed. H. Birch *Moving Targets: Women, Murder and Representation*. Berkeley: University of California Press.

Bland, L. (1992) Feminist Vigilantes of late-Victorian England. In C. Smart (Ed.) *Regulating Womanhood*. London: Routledge. 33-52.

Brake, L, A. Jones, and L. (1990) (Ed.), *Investigating Victorian Journalism*. New York: St. Martin's Press.

Brantlinger, P. (1983) *Bread and Circuses: theories of mass culture as social decay*. Ithaca: Cornell University Press.

Carroll, N. (2001) Interpretation, History and Narrative. In G. Roberts (Ed.) *The History and Narrative Reader*. London: Routledge.

Chase, S. (2008) Narrative Inquiry: Multiple Lenses, Approaches, Voices. In N. Denzin and Y. Lincoln (ed) *Collecting and Interpreting Qualitative Materials, 3rd Edition*. Thousand Oaks: Sage Publications. pp. 57-94.

Clarke, B. (2004) *From Grub Street to Fleet Street: An Illustrated History of English Newspapers to 1899*. Aldershot Hants: Ashgate.

Corbett, M.J. (1992) *Representing Femininity: Middle-Class Subjectivity in Victorian and Edwardian Women's Autobiographies*. New York: Oxford University Press.

Cranny-Francis, A. (1992) *Engendered Fiction: Analysing gender in the production and reception of texts*. Kensington, N.S.W.: NSW University Press.

Delamont, S., L. Duffin (Ed.) (1978) *The Nineteenth-Century Woman*. London: Croom Helm.

Demos, J. (1982) *Entertaining Satan: Witchcraft and culture in early New England*. New York: Oxford University Press.

Denzin, N. and Y. Lincoln (ed) (2008) *Collecting and Interpreting Qualitative Materials, 3rd Edition*. Thousand Oaks: Sage Publications.

Devon, J. (1984) *Criminal and the Community*. New York & London: Garland Publishing

Elkins, J. (1990) The Stories We Tell Ourselves in Law. *Journal of Legal Education*. 40, 47- 66.

- Emmerichs, M. B. (2001) Getting Away with Murder? Homicide and the Coroners in Nineteenth-Century London. *The Social Science History Association*. Vol. 25, No. 1. pp. 93-100
- Emsley, C and H. Shapayer-Makov (2006) *Police Detectives in History, 1750-1950*. Aldershot: Ashgate.
- Erickson Johnson, R. (2006) *Contemporary Feminist Historical Crime Fiction*. New York: Palgrave Macmillan.
- Evans, R. (1997) *In Defence of History*. London: Granta.
- Faure, C. and L.S. Robinson. (1981 Autumn) Absent from History. *Signs*. 7 (1), 71-80.
- Fox Gotham, K. and W. G. Staples. (1996 Summer) Narrative Analysis and the New Historical Sociology. *The Sociological Quarterly*. 37 (3), 481-501.
- Fox, M. (1996) Crime and Punishment: Representations of Female Killers in Law and Literature In J. Morison and C. Bell (ed.) *Tall Stories? Reading Law and Literature*. Aldershot and Brookfield: Dartmouth.
- Francis, M. (2002 September) The domestication of the male: Recent research on nineteenth- and twentieth century British masculinity. *The Historical Journal*. 45 (3), 637-652.
- Frisch, A. (2004) *The Invention of the Eyewitness: Witnessing and Testimony in Early Modern France*. Chapel Hill: University of North Carolina Press.
- Gaille, W.B. (1964) *Philosophy and Historical Understanding*. London: Chatto & Windus.
- Gaille, W.B. (2001) Narrative and Historical Understanding. In G. Roberts (Ed.) *The History and Narrative Reader*. London: Routledge.
- Garton, S. (2004) *Histories of Sexuality*. London: Equinox.
- Gillis, A.R. (1996 March) So long as they both shall live: Marital Dissolution and the Decline of Domestic Homicide in France, 1852-1909. *The American Journal of Sociology*. 101 (5), 1273-1305.
- Gilman Srebnick, A. and R. Levy (Ed). (2005) *Crime and Culture: An Historical Perspective*. Aldershot; Burlington, Vt.: Ashgate.
- Gray, F. (2003) *Women, Crime and Language*. New York: Palgrave Macmillan.
- Grindstaff, L., M. McCaughey. (1998) Feminism, Psychoanalysis, and (Male) Hysteria over John Bobbitt's Missing Manhood. *Men and Masculinities*. 1 (2), 173-192.
- Grossman, J. (2002) *The Art of Alibi: English Law Courts and the Novel*. Baltimore: The Johns Hopkins University Press.
- Gustafson, S.M. (2005 Summer) Review. *Law and History Review*. 23 (2), 464-466.
- Hay, D and F. Snyder (ed.) (1989) *Policing and Prosecution in Britain 1750-1850*. Oxford: Clarendon Press.
- Hooper, C-A. (1992) Child sexual abuse and the regulation of men: variations on a theme. In C. Smart (Ed.) *Regulating Womanhood*. London: Routledge. 53-77.
- Humphries, D. (ed.) (2009) *Women, Violence and the Media: Readings in Feminist Criminology*. Boston: Northeastern University Press.
- Humphries, J. (1987 December) "...The Most Free From Objection..." The Sexual Division of Labor and Women's Work in Nineteenth-Century England. *THE journal of Economic History*. 47 (4), 929-949.
- Hunt, L. (1998 Autumn) Review: Does History Need Defending? *History Workshop Journal*. 46, 241-249.
- Hutchings, P. (2001) *The Criminal Spectre in Law, Literature and Aesthetics: Incriminating Subjects*. London, New York: Routledge.

