

From Juvenile Delinquent to Boy Murderer:  
Understanding Children Who Killed, 1816-1908.

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Submitted in partial fulfilment of the requirements of  
the Degree of Doctor of Philosophy

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## **Abstract**

In 1993 the murder trial of two ten-year-old boys sparked an unparalleled wave of media attention, inspiring historians and media scholars to trace similar events that had occurred in the past. What they found, however, was surprising. Very few murders committed by children were uncovered and the newspaper coverage surrounding these cases was scant. Scholars therefore concluded that the sensation and horror associated with children who kill is part of a modern phenomenon.

My thesis questions this assumption. Murders were committed by children in the past and these crimes were reported in the press. I have been able to locate 230 children who were charged with felonious killing offences in England and Wales between 1816 and 1908. My thesis introduces these criminal children to the histories of childhood and crime.

When children killed in the nineteenth century, contrary to previous historical opinion, their crimes were widely reported in the press and were considered to be sensational. Idealistic notions of the innocence of childhood were popular in the nineteenth century and, as a result, murders committed by children questioned core beliefs concerning the nature of childhood rooted in the popular imagination. Throughout my thesis I consider how members of Victorian society attempted to understand the existence of children who were capable of wilfully killing another human being. Could a child reason enough to be considered criminally responsible for such a serious offence? If so, how should those children be punished and why did those children turn to murder in the first place? Through an analysis of theological, legal, and medical texts and journals, published social investigations into the cause and extent of criminality, and reports covering murders committed by children printed in the press I consider the attempts that were made to answer these questions.

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## List of Abbreviations

ASSI – Assize Returns

CRIM – Criminal Registers

HO – Home Office

LMA – London Metropolitan Archives

MEPO – Metropolitan Police Papers

*OBP – Old Bailey Proceedings*

PCOM – Police Commission Papers

*PP – Parliamentary Papers*

NA – National Archives

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## Introduction

Murders committed by children shock and horrify societies in the modern world. Names such as Mary Bell, Jon Venables, and Robert Thompson have proved infamous, their crimes remembered across generations. When the news that a child has been suspected of, or charged with, committing a felonious killing offence members of the public are whipped into a sensation. The press, and other forms of media, jostle with one another to publicise the story. Detail is gone into on the lives of the unfortunate victims and the characters of the children capable of committing such a heinous crime. When two ten-year-old boys abducted, tortured and murdered two-year-old James Bulger in 1993 the degree of press and media attention the trial received has been described by legal scholar Samantha Pegg as amounting to a moral panic.<sup>1</sup> The news that Jon Venables and Robert Thompson had wilfully killed a young toddler was widely reported in the media both nationally and abroad. The two boys were presented as demonic and evil, constructed in the press as monstrous aberrations of childhood. Public feeling turned against the youthful murderers. Emotions of fear, anxiety and anger were expressed in acts of violence towards them. The prison van transporting the boys to the criminal court was attacked by an angry crowd, shouting abuse and demanding the death penalty. When Venables and Thompson were found guilty of murdering Bulger in the autumn of 1993, the *Daily Star* printed a headline expressing the horror and outrage that had been generated by the crime. It read ‘How do you feel now you little bastards?!’<sup>2</sup>

Sociologists Allison James, Chris Jenks, and Alison Young analysed the overwhelming amount of press coverage surrounding the murder of James Bulger in order to

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<sup>1</sup> J. Rowbotham, K. Stevenson and S. Pegg, ‘Children of Misfortune: Parallels in the Cases of Child Murderers Thompson and Venables, Barratt and Bradley’, *The Howard Journal*, Vol. 24, No. 2 (2002), p. 108.

<sup>2</sup> Cited in A. Young, *Imagining Crime: Textual Outlaws and Criminal Conversations* (London: Sage Publications, 1996), p. 116.

understand how the two youthful murderers were represented and why.<sup>3</sup> Newspapers were shocked by the notion that children were capable of committing such a brutal crime. An article printed in the *Guardian* noted, ‘that two young boys, at an age when most of their peers are riding bikes and playing computer games, could commit such an appalling act of violence leaves one numb with disbelief.’<sup>4</sup> Attempts were made to understand how Venables and Thompson were able to commit murder in a modern, civilised world. The *Daily Mirror* presented the boys as, ‘Freaks of Nature’, morbid exceptions to the present state of childhood.<sup>5</sup> Other newspapers, however, placed the crime at the centre of modern culture, blaming violence in television and film. James, Jenks, and Young argued that the extraordinary amount of media attention and public feeling the murder by two young boys generated in 1993 reflected the degree to which the crime questioned deep-rooted social and cultural beliefs about the nature of childhood. Children were accorded an idealised place in the popular imagination, as vulnerable dependents and innocent beings. According to Jenks, childhood is not just a period of life experienced before adulthood but also a social construction with many values attached to it.<sup>6</sup> The innocent child figure is imagined by adults, providing them with an idealised model of life to which they can aspire. As a result children symbolise all that is good in the world and it is on the shoulders of children that the hopes of the future rests. The *Sunday Times* lamented the damage that the murder of James Bulger had inflicted on idealised images of childhood, writing, ‘we will never be able to look at our children in the same way again.’<sup>7</sup>

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<sup>3</sup> A. James and C. Jenks, ‘Public Perceptions of Childhood Criminality’, *The British Journal of Sociology*, Vol. 47, No. 2 (1996), pp. 315-331; A. Young, *Imagining Crime: Textual Outlaws and Criminal Conversations* (London: Sage Publications, 1996).

<sup>4</sup> Cited in James and Jenks, ‘Public Perceptions of Childhood Criminality’, p. 325.

<sup>5</sup> Cited in J. Muncie, *Youth and Crime: A Critical Introduction* (London: Sage Publications, 1999), p. 5.

<sup>6</sup> James and Jenks, ‘Public Perceptions of Childhood Criminality’, pp. 319-320.

<sup>7</sup> Cited in Muncie, *Youth and Crime: A Critical Introduction*, p. 4.

## A History of Childhood

The rise of the innocent child stereotype has been attributed by historians of childhood to a general trend in the late seventeenth, eighteenth and nineteenth centuries towards an acceptance that children were children and not just little adults. Philippe Ariès, a French social historian, traced the evolution of 'childhood' from the Middle Ages to the modern day. In his *Centuries of Childhood*, first published in 1960 and later translated into English in 1962, he argued that the concept of childhood, as a period of life intrinsically different to adulthood, was not recognised in the medieval period.<sup>8</sup> It was not until the growth of the wool trade and the consequent rise of the middle class in the seventeenth century that children were accorded an individual role within society.<sup>9</sup> Families could now afford to treat their children as children rather than merely as contributors to the family income. Children no longer dressed like adults, they could enjoy reading books especially written for a youthful audience, and there developed a culture of play associated with childhood. Ariès' work has inspired a rich history of childhood. Historians have studied, and continue to study, the gradual evolution of the concept of childhood, tracing the social, cultural, economic and political context of the, 'birth of the modern child'.<sup>10</sup>

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<sup>8</sup> P. Ariès, *Centuries of Childhood: A Social History of Family Life* (New York: Vintage Books, 1962), p. 33.

<sup>9</sup> Ibid, p. 46.

<sup>10</sup> Some academic studies on the historical development of the concept of childhood include: G. Avery, *Nineteenth-Century Children: Heroes and Heroines in English Children's Stories, 1780-1900* (London: Hodder and Stoughton, 1965); G. Benziman, *Narratives of Child Neglect in Romantic and Victorian Culture* (Hampshire: Palgrave Macmillan, 2012); P. Coveney, *The Image of Childhood: The Individual and Society: A Study of the Theme in English Literature* (Hertfordshire: Penguin, 1967); R. Cox, *Shaping Childhood: Themes of Uncertainty in the History of Adult-Child Relationships* (Oxford: Routledge, 1996); H. Cunningham, *Children and Childhood in Western Society Since 1500* (London: Longman, 1995); H. Cunningham, *The Invention of Childhood* (London: BBC Books, 2006); L. De Mause, *The History of Childhood* (London: Souvenir Press, 1976); G. S. Frost, *Victorian Childhoods* (Connecticut: Praeger, 2009); C. Haywood, *A History of Childhood: Children and Childhood in the West From Medieval to Modern Times* (Cambridge: Polity Press, 2001); H. Hendrick, *Children, Childhood and English Society* (Cambridge: Cambridge University Press, 1997); M. Hoyles, *Changing Childhood* (London: Writers and Readers Publishing Cooperative, 1979); A. James and A. Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (London: Routledge, 1997); T. E. Jordan, *Victorian Childhood: Themes and Variations* (New York: State University of New York Press, 1987); P. N. Stearns, *Childhood in World History* (London: Routledge,

Historians tend to agree that there co-existed multiple conceptions of childhood in the nineteenth century. Children were no longer just imagined to be inherently sinful, in need of a regime of strict moral education in order to progress into adulthood. Hugh Cunningham noted in his study of *Children and Childhood in Western Society* that this conceptualisation of childhood rested on puritan ideas of Adamic sin and that, although there was a puritan revival in the nineteenth century, the emphasis on reclaiming children from their sinful natures had shifted away from harsh treatment towards more gentle forms of persuasion.<sup>11</sup> Evangelical manuals written in the nineteenth century to assist parents in the rearing of their children recognised that children needed to be taught good behaviour but not all agreed that this was because children were born tainted with original sin. Cunningham, among other historians, has argued that childhood was imagined in the Victorian era as a period of naivety. Drawing on the work of seventeenth-century philosopher John Locke, who argued in *An Essay Concerning Human Understanding* (1690) that the mind of the child was a *tabula rasa* (a blank slate), many nineteenth-century parenting manuals maintained that children were born neither good nor bad. Children demanded the energies of parents to help them mature into moral, dutiful adults. Alongside this conceptualisation of the nature of childhood there developed the romanticised innocent child stereotype. Inspired by the child born free from sin imagined by Jean-Jacques Rousseau in his *Émile, or On Education* (1762), nineteenth-century authors and poets portrayed children as characters, ‘whereon Sweet Innocence has record made, an outward semblance of the young heart’s grace, where Truth and Love and

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2009); C. Steedman, *Strange Dislocations: Childhood and the Idea of Human Interiority, 1780-1930* (London: Virago, 1995); J. Walvin, *A Child’s World: A Social History of English Childhood, 1800-1914* (London: Penguin Books Ltd, 1982); J. L. Zornado, *Inventing the Child: Culture, Ideology, and the Story of Childhood* (Oxford: Routledge, 2006).

<sup>11</sup> H. Cunningham, *Children and Childhood in Western Society Since 1500* (London: Longman, 1995), p. 66. The more sentimental approach to childhood and the rearing of children developed in the second half of the eighteenth century, reflecting new ideals and conducts of living associated with the rise of the cult of sensibility. Love and parental care became the focus of parenthood, and these values continued to play an important role in the everyday lives of Victorian households seeking to achieve domestic bliss.

Trust are all portrayed.<sup>12</sup> Childhood was a period of life to be cherished, an idealistic place of happiness, the simplicity of which was craved by adults overcome with nostalgia. Charles Dickens reflected on the nature of childhood in *Nicholas Nickleby* (1839). He wrote, ‘our childhood is a time to be remembered like a happy dream through all our life.’<sup>13</sup>

The effect these varied conceptualisations of childhood had on the actual life experiences of children in the nineteenth century has been the focus of attention for many historians.<sup>14</sup> Cunningham made a careful distinction between the history of childhood, the concept, and the history of childhood, as lived.<sup>15</sup> Not all experiences of childhood were the same. It was really only middle-class children who enjoyed the attributes of childhood listed by Ariès. Most children still had to labour long hours alongside adults in factories and mills, and were unable to afford works of children’s literature and toys. However, in the nineteenth century parliamentary efforts sought to improve the lives of such children. It was recognised

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<sup>12</sup> T. C. Elmslie, ‘The Little Lady of Lavender’ (1891) cited in G. Avery, *Nineteenth-Century Children: Heroes and Heroines in English Children’s Stories, 1780-1900* (London: Hodder and Stoughton, 1965), p. 176.

<sup>13</sup> C. Dickens, *The Life and Adventures of Nicholas Nickleby* (Hertfordshire: Wordsworth Classics, 2000), p. 409.

