

## **INFANTICIDE IN EARLIER SEVENTEENTH-CENTURY ENGLAND**

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The problem of infanticide in pre-industrial English society is one which has attracted the attention of a number of historians. In his work on mediaeval English population, J. C. Russell, hesitant as to whether the unbalanced sex ratio of the children of fourteenth century serfs is to be accounted for by differential infanticide or by a deficiency in his evidence, has described the problem as 'a major mystery'.<sup>1</sup> Faced by the almost total silence of parish register evidence on the subject, E. A. Wrigley and J. D. Chambers have speculated on the possible influence of a discreet infanticide as a form of population control in early modern England.<sup>2</sup> P. E. H. Hair, in his discussion of violent death, has commented that 'While it would be rash to assume that there were necessarily as many infanticides in earlier times as in Victorian days, the normal circumstances of the act — attempted concealment of a birth or mental derangement after a birth — makes it very unlikely that infanticide was uncommon in earlier times. Could it possibly be that infanticide was less seriously regarded in rural Britain in earlier centuries — conceivably that it was tacitly recognised as a form of population control'.<sup>3</sup> Both Dr Hair and F. G. Emmison have drawn attention to the evidence of the practice of infanticide surviving in the judicial records of sixteenth-century Middlesex and Essex, Dr Emmison commenting on this evidence that 'infanticide was woefully common'.<sup>4</sup> A number of American scholars have recently revived general interest in the question of infanticide, but as yet the problems of attitudes towards the crime, its incidence and its forms in early modern England remain open.<sup>5</sup>

In this discussion, I wish to bring together some evidence from legal, parochial and literary sources to suggest that infanticide, in the forms in which it was known in the earlier seventeenth century, can be satisfactorily understood neither simply as a socially sanctioned form of population control analogous to that found in certain ancient or 'primitive' societies, nor as an occasional crime related largely to the killing of newborn children by temporarily unbalanced mothers — the usual modern circumstance of infanticide.<sup>6</sup> On the available evidence, the practice of infanticide in seventeenth-century rural England appears to have involved elements of both situations. While it was certainly not a generally tolerated practice, infanticide would appear to have had a considerable currency in the disposal of a minority of unwanted, predominantly illegitimate, children. Such disposal took in part the more familiar form of killing at birth and as such was rigorously repressed. It also embraced, however, the disposal of illegitimate children by studied neglect during nursing, a form of infanticide which would appear to have been regarded as less unambiguously criminal. The discussion of infanticide thus uncovers a perplexing relativity in popular attitudes towards the value of infant life which contrasts markedly with the clear prescriptions of contemporary official morality.

Official attitudes to infanticide in the earlier seventeenth century were clear. The moralists and legislators of the period had inherited and were to perpetuate the uncompromising opposition to infanticide expressed by the mediaeval church and by mediaeval criminal codes.<sup>7</sup> Their treatment of the offence, like that of modern English criminal law, bore out certain stereotyped assumptions about the nature of 'normal' maternal feelings.<sup>8</sup> Despite the differing experiences of other cultures the crime was and is regarded as unnatural. William Gouge, applauding the 'tender care' of the mother for the child, argued that God had 'so fast fixed love in the hearts of parents, as if there be any in whom it aboundeth not, he is counted unnaturall'.<sup>9</sup> The modern criminal law regards infanticide as such a contradiction of normal maternal feelings that mental unbalance on the part of the infanticidal mother is virtually assumed to be the causal factor.<sup>10</sup> Seventeenth-century men were disposed to regard the unnatural nature of the offence as a factor which rendered it particularly heinous. To Gouge 'want of naturall affection' was a notorious sin, while those who, like the heathen, slew or sacrificed children were 'more unreasonable then unreasonable beasts, which doe what possibly they can to preserve their young ones.'<sup>11</sup> Such attitudes were supported by the law. Infanticide was regarded and punished not as a special category of offence — a fairly recent development in English law — but as murder.

Contemporary statements on the actual practice of infanticide significantly narrowed the field of its discussion. Infanticide was referred to not as a widely practiced custom, but as a crime associated primarily with attempts on the part of bearers of illegitimate children to either conceal their offence or to rid themselves of the unwanted child. Gouge wrote of those '*lewd* and unnaturall women, as leave their new-borne children under stalls, at men's doores, in Church porches, yea many times in open field'.<sup>12</sup> Percival Willughby, the contemporary obstetrician, associated infanticide with 'the looser sort', by which he meant bastard-bearers.<sup>13</sup> The members of early seventeenth-century parliaments considered the practice of killing illegitimate infants sufficiently widespread as to require special legislation. This reveals what contemporary gentlemen — many of whom as justices may have had personal knowledge — thought to be the heart of the problem. Bills dealing with this subject were debated in the parliaments of 1606-7 and 1610, while the parliament of 1624 saw the passage into law of 'An Acte to prevent the murthuring of Bastard children'.<sup>14</sup> The act argued that 'many *lewd* Women that have been delivered of Bastard Children, to avoyd their shame and to escape Punishment, doe secretlie bury or conceale the Death of their Children and after if the Child be found dead the said Women do Alleadge that the said Childe was borne dead; whereas it falleth out sometymes (although hardlie is it to be proved) that the said Child or Children were murdered by the said Women their *lewd* Mothers or by their assent or procurement'. To rectify this situation, the act laid down that any mother of a bastard who concealed its death was to be presumed guilty of murder unless she could prove by the oath of one witness that the child had been born dead.<sup>15</sup>

Evidence of the actual practice of infanticide, both before and after 1624, is to be found principally in the records of murder prosecutions which survive, in the form of coroners 'inquisitions' or indictments for murder among the judicial records relating to particular counties. These records allow one to anatomise the circumstances of such actual or suspected infanticide as has been rendered historically visible by its prosecution and the survival of records. Over the period 1601 to 1665 the surviving assize files of Essex provide a total of sixty cases of infanticide.<sup>16</sup> These cases were drawn from a total of fifty-three parishes, forty-six of which provided a single prosecution within the period of

this survey and seven of which saw two prosecutions. At least fourteen per cent of the county's 382 parishes experienced an infanticide prosecution within the period. Such cases, then, while not common-place, were very far from unknown.