- Iggers, G.G. (1995 Oct.) Comments on F.R. Ankersmit's Paper, 'Historicism: An attempt at Synthesis'. *History and Theory*. 34 (3), 162-167.
- Kingsley Kent, S. (1999) *Gender and Power in Britain, 1640-1990*. London: Routledge.
- Leckie, B. (1999) *Culture and Adultery: the novel, the newspaper and the law, 1857-1914*. Philadelphia: University of Pennsylvania Press.
- Lemon, M.C. (2001) The Structure of Narrative. In G. Roberts (Ed.) *The History and Narrative Reader*. London: Routledge.
- Mandelbaum, M. (2001) A Note on Narrative History. In G. Roberts (Ed.) *The History and Narrative Reader*. London: Routledge.
- Martin, R., J.W. Scott and C. Strout (1995 Dec.) Forum: Raymond Martin, Joan W. Scott and Cushing Strout on 'Telling the Truth about History'. *History and Theory*. 34 (4), 320-339.
- Matthews, J. J. (1984) *Good and Mad Women: the Historical Construction of Femininity in Twentieth-Century Australia*. Sydney: Allen & Unwin.
- Maynes, M.J, J. Pierce & B. Laslett (2008) *Telling Stories: The use of personal narratives in the social sciences and history*. New York: Cornell University Press.
- McEvoy, K. (1996) 'Newspapers and Crime: Narrative and the Construction of Identity' In. J. Morison and C. Bell (ed.) *Tall stories?: Reading Law and Literature*. Aldershot and Brookfield: Dartmouth.
- McQuillan, M. (ed.) (2000) *Narrative Reader*. London: Routledge.
- Mink, L.O. (1968 June) Philosophical Analysis and Historical Understanding. *Review of Metaphysics*.
- Morison, J. and C. Bell (ed.) (1996). *Tall Stories? Reading Law and Literature*. Aldershot and Brookfield: Dartmouth.
- Morris, A. (1987) *Women, Crime and Criminal Justice*. New York: Blackwell.
- Naylor, B. (1995) Women's Crime and Media Coverage: Making Explanations. In ed. R. Dobash, R. Dobash and L. Noaks. *Gender and Crime*. Cardiff: University of Wales Press. pp. 77-95.
- Nicholas, S., D. Oxley. (1993 Nov.) The Living Standards of Women during the Industrial Revolution, 1795- 1820. *The Economic History Review*. 46 (4), 723- 749.
- Nye, R. (1978 Summer) Crime in Modern Societies: Some Research Strategies for Historians. *Journal of Social History*. 11 (4), 491-507.
- O'Brien, E.L. (2000) "The Most Beautiful Murder": The Transgressive Aesthetics of Murder in Victorian Street Ballads. *Victorian Literature and Culture*. Vol. 28, No. 1. pp. 15-37
- Olafson, F. (2001) The Dialectic of Action. In G. Roberts (Ed.) *The History and Narrative Reader*. London: Routledge.
- Orme, E. (1866) Our Female Criminals. *Cornhill Magazine*, 14.
- Palmegiano, E.M. (1993) *Crime in Victorian Britain: An Annotated bibliography from Nineteenth-Century British Magazines*. Connecticut & London: Greenwood Press.
- Peltonen, M. (2001 Oct.) Clues, Margins and Monads: The Micro-Macro Link in Historical Research. *History and Theory*. 40 (3), 347-359.
- Phelan, J and J. Rabinowitz (ed.) (2005) *A Companion to Narrative Theory*. Oxford: Blackwell Publishing.
- Phillips, M. (2004) Distance and Representation. *History Workshop Journal*. 57. 123-141. 35 (2), 220-256.
- Price, R. (1996 April) Historiography, Narrative and the Nineteenth Century. *The Journal of British Studies*.