<sup>14</sup> Historical studies of the lived experiences of children in the nineteenth century include: J. Bailey, *Parenting in England, 1760-1830: Emotion, Identity, and Generation* (Oxford: Oxford University Press, 2012); T. Boone, *The Youth of Darkest England: Working-Class Children at the Heart of Victorian Empire* (Abingdon: Routledge, 2005); R. Cooter, *In the Name of the Child: Health and Welfare, 1880-1940* (London: Routledge, 1992); H. Cunningham, *Children and Childhood in Western Society Since 1500* (London: Longman, 1995); A. Davin, *Growing Up Poor: Home, School and Street in London, 1870-1914* (London: Rivers Oram Press, 1996); A. Fletcher, *Growing Up in England: The Experience of Childhood, 1600-1914* (New Haven: Yale University Press, 2010); G. S. Frost, *Victorian Childhoods* (Connecticut: Praeger, 2009); C. Haywood, *A History of Childhood: Children and Childhood in the West From Medieval to Modern Times* (Cambridge: Polity Press, 2001); H. Hendrick, *Children, Childhood and English Society* (Cambridge: Cambridge University Press, 1997); E. Hopkins, *Childhood Transformed: Working-Class Children in Nineteenth-Century England* (Manchester: Manchester University Press, 1994); P. Horn, *The Victorian Town Child* (Gloucestershire: Sutton Publishing Limited, 1997); M. Lavalette, *A Thing of the Past? Child Labour in Britain in the Nineteenth and Twentieth Centuries* (Liverpool: Liverpool University Press, 1999); J. H. Plumb, ‘The New World of Children in Eighteenth-Century England’, *Past and Present*, Vol. 67 (1975), pp. 64-95; C. G. Pooley, S. Pooley and R. Lawton, *The Diary of Elizabeth Lee: Growing Up in Merseyside in the Late-Nineteenth Century* (Liverpool: Liverpool University Press, 2010); L. Rose, *The Erosion of Childhood: Child Oppression in Britain, 1860-1918* (London: Routledge, 1991); E. Shorter, *The Making of the Modern Family* (London: William Collins, 1976); J. Walvin, *A Child’s World: A Social History of English Childhood, 1800-1914* (London: Penguin Books Ltd, 1982).

<sup>15</sup> Cunningham, *Children and Childhood in Western Society Since 1500*, p. 1.

that children did not think or act like adults, that children should be treated like children and that they needed to be protected and cared for by the state. In 1833 the Factory Act prohibited the employment of children under nine years of age and restricted the number of hours children were allowed to work. The 1880s witnessed the establishment of the National Society for the Prevention of Cruelty to Children and in 1885 the age of consent was raised from thirteen to sixteen. Children were recognised to be children, in need of special treatment and exhibiting idealised characteristics that were lost in maturity. If it was the threat to this conceptualisation of childhood that ignited press and public furore when two children killed a toddler in 1993, then surely children who were charged with, and convicted of, wilful murder posed a similar ideological threat in the nineteenth century.

### **A Social History of Crime**

Since the 1960s, and the rise of social history, many historians of crime have turned their attention to the perception, reception and definition of deviant behaviour in the past. How was criminal behaviour understood? What acts were deemed criminal? How were criminals treated?<sup>16</sup> Clive Emsley promoted the social history of crime maintaining that much can be learned about a particular society from studying attempts that were made to control

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<sup>16</sup> Some noteworthy studies on the social history of crime include: C. Emsley, *Crime and Society in England, 1750-1900* (Essex: Longman Group UK, 1987); C. Emsley, *The English Police: A Political and Social History* (London: Harvester Wheatsheaf, 1991); D. Garland, *Punishment and Welfare: A History of Penal Strategies* (Hampshire: Gower Publications, 1986); V. A. C. Gatrell, *Crime and the Law: The Social History of Crime in Western Europe Since 1500* (New York: Europa Publications, 1980); C. Hibbert, *The Roots of Evil: A Social History of Crime and Punishment* (London: Weidenfeld and Nicolson, 1963); J. Hostettler, *A History of Criminal Justice in England and Wales* (Hampshire: Waterside Press, 2009); M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978); L. Radzinowicz and R. Hood, *A History of English Criminal Law and Its Administration From 1750: The Emergence of Penal Policy* (London: Stevens & Sons, 1986); D. Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Hampshire: Palgrave Macmillan, 1998); J. J. Tobias, *Crime and Industrial Society in the 19<sup>th</sup> Century* (London: B. T. Batsford Ltd, 1967); M. J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004); M. J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990).

levels of deviant behaviour.<sup>17</sup> Crime is not a universal concept. Different societies and cultures throughout history have labelled many different forms of behaviour as deviant. Killing another human being, for instance, has not always been classified a felonious offence. Before the nineteenth century duellists often killed one another without punishment and even today there are some forms of killing that are termed ‘justifiable homicide’.<sup>18</sup> Many historians of crime quote the words of the nineteenth-century social theorist Harriet Martineau: ‘the treatment of the Guilty is all important as an index to the moral notions of a society.’<sup>19</sup> Much can be learned about Victorian society, therefore, by studying penal policy.

A large number of scholars have turned to the gradual development and evolution of judicial and penal policies in order to provide social studies of the past. Michael Ignatieff, for example, in *A Just Measure of Pain: The Penitentiary in the Industrial Revolution*, argued that the rise of institutionalisation in the United Kingdom during the eighteenth and nineteenth centuries reflected a wider desire of those in power to control members of the public and undermine certain forms of behaviour.<sup>20</sup> During the nineteenth century the number of prisoners who were incarcerated in state-built institutions increased dramatically. Over 90 new prisons were built or improved in England and Wales to accommodate criminals who had previously been transported or who had been convicted of offences that had only recently been deemed criminal.<sup>21</sup> In the face of economic, industrial, political, and social change there was a greater need to preserve order and penal policy adapted to meet these concerns.

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<sup>17</sup> C. Emsley, *Crime and Society in England, 1750-1900* (Essex: Longman Group UK, 1987), p. 1.

<sup>18</sup> Historian Stephen Banks has located over 400 deaths that were caused as a result of fighting in duels between 1780 and 1845. Just 26 of these fatalities resulted in criminal trials. S. Banks, “‘Very Little Law in the Case’: Contests of Honour and the Subversion of the English Criminal Courts, 1780-1845’, *King’s Law Journal*, Vol. 19 (2008), p. 577.

<sup>19</sup> H. Martineau cited in M. J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990), p. 4.

<sup>20</sup> M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978), p. 210.

<sup>21</sup> N. R. Storey, *Prisons and Prisoners in Victorian Britain* (Gloucestershire: The History Press, 2010), p. 12.



According to Ignatieff, far from merely punishing those found guilty of criminal offences, judicial and penal policies in the eighteenth and nineteenth centuries sought to define and control deviant behaviour, reflecting the hegemonic aspirations of authoritative bodies to maintain social control.<sup>22</sup>

Historians have also argued that changes made to the criminal justice system during the nineteenth century reveal the evolution of deep-rooted social and cultural ideas surrounding gender. Martin Wiener, in his *Men of Blood*, analysed the penal treatment and press representations of male criminals in the nineteenth century to better understand Victorian notions of masculinity and values associated with manliness.<sup>23</sup> These values changed over time. For instance, it was socially acceptable for husbands to beat their wives in the early nineteenth century but with increasing concerns with the safety and protection of children and a general distaste for violence that developed as the century progressed, such domestic crimes became reviled. Judith Knelman has also turned to the penal treatment and media representations of criminals to illustrate gender values that existed in the past. In her study of nineteenth-century murders by women she considers how a Victorian society responded to the news that a lady had committed such an unladylike crime.<sup>24</sup> Women were

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<sup>22</sup> 'Social control' theory proved popular amongst historians of crime and punishment in the 1970s and 1980s. Vic Gatrell maintained that in England during the nineteenth century the desire to control human behaviour generated a 'police-man-state'. The growing powers of the police, the increasing number of petty offences deemed criminal, and the incarceration of social deviants all reflected the desire of those in power to maintain social control over the proletariat. V. A. C. Gatrell cited in D. Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Hampshire: Palgrave Macmillan, 1998), p. 1. In recent years historians now question the degree changes made during the nineteenth century in judicial and penal policy reflected any desire for social control. Martin Wiener, for instance, has argued that to argue policy changes were the result of hegemonic aspiration is as simplistic as arguing that changes in policy were entirely objective. M. J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990), p. 8. What remains unquestioned, however, is the extent the history of crime can provide historians with a sociological study of the past.

<sup>23</sup> M. J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004).

<sup>24</sup> J. Knelman, *Twisting in the Wind: The Murderess and the English Press* (Toronto: University of Toronto Press, 1998).

idealised as ‘angels in the house’ and when they were found guilty of murder they were treated like monsters; depicted as cold, unnatural, coarse and unfeminine.<sup>25</sup>

In light of a growing recognition that there existed many conceptualisations of childhood in the nineteenth century, a number of crime historians have turned their attention towards the penal treatment of youthful offenders to consider how changing values attached to childhood affected the lives of children convicted of crimes.<sup>26</sup> The experiences of juvenile delinquents changed dramatically in the mid to late nineteenth century. In the early 1800s the majority of criminal children were treated like adult convicts, tried in the same courts, sentenced to suffer the same punishments and placed in the same penal institutions. However there were growing concerns that questioned whether it was appropriate to treat children like adults. A Report of Inspectors of Prisons in Great Britain declared in 1836 that children convicted of petty offences and other misdemeanours should receive special treatment in the judicial process and in 1847, the Juvenile Offenders Act empowered magistrates to try

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<sup>25</sup> ‘The Angel in the House’ was the title of a poem published by Coventry Patmore in 1854. The term came to be used in the nineteenth century to describe the ideal domestic woman.

<sup>26</sup> Some key works in the history of juvenile crime include: V. Bailey, *Delinquency and Citizenship: Reclaiming the Young Offender, 1915-1948* (Oxford: Clarendon Press, 1987); A. Binder, G. Geis and D. D. Bruce, *Juvenile Delinquency: Historical, Cultural and Legal Perspectives* (Ohio: Anderson Publishing, 2000); J. Carlebach, *Caring for Children in Trouble* (London: Routledge & Kegan Paul, 1970); J. Duckworth, *Fagin’s Children: Criminal Children in Victorian England* (London: Hambledon, 2002); H. Ellis, *Juvenile Delinquency and the Limits of Western Influence, 1850-2000* (Hampshire: Palgrave Macmillan, 2014); J. R. Gillis, ‘The Evolution of Juvenile Delinquency in England, 1890-1914’, *Past and Present*, Vol. 67 (1975), pp. 96-126; P. Horn, *Young Offenders: Juvenile Delinquency, 1700-2000* (Gloucestershire: Amberley Publishing, 2010); P. King, ‘The Rise of Juvenile Delinquency in England, 1780-1840: Changing Patterns of Perception and Prosecution’, *Past and Present*, Vol. 160 (1998), pp. 116-166; S. Magarey, ‘The Invention of Juvenile Delinquency in Early Nineteenth-Century England’, *Labour History*, No. 34 (1978), pp. 11-27; M. May, ‘Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century’, *Victorian Studies*, Vol. 17, No. 1 (1973), pp. 7-29; J. Muncie, *Youth and Crime: A Critical Introduction* (London: Sage Publications, 1999); H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Suffolk: The Boydell Press, 1999); H. Shore, ‘“Inventing” the Juvenile Delinquent in Nineteenth-Century Europe’, in B. S. Godfrey, C. Emsley and G. Dunstall, *Comparative Histories of Crime* (Devon: Willan Publishing, 2003), pp. 110-124; L. Wolff, ‘“The Boys are Pickpockets, and the Girl is a Prostitute”: Gender and Juvenile Criminality in Early Victorian England from *Oliver Twist* to *London Labour*’, *New Literary History*, Vol. 27, No. 2 (1996), pp. 227-249. Helen Rogers has published numerous articles about the lived experiences of boy convicts during the early nineteenth century on her blog ‘Conviction’. In ‘Convict Lads, 1836-46: Friendship and Survival’, for instance, she traces the everyday lives, friendships, and survival strategies, of boys who were transported to Van Diemen’s Land in the 1830s and 1840s. <http://convictionblog.com/2014/10/16/convict-lads-1836-46-friendship-and-survival/> [accessed Thursday 28 May 2015].

children under summary jurisdiction. The Act recognised that children were not as morally responsible for their actions as adults and sought to remove children from gaols where they had to wait before being tried at a criminal court. Then in 1854 the Youthful Offenders Act provided separate institutions for the incarceration of children under the age of sixteen who had been convicted of a crime. Rather than serving time alongside adults in convict prisons children could now serve from between two to five years in a reformatory school, institutions designed with the moral reformation of youthful offenders in mind. By 1858 there were 47 certified reformatory schools in Great Britain, housing 1,184 inmates.<sup>27</sup> According to Margaret May it was in the nineteenth century that the criminal child was officially recognised to be a 'child'.<sup>28</sup> No longer were juvenile delinquents treated like little adults. Penal policy adapted according to changing ideas about the nature of childhood and therefore the treatment of juvenile offenders reflected Victorian values attached to the child.