**Table 1. Prosecution for Infanticide: Essex Assizes**

1601-5	3	1636-40	2
1606-10	4	1641-45	7
1611-15	1	1646-50	9
1616-20	0	1651-55	3
1621-25	1	1656-60	14
1626-30	5	1661-65	3
1631-35	8		
		Total	60

The sixty cases involved the deaths of sixty-two children — two sets of twins being included.<sup>17</sup> No marked sex differential is observable in the children allegedly murdered, there being twenty-nine male and thirty-three female victims.<sup>18</sup> More significantly, fifty-three of the sixty-two children are unambiguously described as bastards. Such descriptions occur largely after the passage of the 1624 act. Of the nine children involved before 1624, only one is described as base, the others being referred to as newly-born children. Of the fifty-three children involved after 1624 all save one are called bastards. The remaining case is ambiguous since two indictments survive, the first of which describes the child as the infant of a married woman, the second of which describes it as a bastard.<sup>19</sup> In fifty-nine of the sixty cases it is the child's mother who stands accused of the murder, the remaining case being that of one Susan Long, widow, who with the consent of the child's mother carried a bastard eleven miles 'it being then extreme cold frosty weather' and neglected to give the child nourishment, so that it died.<sup>20</sup> This case may in fact be one of an infanticidal nurse, a subject to which we shall return. Of the sixty mothers, fifty-three were described as spinsters and six as widows. Only once, either before or after the 1624 act, does a reference to a married woman occur. The case is that referred to above for which two indictments survive, the first of which describes Martha Jackson as the wife of one Reuben Jackson, the second of which describes Margaret Jackson alias Wright as a spinster. Despite this ambiguous case and the problems of the contemporary use of the word 'spinster', it is probably reasonable to assume, in view of the lack of other references to husbands, that all but one of these women were, as described, unmarried.<sup>21</sup>

If this is indeed so, the concentration of the courts upon the prosecution of bastard-bearers raises important questions. The motive of concealing a birth may have been strongest among bastard-bearers, especially in view of the harsh bastardy legislation of the late sixteenth and early seventeenth centuries and the savage penalties of the 1650 act against adultery, incest and fornication.<sup>22</sup> Temporary mental disorders following childbirth, however, may be expected to have been as common among married as unmarried women. To what extent do the court cases represent a selective prosecution of infanticidal mothers, and what factors governed that selection?

In dealing with the records of most forms of crime in this period, the historian must remain aware that he is considering not the true incidence of offences but rather the incidence of prosecution. Cases of homicide offer the best opportunity of establishing an accurate picture of the incidence of violent death since the disposal of a body was difficult and the coroner had the duty of enquiring into circumstances 'when any man, woman or child doe come to their death by any casualtie, or untimely means'.<sup>23</sup> Infanticide, however, was probably the form of homicide most likely to escape notice. In a period of high infant mortality compounded by the practices of untutored midwives, the untimely nature of a child's death might be concealed relatively easily from neighbours and authorities alike. The act of 1624, as we have seen, states as much. Such concealment, however, might be more difficult in the case of women whose pregnancy had already attracted unfavourable attention and comment in the neighbourhood and such women were most likely to be bastard-bearers. The necessity of establishing the paternity of a base child, of making arrangements for its maintenance, and of seeking the punishment of its parents, matters which might involve minister, churchwardens, overseers of the poor and frequently the archdeacon and justices of the peace, meant that the bastard-bearer was closely overlooked. Bastardy proceedings which might begin during a woman's pregnancy came to a head during and immediately after her confinement. A midwife was customarily in attendance at base births and expected to extract from the mother in labour the name of the child's father, a gruesome practice amply evidenced by the scores of surviving midwives' depositions in bastardy cases. In these circumstances, the suspicious death of a base infant was more than likely to attract the attention of neighbours and through them of the coroner. Again, in cases which did not come before the coroner, local suspicion might nevertheless result in a prosecution by a privately initiated indictment. Of the sixty Essex cases, thirty-five were initiated by a coroner's inquest, held in the parish of the child's birth and employing juries of local men who would often have personal knowledge of the case. The remaining twenty-five survive in the form of indictments which frequently include the names of the local people who acted as witnesses and whose hostility may often have initiated the prosecution. Local opinion, even malicious gossip, may have been crucial in both forms of procedure.

