NOTES AND QUERIES

Homicide, infanticide, and child assault
in late Tudor Middlesex

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Since early Victorian times, hundreds of volumes of English local records have been published by record societies. These volumes have been ransacked by genealogists, legal historians, philologists and other scholars seeking information on specific points of detail; but until recently they were not examined in aggregate, that is, their social content was not given systematic statistical analysis, as a means of exploring mass social behaviour in the past. In the case of parish registers, systematic analysis is now well under way. Coroners' records can also be exploited statistically, as I have pointed out in recent articles,¹ and can provide incidences of violent death, including criminal homicide and suicide. My researches have now led me to examine a variety of printed legal records, some published by local record societies; and I report on certain points which have emerged and which might well interest other students who have access to local legal records.

In the 1880s, four volumes of summaries of Middlesex county records 1550-1700 were published.² In the first volume, the editor included 'all coroner's inquisitions resulting in verdicts of murder and homicide, and all the indictments in deeds of fatal violence of which no mention is made in what remains to us of the coroner's inquisitions' (p.1). Unfortunately, the original records were damaged and incomplete when edited (vol. 2, pp. xxxvii–ix), and the total of 169 criminal homicides for the period 1550-1603, drawn from both the extant coroners' records and the extant session rolls, is probably much less than the true number. The population of Middlesex in 1550 was perhaps around 40,000 (it has been estimated from chantry certificates that there were 24,500 'houselings' in 1545).³ Because of the rapid contemporary expansion of neighbouring London, the population in 1600 was probably at least twice as great. Let us take 60,000 as the average population 1550-1603. The incidence of criminal homicide - from the incomplete records - appears as 52 pMa (per million living per annum). But the decennial totals of homicides (1550s, 25; 1560s, 16; 1570s, 16; 1580s, 41; 1590s, 47) surely indicate an abnormal loss of records for the early Elizabethan decades.

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Calculated for 1580-1603 only, on an average population of 75,000, the incidence appears as 63 pMa. Though the population estimates are shaky, these incidences are of the same order as an incidence of homicide calculated from the Nottinghamshire coroners' records 1530-1558, also incomplete, of 38 pMa. 4 It was suggested that the true rate in Nottinghamshire might be as high as 148 pMa. Though we are nowhere near precise rates for either Nottinghamshire or Middlesex, it most probably is significant that all these incidences are very much higher than the homicide incidences recorded nationally in the last one hundred years.

In Nottinghamshire, the commonest homicide weapon was the staff. In Middlesex, half the deaths were caused by swords (rapiers, etc.) and a sixth by daggers or knives: staffs (clubs, etc.) accounted for less than a tenth (and there were only half a dozen shootings). While it may well have been the case that Tudor townspeople carried edged weapons more commonly than Tudor countrymen, the high proportion of killings by the sword indicates a distorting element in the Middlesex returns. A proportion of the deaths were the result of duels, fought by Londoners in the fields outside the city. It is not always possible to distinguish, at least in the printed record, between an affray and a duel, but probably at least one quarter of the Middlesex killings were in duels, and many of those killed were not of course Middlesex citizens.

A puzzling feature of the Nottinghamshire records was the total absence of infanticide. An extensive examination of medieval legal records has revealed very few cases of this crime. Yet, in the nineteenth century, one fifth of all recorded homicides were infanticides, and even today the figure is one eighth. While the Middlesex records provide, for the reason given above, a less than satisfactory listing of homicides, they are of some special interest in that they do record infanticides, and even infanticide in the typical form of the last hundred years, the murder of a child at birth by its mother. There are eleven infanticides recorded for the period 1550-1603, representing 7% of all criminal homicides. All but one of the infants were murdered by mothers at birth. In six of the cases, the mother was specifically stated to be a spinster, and the wording of the other entries does not rule out the possibility that all ten killings at birth were committed by unmarried mothers. A recent work on Elizabethan Essex presents a similar picture: there were 30 infanticides, apparently about one tenth of all homicides, all committed by the mothers, all but three of whom were unmarried. 5 While the
mortality incidence of recorded infanticide in either county was negligible, it must be remembered that many more infanticides may have been successfully concealed. Infanticide seems to have been more frequently recorded in the Elizabethan period than in earlier times. This may have been because the crime was on the increase. But it is inherently unlikely that there were as few infanticides in the medieval centuries as appear to be recorded. The difference may therefore lie in the recording of the crime rather than in its incidence. If so, why did the Middle Ages conceal infanticide, and why did Elizabethan England reveal it? Is any light thrown on changing attitudes to marriage and bastardy?

The Middlesex editor failed to make it clear whether he was including all the suicides recorded in the session rolls. Only five are noted for the period 1550–1603 - far fewer than the number in Nottinghamshire 1530–1558 - and three of these occurred in the two years 1564 and 1565: this probably means that he included only a selection. In a later, more summary volume, a suicide of 1605 has a timeless ring: two lovers formed a suicide pact, one died, the other was charged with murder.

Because this Middlesex material is drawn from sessions records, it includes cases of non-homicidal assault. The editor stated that he had noted all cases of sexual assault on young females. Since this depressing manifestation of frustrated sexuality is often taken to be typical of modern times, it is worth noting that the extant records report eleven cases in Middlesex in the 45 years of Elizabeth’s reign, involving girls aged 3, 6, 7, 8, 9(two), 10(three), 11 and 12. The men carrying out the assaults were generally hanged.

Infanticide and child assault, though everywhere deplored, are universal concomitants of the social regulation of sexual drives through the family. (My own attention was first drawn to the significance of child assault when examining the legal records of an urban community in Black Africa). Fortunately, these offences are not common. Their history in Britain - whether their incidence is consistent or changing - might be profitably explored through the local records of coroners and courts.
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3. J.C. Russell, British medieval population, 1948, p.280. The population figures refer, as do the coroners' returns, to Middlesex without London. In 1377, the Poll Tax returns recorded 11,000 tax-payers in Middlesex (loc.cit.): this probably represented a population of about 20,000. The doubling of population between 1377 and 1545, and again (as suggested in the text) between 1545 and 1600, is plausible because of the effect of London.


5. F.G. Emmison, Elizabethan life: Disorder, 1970, p.156. This work attempts to summarise Essex records in a narrative, and the statistics inserted are difficult to follow and sometimes contradictory. Thus, tables on pp. 318-9 show 71 homicides which occurred in five two-year sample periods, suggesting a total for the whole reign of forty-five years of about 320; but the chapter on homicide supplies figures for different forms of homicide which together total only about 150.