### **A History of Children Who Kill**

Very little has been written by crime historians on the treatment, and representation, of children found guilty of manslaughter and wilful murder. Historians of juvenile delinquency focus their research on children convicted of property offences and petty misdemeanours. Heather Shore's impressive study of youth crime, for example, describes the penal experiences of young thieves and vagrants in early nineteenth-century London.<sup>29</sup> She does not consider in any depth children convicted of offences against the person. Similar studies on the incidence, punishment and representation of juvenile habitual thieves during

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<sup>27</sup> A. Gray, *Crime and Criminals of Victorian England* (Gloucestershire: The History Press, 2011), p. 72.

<sup>28</sup> M. May, 'Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century', *Victorian Studies*, Vol. 17, No. 1 (1973), p. 7.

<sup>29</sup> H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Suffolk: The Boydell Press, 1999).

the nineteenth century have also been conducted by Jeannie Duckworth and Pamela Horn.<sup>30</sup>

Both historians have charted the effects reforms in penal policy had on the lives of juvenile thieves and trouble-makers. Cases of children who killed in the nineteenth century were not mentioned.

Murders committed by children are occasionally referenced in the introductions to historical studies of crime. Vic Gatrell, for instance, opened *The Hanging Tree* with the case of John Any Bird Bell, a fourteen-year-old boy found guilty of murder in 1831.<sup>31</sup> The details of the crime are so gruesome and shocking that the case provided Gatrell with a wonderful hook to entice the interest of his readers. Other accounts of children who killed in the past focus on particularly infamous cases. Much has been written on the 1860 murder committed by sixteen-year-old Constance Kent and a number of biographical works tell tales of youthful murderers in nineteenth-century America.<sup>32</sup> Very few historians, however, provide detailed academic analyses of the cases, and those who do focus on a very small selection of children. Loretta Loach, in *The Devil's Children*, studied seven murders of children committed by

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<sup>30</sup> J. Duckworth, *Fagin's Children: Criminal Children in Victorian England* (London: Hambledon, 2002); P. Horn, *Young Offenders: Juvenile Delinquency, 1700-2000* (Gloucestershire: Amberley Publishing, 2010).

<sup>31</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994), p. 1.

<sup>32</sup> Some studies on the murder committed by Constance Kent include: Y. Bridges, *The Tragedy at Road-Hill House; Being the True Chronicle of a Celebrated Murder Which Occurred at Road-Hill House, Wilts, England, On June 30th, 1860 and Which Involved a Lovely Young Girl, Constance Kent, Who Refused to Defend Herself From the Wicked Charge of Slaying Her Infant Stepbrother and Whose Trial and Its Sensational Sequel Inflamed the People of Two Countries to Fever Pitch. Here is New Evidence Which Raises Fresh Doubts Whether Justice Was Done* (New York: Rinehart & Company, 1955); P. Chambers, *Murder Most Foul: The Road Hill House Mystery of 1860* (Gloucestershire: The History Press, 2009); K. Summerscale, *The Suspicions of Mr. Whicher, or The Murder at Road Hill House* (London: Bloomsbury Publishing, 2008). Some case studies of murders committed by children in nineteenth-century America include: P. L. Bryan, 'John Wesley Elkins, Boy Murderer, and His Struggle for Pardon', *Annals of Iowa*, Vol. 69, No. 3 (2010), pp. 261-307; J. Jacobs Brumberg, *Kansas Charley: The Story of a 19<sup>th</sup>-Century Boy Murderer* (New York: Viking Penguin, 2003); D. Kreck, *Anton Woode: The Boy Murderer* (Colorado: Fulcrum Publishing, 2006).

children in nineteenth-century England whilst Andrew Davies and John Archer have focused their research on local case studies of children who killed in Manchester and Liverpool.<sup>33</sup>

Similarly children who kill rarely appear in academic studies of nineteenth-century children and childhood. Most historians studying the history of childhood have focused their attention on the lived experiences of the average, normal child. Of course, distinctions have been made according to location, class, and gender. Pamela Horn has neatly illustrated that the lives lived by working-class city children in the nineteenth century varied greatly from the experiences of their wealthier or rural peers.<sup>34</sup> Similarly attempts have been made to trace the construction of a gendered childhood in the past, studying the production of toys designed for girls and boys as well as the different agendas of the gender-specific children's periodicals in the late nineteenth and early twentieth centuries.<sup>35</sup> It has only been in recent years that the history of the abnormal child has increased in popularity. Historians are turning their attention towards the experiences of children in institutions, such as county lunatic asylums and workhouses, as well as the lives of children who suffered from some form of disease or disability.<sup>36</sup>

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<sup>33</sup> L. Loach, *The Devil's Children: A History of Childhood and Murder* (London: Icon Books Ltd, 2009); A. Davies, *The Gangs of Manchester: The Story of the Scuttlers: Britain's First Youth Cult* (Berkshire: Milo Books, 2008); J. E. Archer, *The Monster Evil: Policing and Violence in Victorian Liverpool* (Liverpool: Liverpool University Press, 2011).

<sup>34</sup> P. Horn, *The Victorian Country Child* (Gloucestershire: Sutton Publishing Limited, 1990); P. Horn, *The Victorian Town Child* (Gloucestershire: Sutton Publishing Limited, 1997).

<sup>35</sup> P. A. Dunae, 'Boys' Literature and the Idea of Empire, 1870-1914', *Victorian Studies*, Vol. 24, No. 1 (1980), pp. 105-121; C. Dyhouse, *Girls Growing Up in Late Victorian and Edwardian England* (Oxford: Routledge, 2013); D. Gorham, *The Victorian Girl and the Feminine Ideal* (Oxford: Routledge, 2013); M. Gutman and N. De Coninck-Smith, *Designing Modern Childhoods: History, Space, and the Material Culture of Children* (London: Rutgers University Press, 2008); L. Honaker, "'One Man to Rely On': Long John Silver and the Shifting Character of Victorian Boys' Fiction', *Journal of Narrative Theory*, Vol. 34, No. 1 (2004), pp. 27-53; G. Pearson, 'Victorian Boys, We are Here', in Y. Jewkes and G. Letherby, *Criminology: A Reader* (London: Sage Publications, 2002), pp. 7-18; K. Reynolds, *Girls Only?: Gender and Popular Children's Fiction in Britain, 1880-1910* (London: Harvester Wheatsheaf, 1990).

<sup>36</sup> M. C. Martin, *Disabled Children and Domestic Living Spaces in Britain, 1800-1900* (Oxford: Oxbow Books, 2015); J. Melling, R. Adair and B. Forsythe, "'A Proper Lunatic for Two Years': Pauper Lunatic Children in Victorian and Edwardian England: Child Admissions to the Devon County Asylum, 1845-1914', *Journal of*

The majority of authors, both historians and journalists, who have previously made reference to historical cases of children charged with felonious killing offences in their books have not engaged in detailed academic analysis of the cases. They have not attempted to explain how these children were understood in the past, how these cases challenged preconceived notions of childhood, or how children convicted of manslaughter and wilful murder were treated in the criminal justice process. Rather, historical studies of children who kill have tended to focus, in a narrative style, on the lives and crimes of particular youthful murderers. Carol Ann Davis, in *Children Who Kill: Profiles of Pre-Teen and Teenage Killers*, discusses the murder committed by an American teenager in the 1870s as well as the case of a London-born twelve-year-old boy who poisoned his grandfather in the 1840s.<sup>37</sup> She describes each murder in detail; the names of the people involved, the background stories of victims and perpetrators, and the outcome of the trial. A similar approach to writing a history of children who kill was used by Patrick Wilson.<sup>38</sup> In *Children Who Kill* he cites fifty-five cases of murders committed by children throughout the world from the mid eighteenth century to the modern day. Again, each chapter reads as a case study. There is no analysis of the cases or any attempt made to understand how children who killed were received by past societies and understood.

So why have murders committed by children been neglected in academic histories of childhood and crime? John Muncie, in *Youth and Crime: A Critical Introduction*, maintained

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*Social History*, Vol. 31, No. 2 (1997), pp. 371-405; H. Newton, *The Sick Child in Early Modern England, 1580-1720* (Oxford: Oxford University Press, 2012); P. L. Safford and E. J. Safford, *A History of Childhood and Disability* (New York: Teachers College Press, 1996); S. Shuttleworth, *The Mind of the Child: Child Development in Literature, Science, and Medicine, 1840-1900* (Oxford: Oxford University Press, 2010); D. C. Sloan, 'A Better Home Away From Home: The Emergence of Children's Hospitals in an Age of Women's Reform', in M. Gutman and N. De Coninck-Smith, *Designing Modern Childhoods: History, Space, and the Material Culture of Children* (London: Rutgers University Press, 2008), pp. 42-60; D. Wright, *Mental Disability in Victorian England: The Earlswood Asylum, 1847-1901* (Oxford: Clarendon Press, 2001).

<sup>37</sup> C. A. Davis, *Children Who Kill: Profiles of Pre-Teen and Teenage Killers* (London: Allison & Busby Limited, 2003).

<sup>38</sup> P. Wilson, *Children Who Kill* (London: Michael Joseph Ltd, 1973).

that the largely unwritten history of children who kill reflects the paucity of cases of children who were charged with felonious killing offences in the past. According to Muncie just 27 children were convicted of wilful murder throughout the eighteenth, nineteenth and twentieth centuries.<sup>39</sup> He has argued that any attempt to analyse such a small subject group would prove futile. However, I have managed to locate 230 children who were charged with felonious killing offences in England and Wales between 1816 and 1908. This number far exceeds that cited by Muncie and, I believe, it is large enough to merit meaningful historical research.

Historians of childhood and of crime have neglected children who kill in their studies because, until recently, any attempt to establish the number of murders committed by children proved problematic. Although there are plenty of sources available to historians wishing to study the incidence of crime in nineteenth-century England and Wales, including court records, criminal registers, annual criminal statistics, and official returns of juvenile offending, these sources prove less helpful for the historian studying the history of children who kill. For example, records that were kept at each stage of the judicial process, from when a person was brought before a magisterial hearing charged with a crime to when they were convicted at a criminal court, did not often record the ages of offenders. Carolyn Conley, in her study of the judicial process in Victorian Kent, has noted that there was little uniformity in the record keeping between different courts, and even less so in different counties.<sup>40</sup> Whilst listing the crimes committed by offenders, the more personal details of criminals such as their name, occupation and age, were not always recorded. It is very difficult, therefore, to trace the number of children, aged sixteen and under, who were charged with felonious killing offences without any differentiation of age provided in court records.

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<sup>39</sup> Muncie, *Youth and Crime: A Critical Introduction*, p. 4.

<sup>40</sup> C. A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford: Oxford University Press, 1991), p. 12.

Similarly the statistical returns of crime, published annually in the nineteenth century, also failed to highlight the ages of convicted offenders. In 1856 Lord Brougham complained to the House of Lords that the criminal returns were, ‘exceedingly defective.’<sup>41</sup> He criticised the oversimplification of the process in which crime statistics were collected, highlighting in particular, ‘1839 [when] the age and instruction of the prisoners was omitted – their age and education in connection, with their offences’, and, ‘in 1851 a further step was taken in the course of petty savings, and the sex of the persons was left out.’<sup>42</sup> Though annual criminal statistics prove useful for historians tracing the prevalence of certain types of crime in the nineteenth century, they are less helpful in locating the numbers of specific types of criminal, especially when those criminals are children.

By the mid nineteenth century returns of juvenile offending were collated, reporting annually the number of children convicted of felonious offences in England and Wales. Historians of juvenile crime have found these sources invaluable. The names of youthful offenders, their ages, occupations, and education were listed alongside the crimes for which they were convicted. However, annual returns of juvenile offending did not include crimes committed against the person. Only children tried at summary hearings were recorded. According to the 1850 Juvenile Offenders Act, summary jurisdiction was offered to those under the age of sixteen who had committed simple larcenies up to the value of five shillings. Children charged with felonious killing offences were tried at the assizes alongside adult criminals. Their crimes would have been recorded with other felonious killing offences in court records and included in annual criminal statistics without any reference made to their youth. It is not surprising, then, that children who kill are rarely mentioned in histories of crime and juvenile offending. Locating such children in the primary sources traditionally

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<sup>41</sup> Lord Brougham, ‘Criminal Statistics’, House of Lords Debate, *Hansard*, 3 March 1856.