A peculiarly striking case, which illustrates the complex filter of circumstances and relationships which lay between the committing of an offence and the making of a criminal indictment, is that of Elizabeth Codwell, widow, of Terling, Essex. She bore a base child on 23 January 1642/3. The burial register of Terling for the same month contains the entry 'a base child of Elizabeth Codwell widow, whom she fathered upon Thomas Hanbury was born 23; stifled or killed by her the same day and conveyed away or buried by her procurement the 25th, the general fast day'. The widow, who enjoyed the aliases of Parsons and Hills, was a marginal member of the village community. She had come to Terling from Chelmsford as a servant in the late 1620s and her aliases may indicate that she was herself illegitimate. She was certainly mentally unstable. A paper endorsed 'Eliz: Cadwill lunatique' among the sessions bundles for 1628, contains an account of her examination by her master concerning 'what the caus was that she was so trobled and afflicted in mind'. She had apparently suffered from the attempts of an earlier master to seduce her and she regarded him as the author of the hallucinations of deaths' heads which disturbed her. The father of her illegitimate child, Thomas Hanbury, was known in Terling as a drunkard and disorderly person. Behind the events of 1643 may have lain a history of suffering and exploitation and it seems very probable that she killed her child in one of her fits of depression. On the morning of the child's

birth and death a justice of the peace, Sir Benjamin Ayloff, was sent for. Witnesses, one of whom had been present at her examination in 1628, were subsequently examined on 2 February. Sir Benjamin, however, did not bind over the witnesses to prosecute an indictment. This may have been partly out of commiseration for Elizabeth's mental state and partly a result of the fact that the emergencies of the Civil War meant that sessions and assizes were suspended in Essex in 1643 and 1644. The matter lapsed and so it might have remained but for the strength of one section of local opinion.

In an otherwise undated letter of 16 July, probably 1645, the matter was revived by John Stalham, minister of Terling and his ally John Maidstone, a freeholder. They wrote to another justice, Arthur Barnardiston that 'inasmuch as an unnaturall and barbarous murther hath beene committed in our parish...the guilt whereof we are careful not to contract . . . wee thinke meet to advertyse you that the persons here after named being summoned wil be able to evidence the busynes'. There followed a list of witnesses and a request that they be summoned quickly 'to the intent that so horrid a crime may not escape the hand of justice'. Elizabeth Codwell was indicted on 17 July 1645 and sentenced to death, though she was temporarily reprieved in view of the fact that she was again pregnant. Whether she was eventually hanged in unknown.<sup>24</sup>

Elizabeth Codwell had probably been under local observation before the birth of her child, as the filiation of her child indicates. Other cases may have been similar. In still others the case may have arisen as a result of the discovery of the bodies of children concealed by mothers who had carried and borne them in secret. That pregnancy might be so concealed can be demonstrated. Willughby cited from his experience cases of unmarried women 'with child but not mistrusted', without expressing any surprise.<sup>25</sup> This might be the case even among servants who shared sleeping rooms. One Essex girl managed to conceal her child and eventually to bear it in silence in the room which she shared with her mistress, explaining when examined that 'it would have bine a greife unto her freinds if she should have discovered it And the other cause was that she feared she should not have bine relieved if she had made it knowne that she was with child'. Fortunately for her the child was born alive and its cries awoke her mistress.<sup>26</sup>

Less fortunate was 'Dennis' Presland, who figures in another of the Essex cases for which revealing supporting examinations have survived. She was a servant at Elsenham Hall who succeeded in concealing her pregnancy until 1 December 1645, when she took to her bed 'very sick'. She seems to have miscarried her child and further attempted to conceal the fact from three fellow servants, who nonetheless deposed before a justice three weeks later that 'they doe veryly beeleeve that shee was delivered of a Chylde wch they are induced unto for that they did see sum matter or burthen wch came from her body and wraped in a sheete where she lay wch did signifie soe much unto them, And they do Judge by what they sawe that shee was gone wth child about a quarter of a yeare and noe more'. 'Dennis' later that night burned the remains in the kitchen fire. What brought the matter before Justice Middleton we shall never know, but on 22 December he examined the case and committed 'Dennis' to Colchester Castle to await trial. She escaped trial in 1646, however, perhaps because she again became pregnant, as is revealed by a certificate of the midwives who examined her in Colchester Castle in February 1645/6. Her indictment survives on the assize files for 1650/1 when she was found not guilty of murdering her child. The full circumstances which lie behind the delays and revival of this prosecution remain hidden.<sup>27</sup>

Infanticide prosecutions, then, confuse together cases of deliberate killing, which may include both premeditated acts and acts of violence caused by mental unbalance, with cases of the attempted concealment of bastard births. The realities of village life, reinforced after 1624 by a discriminative law, would tend to focus attention on the bastard-bearer. This may perhaps be further illustrated by an examination of the alleged means of murder and of the sentencing in our sample of cases. These are summarised in Table 2.

**Table 2. Alleged Cause of Death and Outcome of Cases**

Cause	No. of Cases	To Hang	Acquitted	Died	At Large	Unknown
Strangulation	22	11	5	1	1	4
Exposure	13	3	7	—	—	3
Blows	10	7	2	—	—	1
Suffocation	7	4	2	—	—	1
Drowning	6	3	3	—	—	—
Burning	2	1	1	—	—	—
Totals	60	29	20	1	1	9