- Price, R. (1999) *British society, 1680-1880: Dynamism, Containment and Change*. Cambridge: Cambridge University Press.
- Quinton, R.F. (1984) *Crime and Criminals 1876-1910*. New York & London: Garland Publishing Inc.
- Riley, D. (1988) *Am I That Name? Feminism and the Category of 'Women' in History*. London: Macmillan.
- Roberts, E. (1995) *Women's Work, 1840-1940*. Cambridge: Cambridge University Press.
- Ruggiero, V. (2003) *Crime in literature: Sociology of deviance and fiction*. London: Verso.
- Ryan, M. (1839) *Prostitution in London*. London: H. Balliere.
- Scollan, M. *One Man's Meat is Another Man's Poison*. Essex Police Museum History Notebook, Iss.5.
- Shapiro, A.L. (1996) *Breaking the Codes: Female Criminality in Fin-de-Siecle Paris*. Stanford: Stanford University Press.
- Sharpe, J.A. (1981 March) Domestic Homicide in Early Modern England. *The Historical Journal*. 24 (1), 29-48.
- Sharpe, J.A. (1983) *Crime in seventeenth-century England: a county study*. New York: Cambridge University Press; Paris: Editions de la Maison des sciences de l'homme.
- Snell, K.D.M. (1998 Dec.) Review. *The Journal of Economic History*. 58 (4), 1141-1143.
- Somerset, A. (2003) *Affair of the Poisons: Murder, Infanticide and Satanism in the Court of Louis XIV*. London: Wiedenfeld & Nicolson.
- Sparrow, G. (1971) *Vintage Victorian Murder*. London: Barker.
- Steedman, C. (1986) *Landscape for a Good Woman*. London: Virago.
- Steedman, C. (2001) *Dust*. Manchester: Manchester University Press.
- Steer, M. H. (1893) Rescue Work by Women among Women in Baroness Burdett-Coutts (Ed.), *Woman's Mission*.
- Stone, L. (2001) The Revival of Narrative: Reflections on a new old history. In G. Roberts (Ed.) *The History and Narrative Reader*. London: Routledge.
- Tambling, J. (1990) *Confession: sexuality, sin, the subject*. Manchester; New York: Manchester University Press.
- Tambling, J. (1991) *Narrative and Ideology*. Milton Keynes; Philadelphia: Open University Press.
- Waddams, S.M. (2000) *Sexual Slander in Nineteenth-Century England: Defamation in the Ecclesiastical courts, 1815- 1855*. Toronto: University of Toronto Press.
- West, R. (1993) *Narrative, Authority and Law*. Ann Arbor: University of Michigan Press.
- White, H. (2001a) Historical Emplotment and the Problem of Truth. In G. Roberts (Ed.) *The History and Narrative Reader*. London: Routledge.
- White, H. (2001b) The Historical Text as Literary Artefact. In G. Roberts (Ed.) *The History and Narrative Reader*. London: Routledge.
- White, K. (2007) *Negotiating Responsibility: Law, Murder and States of Mind*. Vancouver: University of British Colombia Press.
- Wood, G.S. (2008) *The Purpose of the Past: Reflections on the Uses of History*. New York: The Penguin Press.
- Young, A. (1996) *Imagining Crime: Textual Outlaws and Criminal Conversations*. London: Sage.
- Zagorin, P. (1999 Feb.) History, the Referent, and Narrative: Reflections on Postmodernism Now. *History and Theory*. 38 (1), 1-24.

Zemon Davis, N. (1987) *Fiction in the Archives: Pardon tales and their tellers in sixteenth-century France*. Stanford: Stanford University Press.

Zemon Davis, N. (1996) 'Women's History' in Transition: The European Case In. J.W. Scott (ed.) *Feminism and History*. Oxford and New York: Oxford University Press. 79-104.