<sup>42</sup> *Ibid.*



used by historians to trace the incidence of crime in the nineteenth century is difficult. It is not that children did not commit felonious killing offences in the past; they did, and in numbers far exceeding those previously recognised by historians of youth crime. Until recently these youthful offenders have proved elusive and it is only with the digitisation of archival records that it has become possible to find them.

### **Locating Children Who Killed**

Through utilising a number of collections of digitised archives, including the British Library Newspaper Archive, the Proceedings of the Old Bailey, and the Founders and Survivors database, I have located 230 children aged sixteen and under who were charged with felonious killing offences in England and Wales between 1816 and 1908.<sup>43</sup> These children were all brought before a judge and jury at the assizes, tried on a charge of feloniously killing and slaying another human being. I have not included girls who were convicted of infanticide in my study because this killing offence was treated unlike any other in the nineteenth century. Judith Knelman has argued in her study of Victorian murderesses that infanticide was not considered to be murder.<sup>44</sup> Women and young girls were found guilty of ‘endeavouring to conceal birth’ rather than of ‘wilful murder’ and received relatively short prison sentences. In 1863, for instance, sixteen-year-old Caroline Burns was sentenced to six weeks’ confinement at the Central Criminal Court in London after she was found guilty of killing her new born child, and in 1894 Ellen Trollope, also aged sixteen, received just two

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<sup>43</sup> The Founders and Survivors database provides researchers with a platform to research the everyday lives and experiences of men, women, and children who were transported to Australia and Tasmania in the nineteenth century. The database was formed as a collaboration between Oxford University, Flinders University, Melbourne University, and the Tasmanian Archives and Heritage Office.

<sup>44</sup> Knelman, *Twisting in the Wind*, p. 4. For more discussion on cases of infanticide in the nineteenth century see: M. Jackson, *Infanticide: Historical Perspective on Child Murder and Concealment, 1550-2000* (Hampshire: Ashgate, 2002); J. McDonagh, *Child Murder and British Culture, 1720-1900* (Cambridge: Cambridge University Press, 2003); C. Rattigan, *‘What Else Could I Do?’ Single Mothers and Infanticide: Ireland 1900-1950* (Dublin: Irish Academic Press, 2012).

weeks' hard labour for killing her baby and concealing its birth.<sup>45</sup> I have also not included cases of attempted murder. Not all children achieved the goal of their crimes. Frederick Mason, an eleven-year-old boy living in rural Doncaster in 1866, for example, enticed two infant children, a brother and sister, towards a shallow stream and there beat them on the head with a thick stick. When he had rendered them insensible he then threw them into the water beating them with the stick until he thought they were dead. The two children were found a little downstream by a 'navvy' and they later recovered from their injuries.<sup>46</sup> Although it would have been interesting to see whether children found guilty of attempted murder were treated and represented in the press like convicted youthful murderers I am focusing my research solely on the primary killing offences listed in the 1861 Offences Against the Person Act: manslaughter and wilful murder.

I have also turned to official definitions published in nineteenth-century judicial and penal policy to determine the age of offenders included in my study. Childhood was an elastic concept in the Victorian era. Whereas economic independence and the completion of schooling define the transition from childhood to adulthood in the modern world, these prove insufficient to understand how the nineteenth-century child was defined. Many working-class children were in full-time employment as young as eight years of age.<sup>47</sup> For example, in 1833 nine-year-old William Cooper worked from 5am until 9pm at a factory in Leeds and in 1851 Henry Mayhew estimated that between 10,000 and 20,000 children in London were engaged

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<sup>45</sup> 'Caroline Burns', *OBP*, 2 March 1863. 'Ellen Trollope', *OBP*, 10 September 1894.

<sup>46</sup> The attempted murder of two children by Frederick Mason was widely reported in the press throughout the United Kingdom. Some articles discussing the arrest of the young boy include: 'A Boy Murderer', *Bury and Norwich Post*, Tuesday 20 March 1866; 'A Boy Murderer', *Kentish Chronicle*, Saturday 17 March 1866; 'A Boy Murderer', *Reading Mercury*, Saturday 17 March 1866; 'A Boy Murderer', *Western Times*, Friday 23 March 1866.

<sup>47</sup> In 1833 the Factory Act prohibited the employment of children under nine years of age and reduced the number of hours that children were allowed to work.

in street selling.<sup>48</sup> In a study of East London costermongers Mayhew also noted that, ‘very few indeed of the costermongers’ children are sent to schools.’<sup>49</sup> It was not until the final decades of the nineteenth century that a school education became a compulsory element of every child’s life.<sup>50</sup> I will employ the legal definition of the term ‘child’ as stated in the 1850 Juvenile Offenders Act; that is any person aged sixteen and under. Any child below the age of sixteen was considered, in theory, to be a child in criminal law and this affected how they should be treated in the judicial and penal process.

Throughout my thesis I compare the judicial and penal experiences of children who killed with those of other criminal children in the nineteenth century. Were they treated like ‘children’? Was their youth recognised in criminal law? It is for this reason that I have chosen the dates 1816-1908. It was in these years that there developed in the popular imagination a particular type of child associated with crime: the ‘Juvenile Delinquent’. In 1815 the Committee for Investigating the Causes of the Alarming Increase in Juvenile Delinquency in the Metropolis interviewed nearly 800 children who were, or associated with, criminal offenders. The report, published by the Committee in 1816, maintained that there existed a certain type of child who committed crime. He was male, working class and worked as an habitual thief. It was on this child that social and penal reformers focused their attention and it is this type of child that is most frequently discussed by scholars in their histories of juvenile offending. 1908 saw a redefinition of juvenile delinquency. The Children’s Act abolished penal servitude for youthful offenders, restricted imprisonment to those over the age of fourteen, and established entirely separate juvenile courts. After this date the

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<sup>48</sup> T. E. Jordan, *Victorian Childhood: Themes and Variations* (New York: State University of New York Press, 1987), p. 111; H. Mayhew, *London Labour and the London Poor: Volume One* (London: Griffin, Bohn and Co, 1861), p. 39.

<sup>49</sup> Mayhew, *London Labour and the London Poor*, p. 39.

<sup>50</sup> Although the 1870 Education Act established elementary schools, providing children of families with low incomes the opportunity of gaining an education, school attendance did not become compulsory until 1891.

experiences of criminal children changed dramatically. It was in the nineteenth century that youthful offenders were officially recognised to be children and it is within this context that I wish to study cases of children who were charged with, and convicted of, felonious killing offences in the past.<sup>51</sup>

In order to locate a large enough sample of children who killed in nineteenth-century England and Wales I have turned to newspapers, as well as to court and legal records. The nineteenth century witnessed the development and expansion of the newspaper press. With the abolition of costly taxes on paper and stamp duty and the invention of more efficient printing presses, the number of newspapers throughout the country soared. In 1860 London had nine morning and six evening dailies. The provinces had just sixteen. By 1890 there were approximately 150 daily newspapers being printed in England and Wales, serving an increasingly literate population with local, national, and international news.<sup>52</sup> Most papers reserved print space for sensational items of news, such as crimes that had been committed and accidents resulting in the loss of lives. Murder was a news item that sold particularly well and so newspapers often provided their readers with detailed reports following suspected

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<sup>51</sup> There has been much debate among historians on whether the ‘juvenile delinquent’ was first formed in the early nineteenth century. Margaret May argued that there developed the first clear concept of juvenile delinquency in the 1830s and 1840s, that there was a heightened awareness amongst policy makers, politicians, and philanthropists of the existence of juvenile crime. M. May, ‘Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century’, *Victorian Studies*, Vol. 17, No. 1 (1973), pp. 7-29. Peter King maintains, however, that the reality of youthful offending, and concerns surrounding the incidence of youth crime, existed long before the 1830s. He has traced efforts of philanthropists and social reformers to combat an apparent rise in juvenile delinquency in the 1780s and 1790s, arguing that it was after the Napoleonic Wars that crime, and juvenile crime in particular, emerged as a distinct phenomenon threatening the stability of an early nineteenth-century society. P. King, ‘The Rise of Juvenile Delinquency in England, 1780-1840: Changing Patterns of Perception and Prosecution’, *Past and Present*, Vol. 160 (1998), pp. 116-166. Heather Shore argues in her study of youth crime that although juvenile criminality did not originate in the nineteenth century, there did evolve in the popular imagination a distinct type of criminal child. It is this type of child that I discuss in my thesis – the imagined Juvenile Delinquent – and the impact this stereotype had on the reception and representation of murders committed by children. H. Shore, “‘Inventing’ the Juvenile Delinquent in Nineteenth-Century Europe”, in B. S. Godfrey, C. Emsley and G. Dunstall, *Comparative Histories of Crime* (Devon: Willan Publishing, 2003), pp. 110-124.

<sup>52</sup> L. Brown, *Victorian News and Newspapers* (Oxford: Clarendon Press, 1985), p. 4.

murderers throughout the stages of the criminal justice process.<sup>53</sup> Murder reports frequently included the age, gender, and occupation of the perpetrator and the victim, the type of killing offence committed, and the method by which the victim was killed. Therefore they provide the opportunity to uncover cases of manslaughter and wilful murder that were committed by children in the past.

The process of locating a sufficient sample of children charged with felonious killing offences in nineteenth-century England and Wales was a long one. I began my research with the names of several youthful murderers whose crimes have already received coverage in histories of Victorian murder and juvenile delinquency. These included fourteen-year-old John Any Bird Bell, the last child to be executed in Great Britain (1831), sixteen-year-old Constance Kent, considered one of the most infamous murderesses in the nineteenth century (1860), and two sets of boy murderers who were under the age of ten when they committed their crimes, nine-year-olds John Breen and Alfred Fitz (1855), and eight-year-olds Peter Barratt and James Bradley (1861).<sup>54</sup> I then searched these names in a number of online

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<sup>53</sup> Beth Kalikoff highlights the overwhelming popularity of stories of murder and bloody violence in her study of *Murder and Moral Decay in Victorian Popular Literature*. Quoting Henry Mayhew murders were the 'great goes' in the street literature market. Newspapers took advantage of the public interest inspired by murder and printed long detailed articles depicting the life and crimes of real-life murderers. Some nineteenth-century newspaper headlines listed by Kalikoff include: 'Life, Trial, Character, Confession and Execution of Stephen Forward, for the Horrid Murder of Three Children Near Holborn', 'Cruel and Inhuman Murder of a Little Boy, By His Father', and 'Barbarous Murder of a Child By a Schoolmistress'. B. Kalikoff, *Murder and Moral Decay in Victorian Popular Literature* (Michigan: UMI Research Press, 1986), p. 7, p. 68.

<sup>54</sup> Studies where these children who killed are discussed - John Any Bird Bell: V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994), pp. 1-4; H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Suffolk: The Boydell Press, 1999), p. 22, pp. 65-66; L. Loach, *The Devil's Children: A History of Childhood and Murder* (London: Icon Books Ltd, 2009), pp. 41-63. Constance Kent: P. Chambers, *Murder Most Foul: The Road Hill House Mystery of 1860* (Gloucestershire: The History Press, 2009); T. Dixon, 'The Tears of Mr. Justice Willes', *Journal of Victorian Culture*, Vol. 17, No. 1 (2012), pp. 22-52; K. Summerscale, *The Suspicions of Mr. Whicher, or The Murder at Road Hill House* (London: Bloomsbury Publishing, 2008). John Breen and Alfred Fitz: J. Archer and J. Jones, 'Headlines from History: Violence in the Press, 1850-1914', in E. A. Stanko, *The Meanings of Violence* (London: Routledge, 2003), pp. 20-21; Loach, *The Devil's Children*, pp. 109-121. James Bradley and Peter Barrett: S. D'Cruze, S. Walklate and S. Pegg, *Murder: Social and Historical Approaches to Understanding Murder and Murderers* (Oxford: Routledge, 2011), pp. 83-88; Loach, *The Devil's Children*, pp. 123-142; Shore, *Artful Dodgers*, p. 69.

newspaper resources, primarily the British Library Newspaper Archive and the Nineteenth-Century British Library Newspapers database. Locating a large number of newspaper articles discussing these cases not only added to my knowledge of the more well-known murders committed by children in the nineteenth century but provided me with key search terms in order to locate more children who had been charged with felonious killing offences. Similar phrases were used in headlines introducing readers to the crimes of Bell, Kent, and other youthful murderers throughout the nineteenth century. These children were referred to as ‘Boy Murderers’ or ‘Girl Murderesses’, and headlines informed readers of ‘A Child Killed By a Child’, ‘The Murder By a Boy’ and ‘Murder By Children’. Searching these, and similar, phrases in newspaper databases allowed me to locate 230 separate instances where a child was charged with manslaughter or wilful murder in nineteenth-century England and Wales.