In all save two cases it is made clear that the child had died upon its day of birth, probably immediately after birth. Of the alleged causes of death, it may be significant that forms of asphyxia (strangulation, suffocation or drowning) and of exposure, predominated over more violent methods.<sup>28</sup> Plainly women might be sentenced to death for any of the alleged means of murder, though they seem likelier to have been found guilty where the child had been beaten. The striking of a child's head against a bed post, the breaking of its skull with a staff or the hurling of a child into a fire or to the ground may suggest infanticide while the state of the mother's mind was disturbed. No direct reference to mental unbalance survives in the evidence of indictments or inquests unsupported by surviving examinations, though in one reported Buckinghamshire case of 1668 a married woman was found not guilty of murder when she killed her child in 'a temporary Phrenzy' and in a London case of 1688 an unmarried girl, subsequently sentenced to hang, pleaded that 'she had not her Senses and was Light-headed'. In these cases the presence or absence of evidence of concealment was held to be crucial.<sup>29</sup> Strangulation, suffocation and some forms of blows, such as the crushing of the head, might easily have been accidents of childbirth or of the subsequent overlaying of the child by an exhausted woman. Again, alleged murder by exposure, drowning or burning might represent as much attempts to conceal a stillborn child as genuine murders. In 1630, for example, Constance West was found not guilty of drowning her child in a ditch, it being proved that the child was stillborn.<sup>30</sup> Presumably she either bore the child in a ditch or attempted to conceal it there. Elizabeth Terrey was found not guilty of placing her child in a wooden chest and allowing it to die of cold and hunger. Her child was stillborn and she had attempted to conceal it.<sup>31</sup> In general the nature of the evidence conceals such possibilities. Verdicts alone cannot be taken as proofs of guilt or innocence since we do not know the circumstances which influenced the juries. Willughby cites cases from his long experience of childbirth and its attendant dangers physical and legal, of both the innocent condemned and the guilty unpunished.<sup>32</sup> What is abundantly clear is the wisdom of his repeated advice to women not to bear their children alone. He had enough experience of the horrors of contemporary midwifery to

repeatedly emphasise that the assistance or interference of a midwife was by no means necessary to successful birth, but he counselled 'to have a midwife is not absolutely necessary, yet very convenient, to assist the woman, and so to avoid all future suspicions, and to free some of the looser sort from the danger of the statute-law, in case that the child should be found dead'. Again, citing the case of a 'naturall foole' hanged, despite his evidence, for having a premature child in a ditch, 'let the looser sort fear to commit folly, and, if casually they should transgresse, to bee carefull, not to be alone in their travail, least they should suffer, as this poore, simple creature did'.<sup>33</sup>

While the evidence in cases where the child died at or soon after birth remains ambiguous, there is further evidence that those who wished to dispose of unwanted children had other means open to them which might be less likely to be discovered. Attention has already been drawn to the case of Susan Long who may have been an infanticidal nurse. Clear evidence of the disposal of bastard children through the system of nursing exists, independently of the evidence of coroner's inquisitions or assize indictments, among the quarter sessions records of the period.<sup>34</sup> This evidence, derived from petitions and informations, also brings out the role of the fathers of base children in promoting a subtler and qualitatively distinct form of infanticide; infanticidal nursing.

Bastard children were frequently put out to a nurse. Elin Cropper of Aughton in Lancashire, for example, looked after the child of one Elizabeth Lunte of Maghull, for which she was to receive forty shillings from the girl's father.<sup>35</sup> Some nurses specialised in taking bastards. One Jane Lees of Crompton, Lancashire was called before the justices 'to shew cause wherefore shee taketh to nurse divers children of Strangers being bastards and keepeth them soe long as by law the same cannot bee sent to their places of birth'.<sup>36</sup> More ominously, some fathers of bastard children gave the children to vagrant nurses. Hugh Browne of Chorley got Margaret Adlington with child and on the child's birth took it from her and 'tied it to a beggar's back'.<sup>37</sup> Margaret Breakell of Deane parish petitioned that the father of her bastard had 'put the said chyld unto a beggar woman whoe wandreth up and down the Cuntrie insoemuch that the said chyld is lyke to be starved and famished for want of releefe'.<sup>38</sup> William Seddon, a Lancashire tailor, was ordered by the Justices to maintain his bastard. When the child was thirty-two weeks old he gave it to a beggar.<sup>39</sup> Francis Bland, an Essex yeoman, took his bastard to London on the pretext of putting it out to nurse and subsequently refused to disclose its whereabouts to the child's mother.<sup>40</sup>

The infanticidal nursing of illegitimate children was to be recognised as a social problem of sufficient weight in Victorian England to be the subject of parliamentary enquiry 'independently altogether of the more criminal class of cases'.<sup>41</sup> It would appear, in both the seventeenth and the nineteenth centuries, to have been motivated very differently from the killing of children at or soon after birth. Here we find less the influence of mental strain or desire to conceal a shameful birth, than the more calculated intention of removing a source of expense, shame or inconvenience which, while involving less overtly criminal behaviour, reveals an unfamiliar callousness towards infant life. These points may be illustrated by quoting more fully two particularly well-documented cases of suspected infanticide nursing in Lancashire.

In 1626, Elizabeth Bradell of Croston, described as 'a bad woman of her tongue, lyme fingred, And of a lewde carriage in other courses of her lyef' bore a bastard child to Cuthbert Mason, a local glover. Two days after its birth, he gave the child to one Isabel

Smith, described alternatively as a labourer's wife and a 'traveller who had noe certain place of abode'. This he did with the consent of Elizabeth and her sister and in spite of the advice of a neighbour that 'before yow putt[?] yor child of a Begger in this cold weather digge a hole and bury it quicke'. He gave Isabel Smith six shillings and a coverlet and instructions to return the child in two weeks when he had found a better nurse. Smith described herself as a poor woman living as a nurse. She confessed to having had three bastards herself, all of which had died before the age of two years. In addition she admitted 'that shee never gave any sucke to any childe in all her lyef'. She received Mason's child and also carrying another bastard given to her, walked to Bretherton where she obtained shelter in a barn. To feed the children 'shee bought a penny worth of milke for the same infants, And boyled the same with some butter And afterwards gave it to the said Infants who as shee . . sayth did eate very well'. By morning, however, Mason's child had died. The mother of the other child came and retrieved it next day. Of the subsequent proceedings in this case nothing more is known.<sup>42</sup>