Online newspaper databases made it possible for me to compile together a research group far larger than those analysed by other historians who have written histories of children who killed in the past. As I mentioned earlier in this introduction, most historians tracing the lives and crimes of children found guilty of murder in the nineteenth century have concentrated their research on small sample groups, focusing on certain geographic locations and a case-study approach. It would have been a far easier task if I had provided a London-centric analysis of children charged with felonious killing offences in the nineteenth century. London has such rich archival collections, especially for historians of crime. The Proceedings of the Old Bailey online database offers a custom search tool to locate the number of individuals charged with a variety of offences who appeared before the Old Bailey in London between 1674 and 1913.<sup>55</sup> According to this search method 58 children, aged sixteen and under, were tried at the Old Bailey during my period of study, 1816 to 1908, charged with a

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<sup>55</sup> T. Hitchcock, R. Shoemaker, C. Emsley, S. Howard and J. McLaughlin, et al., *The Old Bailey Proceedings Online, 1674-1913* (www.oldbaileyonline.org, version 7.0, 24 March 2012).

variety of killing offences.<sup>56</sup> In 1828 sixteen-year-old William James was found guilty of the manslaughter of pitman Samuel Corkwell and sentenced to be confined in Newgate Gaol for three months.<sup>57</sup> Three boys, aged seventeen, sixteen and fifteen were brought before the Central Criminal Court on the 28<sup>th</sup> of May 1907 charged, on a coroner's inquisition, with the wilful murder of Garrett William Dundon. Magistrates found insufficient evidence to proceed with the matter and the case was thrown out in court.<sup>58</sup> I chose, however, to provide a more wide-ranging account of children who killed in my thesis. By searching key phrases in a number newspaper databases I have been able to locate large numbers of children who were charged with felonious killing offences throughout England and Wales in a 92-year period. My study therefore provides the opportunity to examine whether the conclusions of historians writing about murders committed by children are geographically-specific or a part of wider patterns that existed in the nineteenth century.

Any historian using newspapers to trace the incidence of crime in the nineteenth century has to be careful, however. Newspapers do not present historians with an image of the past presented through a clear glass window.<sup>59</sup> Rather this image is distorted and affected by a myriad of forces that influenced the production of news. The content of a newspaper, how certain events were reported, and the presentation of news depended on many factors, including the political agenda of the editor, the intended readership, and the role of newspapers in a competitive commercial market. Certain crimes might receive more print space than others because an editor considered those crimes particularly newsworthy. A

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<sup>56</sup> References to all these cases can be found in the bibliography, pp. 366-370.

<sup>57</sup> 'William James', *OBP*, 21 February 1828.

<sup>58</sup> 'Phillip Murty, Patrick Chapman, Thomas Allen', *OBP*, 28 May 1907.

<sup>59</sup> I refer here to the Reflection Model of using newspapers as historical sources; that newspapers provide a clear insight into the past, like looking through a window. Lyn Pykett maintained that this model is outdated, arguing that newspapers can no longer be regarded in a simply reflective way as transparent records that offer give access to the past. L. Pykett, 'Reading the Periodical Press: Text and Context', in L. Brake, A. Jones and L. Madden, *Investigating Victorian Journalism* (Hampshire: The Macmillan Press, 1990), p. 7.

crime might further a newspaper's agenda, it might quench the thirst of a sensation-hungry readership, and thus provide an editor with the hope of healthy sales. Many scholars have noted the extent that newspapers can skew the perception of crime. Judith Rowbotham and Kim Stevenson maintained that in the mid nineteenth century newspapers generated concerns among the reading public that the number of crimes committed against the person were increasing.<sup>60</sup> A spate of cases where gentlemen had been garrotted inspired the press to attribute any violent robbery to a crime of attempted murder. In reality, the homicide rate remained low, wilful murder accounting for under 2% of crimes tried at the Old Bailey and Manuel Eisner, Ted Robert Gerr and Pieter Spierenburg have argued that the homicide rate actually decreased in the nineteenth century.<sup>61</sup> Using newspapers to trace the number of children charged with, and convicted of, felonious killing offences in the past, can therefore prove problematic. How do we know that one case has not been recorded multiple times or that each child was actually found guilty of wilful murder and not some lesser offence?

In order to answer these questions I turned to court records held at the National Archives in Kew. Once I had located the names of children who, according to the press, were charged with felonious killing offences I was able to trace the cases in criminal registers, assize returns and prisoner lists. These sources enabled me to confirm whether a certain child had, indeed, been charged with, and convicted of, manslaughter or wilful murder. A comparison of official court records with the information printed in the press proves interesting. Newspaper articles covering the trials of children charged with felonious killing offences were often very accurate and full of information. Journalists were permitted entry to the assizes, assigned seats reserved in a location determined to provide them with a clear

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<sup>60</sup> J. Rowbotham and K. Stevenson, *Behaving Badly: Social Panic and Moral Outrage – Victorian and Modern Parallels* (Hampshire: Ashgate, 2003); J. Rowbotham and K. Stevenson, *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage* (Columbus: Ohio State University Press, 2005).

<sup>61</sup> P. Spierenburg, *A History of Murder: Personal Violence in Europe From the Middle Ages to the Present* (Cambridge: Polity Press, 2008), pp. 3, 168.



view of the court proceedings. Newspaper articles printed the statements of witnesses, the questions of lawyers and the summaries of judges. Few errors were made, except the misspelling of a name or two. For instance in 1895 *The Times* printed the statement of a young boy testifying at the murder trial of his older brother:

The boy Nathaniel George Coombes, was called as a witness on the part of the prosecution, and gave evidence. He spoke to the prisoner Robert Allen Coombes having come to the back room in which he was sleeping on the Monday morning and told him that he had killed his mother. Witness replied, "You have not," and his brother said, "Come and look." He went to the door of his mother's room, and heard a groan. He did not think he went half a yard from the door, and he looked at the bed, but could not see her. On the Friday or Saturday his brother spoke to him about it, and said that he was going to kill his mother, because he wanted to get away to some place – to some island – and that he was going to stab her. He showed witness the knife he had bought about three days later.<sup>62</sup>

Compare this with the account printed in the *Old Bailey Proceedings* and it can be seen that the reporting of murder trials in the press could be extremely accurate in the nineteenth century:

Between half-past eight and nine on the Monday morning Robert came into my room, and told me he had killed my mother—I said, "You have not"—he said, "Come in and look"—I went into mother's room; I heard her groaning like—I did not see her exactly; I don't think I went in half a yard from the door; I looked at the bed, but I could not see her—I went back to

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<sup>62</sup> 'Central Criminal Court, Sept. 9', *The Times*, Tuesday 10 September 1895.

my room—I don't know what my brother did—he did not come back to my room—I went to bed again—on the Friday or Saturday before, he said to me he would try and do it—he had spoken about it once before that, I could not tell how long before—it was not in the same week—the first time he spoke about it he said he was going to kill my mother—he said he wanted to get away to some island—he said he was going to stab her—he bought a knife—I was not with him when he bought it—he showed it to me—I think that was about three days before the Monday—this (*produced*) is the knife—he said, "That is the knife I am going to do her with," that was after my father had left home.<sup>63</sup>

Newspapers have proved an invaluable source in my research. Not only have they enabled me to locate a sufficient number of children charged with felonious killing offences in the nineteenth century to study how children who killed were treated and represented in the past, but they provide another source of information in addition to that scrawled in court records. My thesis is still far from an exhaustive account of children charged with manslaughter and wilful murder in the nineteenth century but it is a start. I recognise that my research is restricted to the cases I have located in the press. Other homicides might have been committed by children that did not make it into newspapers. It is entirely possible that some deaths caused by children were covered-up or explained away, thus avoiding publicity. Even so, the 230 children I have located who were charged with committing felonious killing offences in England and Wales between 1816 and 1908 greatly exceeds the number of youthful murderers previously recognised by historians. In my thesis I place these children in the histories of childhood and crime whilst analysing how members of Victorian society responded to, and attempted to understand, the news that a child had killed.

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<sup>63</sup> 'Robert Allen Coombes', *OBP*, 9 September 1895.

## Chapter Summary

Chapter One focuses on an analysis of the 230 children I have located who were charged with manslaughter and wilful murder in nineteenth-century England and Wales. I will explain the different forms of felonious killing offences committed by children in the past, the methods used by children to commit manslaughter and wilful murder, and whom children were most likely to kill. I will analyse the crimes committed by children who killed in context of what has already been written in historical studies of nineteenth-century murder and juvenile delinquency. It is clear the cases existed but where do they belong in the history of crime? In this chapter I will also compare the typical type of child charged with felonious killing offences with the type of criminal child most commonly found in histories of juvenile offending: the Juvenile Delinquent, the young thief. This chapter will show that children who kill very much belong in histories of murder and juvenile crime. Though they present the historian with a relatively small research sample, especially compared with the large numbers of juvenile delinquents convicted of property offences in the nineteenth century, their crimes compare with homicides committed by adults and they belonged to the same demographic and social backgrounds as other children found guilty of crimes.<sup>64</sup>

Chapter Two questions the assumption made by some historians studying nineteenth-century media representations of crime: that when children committed murder in the past little interest was excited in the press. Clive Emsley compared the press coverage received by two cases of children who killed other children in the 1850s and 1860s with that surrounding the murder of James Bulger in 1993.<sup>65</sup> He maintained that the historical murders only

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<sup>64</sup> Peter King has estimated that just 5-10% of offences against the person were committed by children in nineteenth-century England and Wales and that the majority of children convicted of crimes during the reign of Queen Victoria had been found guilty of property offences and misdemeanours. P. King, 'The Rise of Juvenile Delinquency in England, 1780-1840: Changing Patterns of Perception and Prosecution', p. 122.

<sup>65</sup> C. Emsley, *Hard Men: The English and Violence Since 1750* (London: Hambledon, 2005), pp. 180-181.

generated regional interest and, even locally, they did not ignite any atmosphere of fear or panic. Pieter Spierenburg, in his history of murder, has stated that the press frenzy and public horror sparked by murders committed by children are a part of a modern anxiety.<sup>66</sup> He argues that children who killed in the past did not stir the interest of newspapermen or members of the public. I will show that if nineteenth-century newspaper articles reporting murders committed by children are analysed in context of nineteenth-century developments in the press, rather than in comparison with standards associated with a twentieth-century case, the press interest generated by children who killed in the past was much greater than that previously accepted by historians. Front-page news, stop-the-press headlines and printing damning photographs of convicted criminals were not common features of newspapers in the nineteenth century. It was not until the 1890s that printing technologies made it possible to print photographs and non-standard headlines. Until then even the most sensational news stories were printed under unassuming labels, packed into columns in small print alongside other, less shocking, news items. Murders committed by children were presented in the press like other items of murder news. Newspaper editors recognised that stories of blood and gore sold well, and therefore the news that a child had killed was considered newsworthy in the nineteenth century.

In Chapter Two I will also consider the extent to which the news coverage surrounding murder trials of children in the past inspired in readers a sense of fear or panic. Historians, sociologists, and journalists, intrigued by the extraordinary public reaction against Jon Venables and Robert Thompson in 1993, have sought to understand how such strong emotions on a mass scale were generated. They turned to Stanley Cohen's theory of moral panics; that newspapers were capable of influencing public attitudes towards certain crimes and criminals by over-reporting instances of offending and representing criminals as distinct

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<sup>66</sup> Spierenburg, *A History of Murder*, p. 219.

deviant types.<sup>67</sup> Though I will argue that there is little evidence to suggest that murders committed by children in nineteenth-century England and Wales inspired moral panics, I will show that these crimes did, nevertheless, excite the interest of the reading public. Murders committed by children were not only sensational news stories but they proved to be particular sensations. In some instances special measures had to be taken to protect children who were on trial for wilful murder from the attention of sensation-hungry crowds. People flocked to courthouses to catch a glimpse of the ‘boy murderer’ and journeyed to visit the locations where murders committed by children had taken place. Though the press and public reaction to the news that children were capable of committing felonious killing offences was not as extreme as that witnessed in 1993, this does not mean that children who killed were not a shocking, sensational phenomenon in the nineteenth century.