Susan Barloe was the daughter of John Crompton a yeoman of Pilkington. In 1629 she had a bastard which died at an early age. In 1630 she again became pregnant. Her father quickly arranged a marriage — at three days' notice — with Thomas Barloe, a Bury yeoman, who did not discover her condition for ten weeks. When he realised that the child was not his, Susan's father gave him money to forgive her and told him that 'he should not be troubled therewith'. Barloe, however, insisted on the making of a bond preventing the child from inheriting his estate and later described how 'when the childe was borne in this examinant's house the examinant walked all that night abroad and refused to come into his house till his said father in lawe (according to promise) had taken the childe and provided for it'. John Crompton took the child first to his sister-in-law Dorothy 'a young freshe woman and full of sucke'. After three days, however, he took the child from Dorothy, who described it as 'a perfect childe, stronge and likely to live' which 'sucked well' and gave it to his sister, Jane Roskowe of Deane parish. Jane's husband warned him 'that his wife was with childe and could not sucke it and besides if she had not been with childe yet she was not able to give sucke for she had x of xii children of her owne and was scarce able to give anie of them sucke'. Crompton replied that she should 'bringe it up otherwise as she had donne her owne children formerly'. After two weeks the child had become 'very sickly and the mouth of it was so sore that it could scarce sucke'. Roskowe urged Crompton to find a new nurse and on Crompton's refusal, found one himself. Within three days, however, the child was dead. As with the Mason case, we do not know whether this case ever came to trial.<sup>43</sup>

The fact that cases of this nature are not uncommon among the Lancashire sessions files as compared with the admittedly thinner examination files of Essex, introduces a further question. Lancashire had a considerably higher incidence of bastardy in this period than did Essex.<sup>44</sup> The possibility presents itself that in an area where illegitimacy was a relatively familiar phenomenon, an area moreover of vast parishes and of relatively weak ecclesiastical and magisterial control,<sup>45</sup> bastard children may have been regarded less as a source of shame than of expense and inconvenience. The presence or absence of virtually institutionalised means of disposing of such children may be related to the incidence of bastardy, attitudes towards illegitimate births and the chances of a discreet infanticide passing unseen. Infanticidal nursing, a phenomenon which one associates primarily with London and the industrial cities of the nineteenth century, may have been relatively common in such similarly weakly-controlled rural areas of the seventeenth century as the north-west. On the other hand, the paucity of comparable examples from



Essex may relate more to the proximity of London, where, as we have seen, Francis Bland disposed of his child. The failure of the Lancashire assize files to survive precludes direct comparison of the situation in the two counties discussed here, at least in the earlier period. The possibility of regional differences in attitudes towards illegitimacy and infanticide may never be adequately resolved, but is worthy of some consideration.

Infanticide, then, both at birth and in the early weeks of a child's life was known in the early seventeenth century and was punished, though discovery and punishment was largely confined to bastard-bearers accused of murdering their children at or soon after birth. To what extent may the practice of infanticide have affected parish registration and in particular the recording of bastards? This issue may be explored by the comparison of the legal records with the appropriate parish registers, where possible, a comparison facilitated by the fact that both indictments and coroner's inquisitions give details of the place and dates of birth and death of the children involved. Such a comparison has been made for twenty-one of the cases in the Essex sample by a search of the registers of the eighteen parishes involved which have survived and are available in the original or as microfilm or transcripts in the Essex Record Office.<sup>46</sup> One would not, of course, expect to find baptismal registration in these cases, though registration of birth might be forthcoming during the later 1650s. Burial registration, however, might be expected, especially since coroner's inquests were almost invariably held in the parish of birth. A search of both baptismal and burial registration revealed that of the twenty-one children, none were registered as born or baptised, while only two were registered as buried. The burial entry for the child of Elizabeth Codwell of Terling has already been cited. The second case was that of the child of Elizabeth Daws of Theydon Garnon, acquitted of drowning her child in 1621. Its burial entry reads 'Spurius cuiusdam Elizabetha Daws non baptizatus'. Despite the fact that they were rendered locally notorious by inquest and prosecution, nineteen of our twenty-one cases were lost to the registers. Significantly, the two recorded cases are to be found in the only two registers examined which regularly recorded the burial of unbaptised children. The Terling register, indeed, records both stillborn and unbaptised children. The victims of infanticide at birth, then, were lost to all but exceptionally well kept registers.<sup>47</sup> A further attempt to trace the five Lancashire cases of giving children to vagrants or of infanticidal nursing, provides more encouraging results. Only three of the five cases can be properly checked against registers available in print. Of the three children concerned, however, two were registered as baptised in their parishes of birth.<sup>48</sup> The exceptional case was the case of the child of Cuthbert Mason, which, as we have seen, died at two days old. From this evidence it may be concluded that children dead soon after birth were unlikely to be registered, while children put out later to infanticidal nurses may well be registered. Only the use of an exceptionally good register can allow the historian to have any confidence that the former cases are not lost.

The investigation of the registration of these allegedly murdered children, however, has revealed at least one such register — that of Terling. Can this register be used to gain some impression of the probable incidence of infanticide? The regular recording of the burial of both stillborn and unbaptised children in Terling allows at least the establishment of a margin within which the killing of children at or soon after birth may have occurred. Over the period 1601-1665 1,284 children were baptised in Terling while fifty-eight stillborn and twenty-five unbaptised children were buried. The percentage stillborn and unbaptised of all *live* births for the period was therefore 6.3 per cent, while the percentage of stillborn and unbaptised of all *known* births was 6.1 per cent. (For particular five year periods, the corresponding percentages varied between 1.19 per cent

and 1.18 per cent for 1656-60 and 11 per cent and 10.3 per cent for 1621-25). Of the eighty-three earliest infant deaths, however, only one, that of Elizabeth Codwell's child, was distinguished as infanticidal.