So how were children charged with manslaughter and wilful murder treated in the past? Chapters Three and Four illustrate the judicial and penal experiences of children who were indicted for, and convicted of, felonious killing offences in the nineteenth century. These cases proved particularly problematic in the criminal justice process. Should they be treated like children? Or as murderers? Did they experience the benefits intended for juvenile delinquents in mid nineteenth-century judicial and penal reforms or were they exempt from these, their crimes too serious to merit leniency?

In Chapter Three I consider whether the youth of children who killed affected their criminal responsibility in nineteenth-century judicial policy. The law maintained that any child under the age of seven was unable to commit a felonious offence. For children over the age of seven it had to be proven that the child was aware of the difference between good and bad and that they had knowingly and wilfully committed a wrongful act. If this could be

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<sup>67</sup> S. Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (New York: St. Martin's Press, 1980).

established by the prosecution, the child was considered liable for his or her actions. Concerns were raised in the nineteenth century that this method of judging criminal responsibility was insufficient. Some lawyers wanted the age of irresponsibility to increase, others recognised that age was no marker in moral awareness. Whether or not a child was criminally responsible for his actions was a particularly important question when that child was on trial for wilful murder. If found liable the child could be sentenced to death. In this chapter I will show that concerns regarding the criminal responsibility of children who killed increased as the nineteenth century progressed, reflecting the growing awareness among medical professionals and members of the public that children thought and behaved very differently to adults.

Chapter Four turns to an analysis of the penal treatment of children convicted of felonious killing offences. I will show that these children did not enjoy the same benefits of mid nineteenth-century reforms in penal policy as other juvenile criminals. Though reformatory schools were established to provide youthful offenders with a penal regime more suited to the needs of children, with a greater emphasis placed on the reformation of offenders, children who killed continued to be sent to convict prisons alongside adults and hardened criminals. The penal experiences of children convicted of manslaughter and wilful murder, therefore, were very different to those described by historians of juvenile crime. The nineteenth century might have witnessed a new era of juvenile judicial and penal policy, but children who killed were excluded from this.

Chapters Three and Four also consider the role newspapers played in the criminal justice process. Newspapers were not just printed as receptacles of information. Items of crime news were not only printed to entertain readers with sensational stories of murder and misadventure. Nineteenth-century editors saw themselves as mediators between governing bodies and the people. Fashioning the press as a 'fourth estate', a powerful voice meeting the

needs of the public, newspaper editors considered it their responsibility to explain to their readers decisions made in Parliament, changes occurring in society, and, among other things, the workings of the criminal justice process. In order to explain to readers why children convicted of felonious killing offences were found guilty in a criminal court and why they had been sentenced to death, or to serve a particular term of imprisonment, newspapers printed the opinions of legal professionals in detail. Judges' summaries, the closing speeches of lawyers, and the testimonies of expert witnesses were often allocated a considerable amount of print space in articles covering murder trials of children. Newspapers utilised these authoritative voices to help their readers understand how children who killed should be treated in court and whether their youth should act as a mitigating factor or not.

The final two chapters of my thesis analyse in more detail the way in which nineteenth-century newspapers reported the news that a child had committed a felonious killing offence. Drawing on the work of historians and sociologists studying the roles newspapers play in defining different types of deviance, and the strategies used in the press to cope with these deviant behaviours, Chapters Five and Six will consider how murders committed by children were understood and explained in the past.<sup>68</sup>

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<sup>68</sup> Some academic studies written on the extent newspapers influence the perception of crime and the role of the press in defining deviant behaviours: M. Barker and J. Petley, *Ill Effects: The Media/Violence Debate* (London: Routledge, 1997); C. A. Casey, 'Common Misperceptions: The Press and Victorian Views of Crime', *Journal of Interdisciplinary History*, Vol. 41, No. 3 (2011), pp. 367-391; S. Chibnall, *Law-and-Order News: An Analysis of Crime Reporting in the British Press* (London: Tavistock Publications, 1977); S. Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (New York: St. Martin's Press, 1980); S. Cohen and J. Young, *The Manufacture of News: Social Problems, Deviance and the Mass Media* (London: Constable, 1973); S. D'Cruze, S. Walklate and S. Pegg, *Murder: Social and Historical Approaches to Understanding Murder and Murderers* (Oxford: Routledge, 2011); M. Foucault, *The Archaeology of Knowledge* (London: Tavistock Publications, 1972); R. Fowler, *Language in the News: Discourse and Ideology in the Press* (London: Routledge, 1991); Y. Jewkes, *Media and Crime* (London: Sage Publications, 2004); P. King, 'Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth- and Early-Nineteenth-Century London', *Continuity and Change*, Vol. 22, No. 1 (2007), pp. 73-112; M. Leps, *Apprehending the Criminal: The Production of Deviance in Nineteenth-Century Discourse* (Durham: Duke University Press, 1992); J. Rowbotham and K. Stevenson, *Behaving Badly: Social Panic and Moral Outrage – Victorian and Modern Parallels* (Hampshire: Ashgate, 2003); J. Rowbotham and K. Stevenson, *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage* (Columbus: Ohio State University Press, 2005); R. Sindall, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?* (Leicester: Leicester University Press,

Stanley Cohen has observed that, ‘the societal reaction to any sudden event, particularly if it is perceived as a dislocation of the social structure or a threat to cherished values, is an attempt to make sense of what happened.’<sup>69</sup> One of the most frequently asked questions when children are found guilty of committing manslaughter or wilful murder is, ‘why’. Why did a child decide to kill another human being and how was that child capable of committing such a serious offence? In Chapter Five I will show how these questions were answered in the nineteenth-century press. Newspapers turned to the opinions of lawyers, judges, medical professionals with expertise in child psychology, and the emerging field of criminology to understand why some children were able to commit wilful murder. Parents were blamed. Society was blamed. The pernicious effects of children’s literature were blamed. For some, children who killed were the products of a gradually degenerating society, representing a growing class of people who suffered from criminality as some form of mental disease. In Chapter Five I will argue that these explanations printed in newspapers provided readers with excuses to explain away murders committed by children. If the existence of these children could be understood in terms of factors that were beyond the child’s control, then the nature of childhood could be protected.

My final chapter considers how newspapers represented children found guilty of manslaughter and wilful murder. Were they presented as little devils, evil, and born bad, or as little angels, corrupted by the world around them? Both stereotypes were applied in the nineteenth-century press. In some newspapers children who killed were othered from society, presented as belonging to a separate criminal class and exhibiting patterns of behaviour that were described as monstrous. Other newspapers, however, turned to pre-existing narratives of

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1990); R. Sindall, ‘The London Garrotting Panics of 1856 and 1862’, *Social History*, Vol. 12, No. 3 (1987), pp. 351-359; P. Williams and J. Dickinson, ‘Fear of Crime: Read All About It? The Relationship Between Newspaper Crime Reporting and Fear of Crime’, *British Journal of Criminology*, Vol. 33, No. 1 (1993), pp. 33-56.

<sup>69</sup> Cohen, *Folk Devils and Moral Panics*, p. 49.



childhood that existed in the popular imagination to understand children who killed. Discourses surrounding the innocent child, the neglected child, the juvenile delinquent, and the moral imbecilic child were all used by newspapers in the construction of a type of child that was capable of committing murder. The American anthropologist Edward Sapir has noted that, ‘the birth of a new concept is invariably foreshadowed by a more or less strained or extended use of old linguistic material; the concept does not attain to individual and independent life until it has found a distinctive linguistic embodiment.’<sup>70</sup> I argue that nineteenth-century newspapers wanted to explain to their readers how it was possible for a child to commit murder. In order to do this they drew on a number of characteristics already associated with stereotypical types of children and thus formed a new type of child: the Boy Murderer. By the close of the nineteenth century most murders committed by children were explained in similar terms. Children found guilty of felonious killing offences were presented to be abnormal, the products of an industrial, urbanised society, and the victims of degenerate disease.

My thesis introduces children who kill to the histories of childhood and crime. Through an analysis of 230 cases where children were charged with felonious killing offences in England and Wales between 1816 and 1908 I show that murders were committed by children in the past, that these cases did excite press interest, and that they grabbed the attention of a sensation-hungry public, inspiring debates about criminal responsibility, the nature of childhood, and the present state of society. In 1861 the *London Standard* remarked that, ‘there is something for old and young to think about, something for statesmen to ponder upon, in the rare and exceptional trial of two little boys for murder.’<sup>71</sup> The same can be said for historians. Children who killed in the past might be a relatively rare phenomenon, but

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<sup>70</sup> E. Sapir cited in R. Fowler, *Language in the News: Discourse and Ideology in the Press* (London: Routledge, 1991), p. 28.

<sup>71</sup> ‘Untitled’, *London Standard*, Monday 12 August 1861.

these children questioned a number of core ideas that existed in the popular imagination.

How was such an ideological threat received and understood?

## Chapter One

### Introducing Children Who Kill to the History of Crime

In March 1893 the *Hampshire Advertiser* reported that, ‘the year is still young in weeks as yet, but it has produced the records of two cases of murder done by boys which are full of suggestive horror.’<sup>72</sup> The lengthy article provided readers with a comparative analysis of several murders that had been committed by children throughout the nineteenth century concluding that children who killed existed in society as a very real type of criminal child. In this chapter I will analyse the 230 felonious killing offences I have managed to locate that were committed by children in England and Wales between 1816 and 1908. What types of killing offences were children charged with in the nineteenth century? What methods of killing were used by these children? Who were their victims? First I will discuss cases of non-felonious killing done by children, those who were suspected of having caused the death of another human being but who were not prosecuted against. I will then focus my analysis on the crimes committed by children who were formally charged with the felonious killing offences of manslaughter and wilful murder. In analysing cases of children charged with these offences in comparison with scholarly work already done on crimes against the person committed in the nineteenth century I will consider where children who killed belong in the history of murder. The final part of this chapter will place children who were charged with felonious killing offences in nineteenth-century England and Wales alongside the ‘Juvenile Delinquent’ frequently discussed in historical studies of youth crime. Historians such as Jeannie Duckworth, Heather Shore, and Pamela Horn have argued that certain types of

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<sup>72</sup> ‘Boy Murderers’, *Hampshire Advertiser*, Wednesday 29 March 1893.

children committed crimes in the nineteenth century.<sup>73</sup> Youthful offenders tried in summary courts on charges of petty larceny and other misdemeanours tended to be male, working class and lived in overcrowded city districts. How similar were the social backgrounds of children who killed in nineteenth-century England and Wales? Where do these children belong in the history of youth crime?

### **Types of Killing Done By Children**

#### Non-Felonious Killing

When a child was suspected of having caused the death of another human being he would first be brought before a coroner's inquest. If the coroner believed that the death had been directly caused by the child the suspect would then be sent before magistrates at a police court who would, if they believed the child acted with felonious intent, formally charge the child with a felonious killing offence. However, not all children suspected of killing offences got to this stage. Coroners, for example, could rule that a death had not been directly caused by the accused. In Sheffield in 1888 fifteen-year-old Frederick Lait was brought before Deputy Coroner Mr B. Bagshaw under suspicion of having caused the death of a girl named Rebecca Evans. It was deposed that the two children had quarrelled and that Lait grabbed Evans, 'by the shoulders, pulled her backwards, and as she was falling he kicked her in the back.'<sup>74</sup> When the surgeon was called to give medical evidence at the inquest, however, he argued that violence had not been the immediate cause of death. According to the post mortem there were no external marks of violence on the body of the deceased and he concluded that the girl had, 'died from natural causes, and that the natural cause was a

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<sup>73</sup> J. Duckworth, *Fagin's Children: Criminal Children in Victorian England* (London: Hambledon, 2002); H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Suffolk: The Boydell Press, 1999); P. Horn, *Young Offenders: Juvenile Delinquency, 1700-2000* (Gloucestershire: Amberley Publishing, 2010).

<sup>74</sup> 'Sad Death of a Girl in Sheffield', *Sheffield Independent*, Thursday 4 October 1888.

fit...violence had nothing to do with it.’<sup>75</sup> In light of this evidence the coroner ruled that the girl had died as a result of ‘Natural Causes’ and, therefore, Frederick Lait was not charged with feloniously causing the death of Rebecca Evans.

The principal role of a coroner’s inquest was to establish the cause of any accidental, suspicious, violent or unnatural death. When a death had been caused by another human being coroner’s juries could issue verdicts of manslaughter and wilful murder. However, the degree of influence coroners had in the criminal justice process was hotly debated in the nineteenth century. Medical reformers such as Thomas Wakley argued that coroner’s inquests played a vital role in the administration of justice.<sup>76</sup> It was at these public hearings that a suspicious death was first investigated and where the persons suspected of causing that death were first charged. Magistrates, however, often undermined rulings made by coroners.<sup>77</sup> It was by magistrates at police court hearings where a person charged with causing the death of another human being was formally indicted for committing a felonious killing offence and sent to trial. In 1839 Thomas Wakley, then a coroner of Middlesex, was outraged when magistrates committed a gentleman named Mr Medhurst on a charge of manslaughter after a coroner’s jury had returned a verdict of wilful murder. In retaliation, having determined that the death of a fishmonger in Harefield had been caused by fifteen-year-old George Coker, Wakley charged the boy with murder and committed him to trial, bypassing the magisterial hearing that had been scheduled to be held at the local police court. This, however, was unacceptable behaviour according to nineteenth-century judicial procedure and Wakley was

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<sup>75</sup> ‘Sad Death of a Girl in Sheffield’, *Sheffield Independent*, Thursday 4 October 1888.

<sup>76</sup> I. A. Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1926* (Baltimore: John Hopkins University Press, 2000), p. 12.

<sup>77</sup> *Ibid*, p. 54.

brought before a Select Committee investigating the Office for Coroner for Middlesex in 1840 to explain his actions.<sup>78</sup>

Though coroners competed with magistrates for judicial authority throughout the early and mid-nineteenth century it was widely recognised that coroners played an important role in the initial stages of the criminal justice process. Coroners, for instance, could throw out cases where an individual had been accused of committing a felonious killing offence. If insufficient evidence could be found to prove that the actions of the accused had directly resulted in the death of the deceased, and medical experts had ascertained that the death had not been the result of natural causes, coroners could issue an ‘Open Verdict’. When the person accused of causing a death was a child they would then be dismissed from custody to the care of their parents. In 1862 fourteen-year-old George Sharrock was brought before the Deputy Coroner of Blackburn under suspicion of having killed a playmate by stabbing him with a pocket-knife during a fight. Few witnesses testified because the fight had occurred behind a hedge. Those who did provide evidence were unable to confirm which boy had been holding the knife at the time the fatal injury had been inflicted and, as a result, the coroner found no evidence to prove that the deceased had not died from accidentally stabbing himself by falling on his own knife. The coroner’s jury found an open verdict and Sharrock was released from custody without having to stand before magistrates at a police court hearing.<sup>79</sup> Similarly in 1860 Constance Kent, the daughter of a Wiltshire gentleman, was accused by Detective Inspector Jonathan Whicher of murdering her infant step-brother by cutting his throat with a knife. Kate Summerscale, in her account of the case, noted that Whicher based his accusation on a missing petticoat belonging to the sixteen-year-old girl.<sup>80</sup> He believed that

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<sup>78</sup> Anon, ‘Report from the Select Committee on the Office of Coroner for Middlesex’, *PP*, 1840.

<sup>79</sup> ‘Untitled’, *Manchester Courier and Lancashire General Advertiser*, Saturday 2 August 1862.

<sup>80</sup> K. Summerscale, *The Suspicions of Mr. Whicher, or The Murder at Road Hill House* (London: Bloomsbury Publishing, 2008), pp. 147-159.

Kent had worn this petticoat when she murdered the infant and disposed of it afterwards because it was covered in blood. However at an inquest it was considered that, ‘there is not one tittle of evidence against this young lady.’<sup>81</sup> She was therefore dismissed from the inquest and released without charge.<sup>82</sup>

Another verdict employed by coroners in order to classify non-felonious forms of killing was that of ‘Accidental Death’ or ‘Death from Misadventure’. Such verdicts were commonly used when a child had been placed under suspicion of causing the death of a friend or sibling as a result of fatal accidents in play. For example in 1874 a young boy was killed by two girls who had been playing on a swing. An article printed in the *Illustrated Police News* explained how, ‘the two girls were swinging on a cord that was fastened to a lamp-post. [The] deceased then came across the street unobserved to the place where they were swinging, and was knocked down by one of the girls and so severely injured that he died the next morning.’<sup>83</sup> Accompanying the article the newspaper printed an illustration titled ‘Fatal Accident to a Child’, emphasising the unintentional, and thus non-felonious, nature of the boy’s death (Figure One). The jury at the coroner’s inquest returned a verdict of ‘Accidental Death’ and the two girls were released without charge.

Accidental deaths involving children were not restricted to fatalities in recreational games. In 1858 George Spickett, a twelve-year-old agricultural labourer, killed his eighteen-year-old colleague on their way home from work after he swung a pitchfork over his shoulder. The deceased, William Potts, tripped and fell into the pitchfork. An article printed in *Lloyd’s Weekly Newspaper* reported how Potts had been found, ‘lying on the ground in a

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<sup>81</sup> Summerscale, *The Suspicions of Mr. Whicher*, p. 153.

<sup>82</sup> Constance Kent was found guilty of murdering her step-brother in 1865 when she confessed to the crime. She was sentenced to death but this sentence was commuted to life imprisonment.

<sup>83</sup> ‘Fatal Accident to a Child’, *Illustrated Police News*, Saturday 9 May 1874.

### Figure One

**'Fatal Accident to a Child', *Illustrated Police News*, Saturday 9 May 1874**



state of insensibility, with one of his eyes out of his socket and lying on the cheek.’<sup>84</sup> It continued, ‘the fork is a blunt one, and therefore considerable force must have been used to have thrust it as far as the brain of the deceased’, the journalist suggesting that Spickett had intended to harm the young man.<sup>85</sup> It was determined at the inquest, however, that William Potts had died as a result of having fallen on the prong of the pitchfork rather than by any planned malicious attack by the accused. As a result Spickett was released from custody and the coroner’s jury returned a verdict of ‘Accidental Death’.

When particularly young children were brought before an inquest on suspicion of causing the death of another human being a special verdict could be employed by coroners. It was ruled that the child had ‘Killed and Slayed, but Not Feloniously’. According to the

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<sup>84</sup> ‘A Boy Killed By Another’, *Lloyd’s Weekly Newspaper*, Sunday 15 August 1858.

<sup>85</sup> *Ibid.*



presumption of *doli incapax* (incapable of causing harm) in nineteenth-century criminal law, children under the age of seven could not be found guilty of committing a felony because it was considered that very young children were incapable of understanding the difference between right and wrong. Therefore, even if it was proven that a child under the age of seven had deliberately caused the death of another human being the child could not be charged with a felonious killing offence. In 1869 three-year-old Robert Grieveson, the son of a pig farmer, was brought before a coroner's inquest into the death of five-year-old John Ervington. The *Worcestershire Chronicle* reported how the younger boy had, 'said, "Let us play at killing pigs." Ervington said, "Yes, and I'll be the pig." Grieveson then took up a small hammer and struck his little playmate on the back of the head and on the forehead.'<sup>86</sup> Another three-year-old boy killed his sister in 1886 when he threw a brick at her in a fight and in 1882 two-year-old Alfred Burdett appeared before a coroner's inquest on suspicion of maliciously killing another infant by forcefully throwing the child to the ground.<sup>87</sup> Although it was ruled by coroner's juries that these boys had caused the deaths in question, their extreme youth determined that these killings could not be felonious.

It is clear, therefore, that not all children who killed in the nineteenth century were charged with felonious killing offences. If a coroner found insufficient evidence to prove that a death had been directly caused by a child, or if it could be proven that the death had been the result of an accident, a verdict of non-felonious killing would be issued and the child accused of causing the death would be released to the care of his parents. However, if the coroner, and magistrates presiding in a police court, ruled that a child had feloniously caused the death of another human being that child would then be formally charged with a felonious killing offence and an indictment would be drawn-up for the consideration of a Grand Jury. If

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<sup>86</sup> 'A Child Killed By Another in Play', *Worcestershire Chronicle*, Wednesday 17 February 1869.

<sup>87</sup> 'Charge of Murder Against a Boy', *Morning Post*, Wednesday 18 August 1886; 'Extraordinary Case of Child Killing', *Manchester Evening News*, Wednesday 24 May 1882.

a ‘true bill’ was found by the Grand Jury the case would then be tried before a judge and jury at the assizes. It is to these cases that I now turn. First I will consider cases of children who were charged with manslaughter between 1816 and 1908. By focusing on the crime, rather than on the character of the criminal, I will analyse the types of manslaughter that were committed by children aged sixteen and under. I will then turn to an analysis of those children who were charged with the more serious felonious killing offence of wilful murder. How similar were these crimes to those committed by adults, and who were the victims of children who murdered in the nineteenth century?

### Manslaughter

Of the 230 children I have identified who were charged with felonious killing offences in nineteenth-century England and Wales, 134 were charged with manslaughter (Table One). James FitzJames Stephen, an eminent Victorian lawyer, defined manslaughter in his *A General View of the Criminal Law of England* (1863) as a felonious killing offence that had been committed, ‘without any intention to kill or hurt’, the deceased.<sup>88</sup> The line drawn between accidental killing, which was not felonious, and manslaughter, however, was a fine one. For example in 1856 nine-year-old Stephen Crewe killed a young boy when he and his friends had been tormenting the child by throwing handfuls of dirt at him. Crewe picked up a stone amongst the dirt, threw it at the boy, and killed him. Although the coroner’s jury thought Crewe should be charged with manslaughter, magistrates at the police court hearing determined that the stone had been thrown accidentally. Crewe had not intended to kill or cause harm to anyone and therefore he had not committed a felonious offence. The charge was dropped and the boy was released from custody.<sup>89</sup>

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<sup>88</sup> J. FitzJames Stephen, *A General View of the Criminal Law of England* (London: Macmillan and Co, 1863), p. 129.

<sup>89</sup> ‘A Child Killed By Another’, *Falkirk Herald*, Thursday 18 September 1856.

**Table One**

**The Number of Children Charged With, Indicted For, and Convicted of Felonious Killing Offences in England and Wales, 1816-1908**

<b>Stage of Criminal Justice Process</b>	<b>Manslaughter</b>	<b>Wilful Murder</b>	<b>Total</b>
<b>Charged with ... (by Coroner's Jury and / or Magistrates at a Police Court Hearing)</b>	134	96	230
<b>Indicted for... (by Magistrates at a Police Court Hearing)</b>	117	92	209
<b>Convicted of ... (by a Judge at the Assizes)</b>	50	26	76

What determined whether a death caused by an individual acting without any intention to cause harm should be regarded as accidental or as a felonious killing offence? There existed no comprehensive criminal code in the nineteenth century that defined the various forms of killing listed in homicide law. John Bucknill, a nineteenth-century alienist and mental health reformer, attempted to explain the term 'manslaughter' to medical colleagues in his *Address on the Law of Murder in its Medical Aspects*. He noted that, 'the law of homicide is not to be found in books or statutes, but in a kind of oral tradition and

understanding among lawyers which is only to be acquired by practice.’<sup>90</sup> He admitted defeat and concluded that, ‘to any but practising lawyers it is impossible to declare what the law of homicide is.’<sup>91</sup> A number of factors influenced magistrates in their decision to indict those who had killed another human being without intent. These included the previous character of the defendant, the comparative social status of the deceased, and the circumstances in which the killing took place. In her study of the criminal justice system of Victorian Kent Carolyn Conley notes that manslaughter was very loosely defined by magistrates.<sup>92</sup> Though two men might have committed very similar killing offences it did not follow that both would be sent to trial.

In 1874, however, James FitzJames Stephen sought to clarify homicide law. He was concerned that confusion surrounding the definitions of, and the distinctions made between, felonious and non-felonious killing offences was having a detrimental effect on the administration of justice. He revised his 1863 definition of manslaughter and explained that manslaughter was not just a killing done without any intention to kill or hurt. Rather manslaughter was when, ‘without meaning to kill a man, or to do him any great harm, you do nevertheless mean to hurt him, and do kill him’, or, ‘you do not take proper care, or employ proper skill, and cause death in that way.’<sup>93</sup> Therefore a person suspected of killing another without any intention to kill or cause serious injury but who did, nonetheless, intend to hurt the deceased could be charged with manslaughter. It is likely that had magistrates known about, and acted according to, Stephen’s redefinition of manslaughter in 1856 Stephen

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<sup>90</sup> J. C. Bucknill, *An Address on the Law of Murder in its Medical Aspects; Read to an Audience of Medical Men Assembled at the West Riding Asylum* (London, 1874), p. 2.