Over the same period, forty-nine bastard children were recorded in the Terling register. Of these one was registered as stillborn, two as having died unbaptised and one, Elizabeth Codwell's, as murdered. The closeness of registration, and the reaction which the case aroused would suggest that the death of Elizabeth Codwell's child was indeed the only case of infanticide among the forty-nine bastard children. Although the available evidence forms only the slenderest basis for generalisation, the Terling material suggests that perhaps two per cent of bastard children were killed at birth.

The possible incidence of bastard-murder at birth in Terling may be used to speculate about the county of Essex as a whole. Essex had a population of perhaps 100,000 in this period.<sup>49</sup> Assuming a birth rate of 35 per 1,000, one should expect 3,500 births in any given year. Assuming the Terling bastardy ratio of 6.3 per cent of all known births, one might expect 126 base births per annum and 8,190 base births over a period of sixty-five years. If two per cent of these bastards were murdered, one might expect 163 cases of bastard infanticide over the sixty-five years.<sup>50</sup> The assize records, which do not provide complete coverage, provide some sixty cases. Perhaps two per cent is a reasonable upper estimate of the extent of bastard infanticide at birth in the rural Essex of the earlier seventeenth century, for while it seems probable that some cases never came to court, or are lost to us as a result of patchy record survival, it is equally evident that many of the accused mothers were innocent of any offence other than concealment. What does seem clear is that even among those who had the strongest rational motive to commit infanticide, who were in a position subject to acute emotional strain and who were closely overlooked by both their neighbours and the authorities, the crime was infrequent.

While there is some slender basis for speculation on the incidence of the killing of base children at birth, it would be idle to go on to attempt to assess the probably higher incidence of the infanticidal nursing of bastards or the incidence of infanticide in the population as a whole. The Registrar General's reports of the later nineteenth century make it clear that in Victorian times few cases of infanticide were detected involving the deaths of children more than one month old.<sup>51</sup> An even greater obscurity surrounds the situation of the early seventeenth century. Bastards frequently died very young, but the evidence for distinguishing how far their deaths were the result of natural causes, were a by-product of the fact that they were customarily put out to nurse and perhaps hand-rather than breast-fed, or resulted from studied neglect, scarcely exists.<sup>52</sup>

It seems most unlikely, however, that infanticide has a distinct role in the earlier period as a means of population control. The generally high levels of marital fertility and short birth intervals of the period would tend to argue against such a conclusion.<sup>53</sup> Delayed marriage and elementary contraceptive measures are likely to have been of much greater significance in slowing population growth. The evidence of moralistic statements, law and also of popular attitudes would suggest that a high value was placed on most infant life. The evidence of the practice of infanticide would suggest that it was an offence committed under exceptional circumstances, related largely to the concealment or disposal of illegitimate children. The extent to which it was pre-meditated or resulted from mental and emotional unbalance remains difficult to determine beyond the point of distinguishing the circumstances of infanticide at birth from those of infanticidal nursing. In both respects, the investigation of infanticide in early-modern rural England fails to reveal a situation essentially dissimilar from that obtaining in industrialised

Victorian England. Contemporary British society is perhaps distinguished from both its pre-industrial and old-industrial past by the growth of social institutions which have rendered the practice of infanticidal nursing obsolete and the softening of attitudes towards illegitimacy which has made the killing of children at birth by any other than a mentally and emotionally disturbed mother increasingly unlikely.

#### Notes

1. J. C. Russell, *British Mediaeval Population*, 1948, pp. 148-9, 162, 167-8. Cf. for a similar situation in 9th century France, E. R. Coleman, 'Mediaeval Marriage Characteristics: A Neglected Factor in the History of Mediaeval Serfdom', *Journal of Interdisciplinary History*, II (1971) pp. 209-10.
2. E. A. Wrigley, 'Family Limitation in Pre-Industrial England', *Economic History Review*, 2nd Ser., XIX (1966), p. 105; J. D. Chambers, *Population, Economy and Society in Pre-Industrial England*, 1972, p. 78.
3. P. E. H. Hair, 'Deaths from Violence in Britain. A Tentative Secular Survey', *Population Studies*, XXV (1971), p. 18.
4. P. E. H. Hair, 'Homicide, infanticide and child assault in late Tudor Middlesex', *Local Population Studies*, 9 (1972) p. 44; F. G. Emmison, *Elizabethan Life: Disorder*, 1970, p. 156.
5. See L. Demause, 'The Evolution of Childhood', *History of Childhood Quarterly: The Journal of Psychohistory*, I (1974) p. 527ff. and the extensive bibliography contained in his footnotes to this and the succeeding section of his essay.
6. For examples of infanticide as a means of population control in Polynesia, see R. Firth, *Primitive Polynesian Economy*, 1939, p. 43, *We, The Tikopia: A Sociological Study of Kinship in Primitive Polynesia*, 2nd ed., 1957, pp. 156, 370, 374, 376. For a discussion of the 'maternal filicidal impulse' see J. C. Rheingold, *The Mother, Anxiety and Death. The catastrophic death complex*, 1967, p. 126ff.
7. N. Walker, *Crime and Insanity in England Vol. 1. The Historical Perspective*, 1968, p. 126; Russell, pp. 160-2.
8. Walker, p. 136.
9. W. Gouge, *Of Domesticall Duties*, 1622, p. 499.
10. For the development of the law of infanticide, see Walker, Ch. 7. The decreasingly punitive attitude of the courts is illustrated in his Table 4, p. 133. In 1923-7, 49.1 per cent of women convicted were sentenced to imprisonment, in 1961-5 only 1.3 per cent. In recent years convicted women have customarily been placed on probation or committed to psychiatric care.
11. Gouge, p. 500.
12. *Ibid.*, p. 507.
13. P. Willughby, *Observations in Midwifery*, ed. H. Blenkinsop, with an introduction by J. L. Thornton, 1972, pp. 11-12, 31-2, 33-4, 273-5.
14. J. R. Kent, 'Attitudes of Members of the House of Commons to the Regulation of "Personal Conduct" in late Elizabethan and early Stuart England', *Bulletin of the Institute of Historical Research*, XLVI (1973), p. 69.
15. 21 Jac. I. c.27. This act was repealed in 1803. It should be noted that it was not a crime to kill a child in the course of birth, before it had a separate existence, a gap in the law not filled until 1929. The ignorance of midwives frequently led to the killing of children during difficult births. On occasion such acts may have been deliberate.
16. N. McNeil O'Farrell, ed., 'Calendar of Essex Assize Files in the Public Record Office', Essex Record Office typescript [hereafter given as E.R.O. Ass] Vols. I-IV, *passim*. The documents calendared by Miss O'Farrell provide the principal, though not the exclusive, source for records of infanticide prosecutions. Further cases may be forthcoming among the 196 files of King's Bench Indictments — Ancient for the years 1601-65, preserved in the Public Record Office, which I have lacked the time to search. Dr Emmison, using both sources, found 30 Essex cases for the years 1558-1603, p. 156. For the relationship between assizes and King's Bench, see J. S. Cockburn, *A History of English Assizes, 1558-1714*, 1972, pp. 130-1. Inequalities of record survival preclude any hope of recovering a complete list of infanticide cases in this period. For present purposes the sample of cases provided by the assize files forms an adequate basis for generalisation.

17. We have a minimum of sixty-two deaths from infanticide in Essex for an estimated 227,500 births 1601-1665 (for the basis of this estimate see p. 14 below). For comparative purposes it may be noted that in 1868 the Registrar General reported 186 victims of murder and manslaughter aged under one year in England, for 786,858 births. *Thirty-First Annual Report of the Registrar-General of Births, Deaths and Marriages in England. (Abstracts of 1868)*, 1870, [hereafter given as A.R.R.G. 1868] pp. x-xi, 188-91. The comparable figures for 1880 were 119 infant victims for 881,643 births. A.R.R.G. 1880, pp. xv, 216ff. It is hard to say how much more reliable the figures of the Registrar General are than those derived from seventeenth century sources. Dr W. B. Ryan wrote in 1862 that British statistics on infanticide were in 'a very unsatisfactory condition' and quoted an enquiry of 1861 based on Coroner's Inquests which attributed 1,104 infant deaths to infanticide in the metropolis alone. W. B. Ryan, *Infanticide; its Law, Prevalence and History*, 1862, pp. 17, 61-4.
18. In 1868 the Registrar General reported 82 male and 104 female victims, in 1880 56 male and 63 female victims. A.R.R.G. 1868, pp. 188-91, A.R.R.G. 1880, pp. 216ff.
19. E.R.O. Ass 35/101/17, 22.
20. E.R.O. Ass 35/97/H/2.
21. Both Dr Emmison, pp. 156-7, and Dr Hair, *Homicide etc.*, p. 44, drew attention to the predominance of apparently unmarried women. Ryan also associated the crime with illegitimacy, pp. 33ff.
22. Under the Acts 18. Eliz.c.3 (1575) and 7 Jac.I c.4 (1609) the mothers of bastards which threatened to burden the poor rates might be corporally punished or imprisoned in the House of Correction. The Act of 1650 made incest and adultery capital offences, while convicted fornicators were liable to imprisonment for a first offence, death for subsequent offences. C. H. Firth and R. S. Rait, eds. *Acts and Ordinances of the Interregnum, 1642-1660*, (3 vols.), 1911, vol. II, p. 387.
23. J. Wilkinson, *A Treatise Collected out of the Statutes . . . concerning the office . . . of Coroners and Sherifes*, 1628, p.5.
24. E.R.O. T/R 60 Parish Registers of Terling; Q/SR 271/35; Q/S Ba 2/11, 2/57; Ass 35/86/T/34. Both sessions and assizes were completely suspended in 1643, sessions reviving in April 1644, assizes in October 1644. Stalham and Maidstone's letter survives in the sessions bundles of 1645 and probably belongs to that year. A further cause of delay in this case may have been Sir Benjamin Ayloff's political opposition to the parliamentarians who dominated local government in Essex.
25. Willughby, pp. 31, 275.
26. E.R.O. Q/S Ba 2/18.
27. E.R.O. Q/S Ba 2/59, 2/60; Ass 35/92/H/5.
28. In those cases of infanticide for which the means of death was stated in 1868 and 1880, forms of asphyxia again pre-dominated, though exposure was less prominent, A.R.R.G. 1868, pp. 188-91. A.R.R.G. 1880, pp. 216ff.
29. Walker, pp. 126-7. The registrar-general's reports do not provide information on the proportion of infanticides held to be the result of mental unbalance. No woman was hanged for the offence after 1849, it being the established practice of the Home Office to reprieve all infanticidal mothers throughout most of the nineteenth century. *Ibid.*, p. 128.
30. E.R.O. Ass 35/72/T/27.
31. E.R.O. Ass 35/86/T/39.
32. Willughby, pp. 31-2, 273-5.
33. *Ibid.*, pp. 11-2, 275.
34. The examples of infanticidal nursing to be quoted below are drawn principally from the sessions files of Lancashire in the Lancashire Record Office [hereafter given as L.R.O.].
35. L.R.O. QSB/1/154/57.
36. L.R.O. QSB/1/91/39.
37. L.R.O. QSB/1/146/33. In this and the following three examples the childrens' mothers appealed to the justices, ostensibly out of fear for their childrens' lives.
38. L.R.O. QSB/1/214/84.
39. L.R.O. QSB/1/59/81,92.
40. E.R.O. Q/S Ba 2/61.
41. 'Report from the Select Committee on the Protection of Infant Life; . . . 1871', *Parliamentary Papers*, 1871, Vol. VII. pp. 607ff.
42. L.R.O. QSB/1/16/38.
43. L.R.O. QSB/1/87/66.
44. P. Laslett and K. Oosterveen, 'Long-term Trends in Bastardy in England', *Population Studies*, XXVII (1973), pp. 276ff.
45. The two counties are compared in these respects in K. E. Wrightson, 'The Puritan Reformation of Manners, with particular reference to the counties of Lancashire and Essex, 1640-1660', Unpub. Cambridge Ph.D. thesis 1974.

46. E.R.O. D/P 152/1/1 Theydon Garnon; D/P 309/1/1 Margaret Roothing; D/P 27/1/3 Gt. Hallingbury; D/P 99/1/1 Felsted; D/P 387/1/1 Bowers Gifford; T/R 12/1 Kelvedon; T/R 109/1 Ardleigh; D/P 88/1/1 Wakes Colne; T/R 93 Prittlewell; T/R 60 Terling; T/R 136 Waltham Holy Cross; T/R 106 Cold Norton; T/R 101 Doddinghurst; D/P 388/1/1 Little Oakley; D/P 304/1/1 White Roothing; D/P 84/1/1 North Weald Basset; F. A. Crisp ed., *The Parish Registers of Stapleford Tawney*, 1892, *The Parish Registers of Ongar*, Essex, 1886.
47. The quality of registration in this, as in other respects, varied over time. The seventeenth century register of Great Hallingbury for example, was searched in vain. An earlier volume, however, contains the remarkable entry 'The xxxth daye of marche 1578 a wicked and ungodlye wretche, named marie lyttell, being destitute of the grace of god and having contrarie to the lawes of god and the lawes of this realme, comitted fornicatio[n] being delyvered of a man child, the sayd xxxth daie of marche in the yere afforesayd, most unnaturalye by all cyrcy[m]stances murdered it, cast it in to a pryvie havinge before nyped it by the throte and sculle most lamentable the same child being buried the vth daye of aprill in a<sup>o</sup> 1578'. E.R.O. D/P 27/1/2. I must thank Miss Julie Crossley for bringing this reference to my attention.
48. A. Sparke, ed., *The Registers of the Parish Church of Deane, 1604, 1613-1705, Lancs. Parish Register Soc.*, 53-4, 1917, p. 18; H. Fishwick ed., *The Registers of the Parish Church of Croston, Lancs Parish Register Soc.*, 6, 1900, p. 75.
49. Estimated from F. Hull, 'Agriculture and rural society in Essex, 1560-1640', Unpub. London Ph.D. thesis, 1950, p. 121.
50. Terling has a somewhat high bastardy ratio compared to the Essex parishes analysed by Laslett and Oosterveen, p. 276. If, as seems likely, two per cent of all births is a more plausible estimate of the bastardy ratio for Essex as a whole in this period, then one would expect some 4,550 base births over the sixty-five years and some ninety-one cases of bastard infanticide.
51. For 1868 the registrar-general reported 170 infanticide victims under one month old and only sixteen victims aged between one month and one year. For 1880 the comparable figures were ninety-nine and twenty. *A.R.R.G. 1868*, pp. 188-91, *A.R.R.G. 1880*, p. 216ff. In contrast, the Parliamentary Committee on the Protection of Infant Life reported in 1871 that, 'it appears, from a comparative statement on the inquests held on legitimate and illegitimate children, that the proportion which the latter bear to the former is so large as to lead to the conclusion that most of them came to an early end; and in the opinion of Dr Lankester, the Coroner for Middlesex, founded on returns and professional experience, they are "killed off" before they are one year old'. *Parliamentary Papers*, 1871, vol. VII, p. 611.
52. Miss Oosterveen has shown that in Colyton 63.5%, in Hawkshead 78.9% and in Alcester 87% of bastards were buried within three years of baptism. K. Oosterveen, 'Bastardy in three English Parishes', unpub. report, Cambridge Group for the History of Population and Social Structure, p. 3. An ominous indication of deliberate neglect occurs in the act book of the archdeacon of Colchester for 1605-9. The churchwardens of Tolleshunt Darcy presented in 1607 one Anne Clowes who had had a base child by Steven Beckingham, a servant. They complained that 'the child is leaft to the parishe and she unnaturally drying up her selfe the Childes liff was indaungered she being conveyed awaye after she had dryed up hir self'. She had apparently acted on the advice of one Widow Clowes of Goldhanger, very possibly her mother. Both were excommunicated. E.R.O. D/AC A 30, f. 189v.
53. I owe this point to Dr E. A. Wrigley, for whose comments I am most grateful.