<sup>91</sup> *Ibid.*

<sup>92</sup> C. A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford: Oxford University Press, 1991), p. vii.

<sup>93</sup> J. FitzJames Stephen cited in Bucknill, *An Address on the Law of Murder in its Medical Aspects*, p. 4.

Crewe, having killed another boy in the process of pelting him with dirt, would have been charged with manslaughter and committed to trial.

So what types of killing done by children in nineteenth-century England and Wales were classified as manslaughter by coroner's juries and magistrates? The 134 children included in my study who were charged with manslaughter between 1816 and 1908 committed a wide range of killing offences. These can be divided into three groups; deaths resulting from gross negligence, fatalities in play, and children who killed during fights.

According to James FitzJames Stephen criminal negligence involved, 'the causing of bodily harm by misconduct or neglect.'<sup>94</sup> He maintained that, 'these offences are not often prosecuted...unless death is caused by it.'<sup>95</sup> Of the children charged with manslaughter by coroners and magistrates at police court hearings eleven were accused of causing death as a result of criminal negligence. All of these were deaths caused by the dangerous driving of horse-drawn vehicles. With increasing levels of traffic in towns and cities during the nineteenth century attempts were made to regulate the driving of horse-drawn carts, buses and lorries. These included limitations on how fast a horse could travel (about 10mph). Though there was no sure method to measure the speed of a horse, those found guilty of dangerous driving were imposed with fines and when a death had been caused as a result of a person's misconduct on the road that person could be charged with manslaughter, facing a lengthy sentence in prison. In 1862 fourteen-year-old Thomas Lodge was tried at the Central Criminal Court for the manslaughter of a little girl named Emily Best. She had been found lying on the kerb of a busy street in Lambeth. Investigations into the child's death soon led to Lodge who had been in charge of a cart whilst on an errand for his employer. The boy claimed that he had been driving very slowly but admitted that he had been tired. Police-

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<sup>94</sup> FitzJames Stephen, *A General View of the Criminal Law of England*, p. 126.

<sup>95</sup> *Ibid.*

Sergeant William Oakes deposed that he, ‘thought it very wrong on his part to be driving’, stating that the boy should be punished for his negligence.<sup>96</sup> Similarly in 1860 fifteen-year-old Thomas Barnard was charged with manslaughter after he ran down a pedestrian with his horse-drawn lorry as he was rushing through traffic to meet an appointment. The boy maintained that he had not intended to exceed the speed limit imposed on horse-drawn vehicles and that he had momentarily lost control of his horse. A policeman named William Baker, however, testified to the falsehood of the boy’s claim and noted that, ‘this horse don’t look like a run-away horse. I could not get him beyond a walk.’<sup>97</sup> Barnard was found guilty of feloniously causing death through dangerous driving and was sentenced to be confined for two years.

The majority of children who were charged with manslaughter in nineteenth-century England and Wales killed siblings or playmates as a result of misadventures in play. In 1848, for instance, fourteen-year-old John Rock was charged with manslaughter after he playfully pushed his friend into a canal.<sup>98</sup> The boy could not swim and he drowned. In 1892 William Puxley, a nine-year-old Colchester schoolboy, killed his friend after he smashed his school slate over the child’s head.<sup>99</sup> This had been done in jest but magistrates at the police court hearing considered that Puxley had dealt the blow with the intention of causing harm to the deceased and therefore charged him with manslaughter.

The most common way children killed in the process of playing games was through the use of missiles. There were many different objects thrown by children that resulted in the death of siblings and playmates (Table Two). These included objects found around the

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<sup>96</sup> ‘John Rickerby and Thomas Lodge’, *OBP*, 27 October 1862.

<sup>97</sup> ‘Thomas Barnard’, *OBP*, 27 February 1860.

<sup>98</sup> ‘Untitled’, *Exeter Flying Post*, Thursday 24 February 1848.

<sup>99</sup> ‘Manslaughter By a Boy at Colchester’, *Illustrated Police News*, Saturday 14 January 1893.

**Table Two**

**Methods of Killing by Children Charged with Manslaughter, 1816-1908**

<b>Form of Manslaughter (by number)</b>	<b>Method of Killing (by number)</b>	<b>Instruments and Weapons (by number)</b>	
Gross Negligence (11)	Dangerous Driving (11)	Cart (7)	
		Lorry (3)	
		Horse (1)	
Misadventure in Play (48)	Missiles (33)	Stone (18)	
		Chisel (4)	
		Stick (3)	
		Iron Poker (2)	
		Rake (1)	
		Pitchfork (1)	
		School Slate (1)	
		Barrel and Back Roller (1)	
		Scissors (1)	
		Potato (1)	
	Firearms (10)	Pistol (10)	
	Other (5)		Pushing into Canal (2)
			Pushing into a Vat of Boiling Dye (1)
			Fire (1)
Swing (1)			
Fights (44)	Without Weapons (34)	Blows (24)	
		Kicks (10)	
	With Weapons (10)	Knife (9)	
		Pistol (1)	
Other (31)	Unknown (31)		

workplace, such as pokers and chisels, and in the home like rakes, scissors, and even a potato. In 1892 Frederick Davies, the eleven-year-old son of a farmer, killed his sibling when a potato he had thrown hit them on the head.<sup>100</sup> He was charged with manslaughter but was found not guilty at the Manchester Assizes. The most common form of missile thrown by children charged with manslaughter in the nineteenth century were stones. In a letter written to a mother of two sons studying at Harrow in 1824, J. W. Cunningham wrote that, ‘stone throwing is a part of the original sin of boys.’<sup>101</sup> Readily available to all children regardless of class or geographic location stones were used in numerous street games such as ‘Five Stones’ and ‘Knock Down Ginger’, where children would either knock on, or throw stones at, a door of a stranger’s house and run away before their call was answered. Deaths occurred when stones were thrown at playmates. For instance in 1885 fifteen-year-old Ernest William Burnham was charged with manslaughter whilst holidaying with his family in Nottinghamshire. He threw a stone at his friend in frustration after losing at a game of cricket. The stone struck his friend on the temple, rendering him insensible, and he died soon after.<sup>102</sup>

Of the 134 children I have identified who were charged with manslaughter in nineteenth-century England and Wales 25% killed through the use of kicks or blows in fights. These quarrels tended to occur within friendship groups, between playmates in poor urban neighbourhoods. In Bermondsey, in 1846, a boy named William Robinson Waterhouse died from wounds he suffered in a fight. The surgeon who conducted the post mortem reported that, ‘the liver was inflamed to a very great extent, the entrails were glued together by the result of the inflammation...[and] there was a lacerated wound about the extent of an inch

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<sup>100</sup> ‘A Girl Murdered By a Boy’, *Manchester Evening News*, Monday 31 October 1892.

<sup>101</sup> Norfolk Record Office, Norwich, UPC 111/8, Letters to Charlotte from J. W. Cunningham at Harrow Concerning Harry’s and Later Abbot’s Progress at Harrow, 1824.

<sup>102</sup> ‘A Child Killed By a Boy’, *Manchester Evening News*, Wednesday 5 August 1885.



and a half on the left side of the liver, near the end, just emerging from the lower rib.’<sup>103</sup> He concluded that there was, ‘no doubt it might be done by a blow, by some external violence.’<sup>104</sup> Robert Thorpe, a sixteen-year-old boy, was charged with manslaughter. He had quarrelled with Waterhouse on the way home from school and hit the boy in the stomach. The two boys were not enemies, however. They did not belong in rival gangs, nor did they tend to harbour ill will against one another. William Waterhouse, the father of the deceased, told members of the jury at the Old Bailey how he despaired at the news that his son had died as a result of injuries inflicted upon him by Thorpe: ‘this boy had been on very friendly and intimate terms with my boy and for anything I know they always appeared good friends.’<sup>105</sup> The boys’ schoolteacher also testified to their friendship and told members of the jury how the dying boy had forgiven his friend on his deathbed, maintaining that, ‘oh, no, *Bobby* did not mean to hit me.’<sup>106</sup> Robert Thorpe was found guilty of manslaughter but the jury recommended him to mercy and he was sentenced to be confined in Newgate Gaol for six months.

Though at least 134 children were charged with manslaughter in nineteenth-century England and Wales just 117 were formally indicted for that crime and only 50 were found guilty of manslaughter in court. The majority of children convicted of manslaughter were those who killed using weapons in street fights and in quarrels. Carolyn Conley has noted that harsher penalties for deaths caused in brawls were issued in Victorian Kent if weapons had been used.<sup>107</sup> Between 1859 and 1880 just 36% of people charged with causing deaths by

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<sup>103</sup> ‘Robert Thorpe’, *OBP*, 23 February 1846.

<sup>104</sup> *Ibid.*

<sup>105</sup> ‘Robert Thorpe’, *OBP*, 23 February 1846.

<sup>106</sup> *Ibid.*

<sup>107</sup> Conley, *The Unwritten Law*, p. 49.

blows in Kent were convicted, sentenced to no more than two to five years' imprisonment.<sup>108</sup> When a weapon was used, however, the conviction rates increased. Almost 70% of those charged with stabbing a person to death in a fight were found guilty of a felonious killing offence, receiving prison sentences of five years and above.<sup>109</sup> Children convicted of manslaughter who killed through the use of weapons in fights were also subjected to harsh punishments. In 1844, for example, sixteen-year-old James Gleaves was sentenced to be transported for ten years after he mortally stabbed his brother during a fight in their family home.<sup>110</sup> The use of a knife suggested that Gleaves had attacked his brother with the intention of causing serious harm. Though it could not be sufficiently proven whether the boy had wanted to kill his brother, such proof would have increased the charge from one of manslaughter to wilful murder, he had been found responsible for causing his brother's death and for choosing to pick up a knife in the hope that it would assist him in the fight.

Children charged with manslaughter committed multiple types of felonious killing offences varying from criminal negligence to causing deaths in brawls with, and without, the use of weapons. So who were these children, and whom did they kill? The majority of children charged with manslaughter in nineteenth-century England and Wales were boys, aged between seven and sixteen. I have located just four girls who were charged with manslaughter between 1816 and 1908, of whom only two were convicted. Johanna Murphy, aged sixteen, received six months' imprisonment in 1834 for killing a youth in a street skirmish and in 1863 thirteen-year-old Jane Helen Hodgson was imprisoned for one day for killing her baby brother when she hit him on the head.<sup>111</sup> The victims of children charged with manslaughter in the nineteenth century also tended to be boys under the age of sixteen.

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<sup>108</sup> Conley, *The Unwritten Law*, p. 52.

<sup>109</sup> Ibid.

<sup>110</sup> NA, HO 9/13, Letter Book for the *Justitia* Convict Hulk, 1837-1844.

<sup>111</sup> For more on the sentences received by children convicted of felonious killing offences see Chapter Four.

Almost 80% of victims were children of, or near, the same age as those charged with causing their death. The majority of children charged with manslaughter killed whilst playing childhood games or in quarrels between friends. It is not surprising, then, that children constituted the greater number of victims.

### Wilful Murder

For a homicide to be classified as wilful murder it had to be proven in a court of law that the defendant had maliciously intended to kill, or grievously wound, the deceased. Sir William Blackstone, in his *Commentaries on the Laws of England* (1765), wrote that, ‘in all cases’, of suspected murder, ‘the evidence of that malice...ought to be strong and clear beyond all doubt and contradiction.’<sup>112</sup> However throughout the course of the nineteenth century the definition of what constituted ‘malice’ came under question. The degree of malicious intent was not easily proven in court and it was feared that many murderers were escaping justice as a result. Lawyers and judges, such as James FitzJames Stephen, Baron Bramwell, and Justice Blackburn, sought to re-define homicide law by introducing different degrees of murder. Stephen explained his reasons for proposing such a radical shift towards the American definition of wilful murder to a select committee on the Homicide Law Amendment Act in 1874. He claimed that the introduction of degrees of murder, and dropping the term ‘malice’, would, ‘prevent the confusion often created in the minds of jurors by an appeal to the doctrine that murder cannot be without malice aforethought.’<sup>113</sup> Nonetheless British homicide law remained unchanged until the 1950s. Malice aforethought and intent were key terms on the lips of lawyers, and the decision on whether a defendant exhibited them prior to committing a killing offence remained at the discretion of a judge and

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<sup>112</sup> W. Blackstone, *Commentaries on the Laws of England: Volume IV* (London: Murray, 1857), p. 19.

<sup>113</sup> FitzJames Stephen cited in Bucknill, *An Address on the Law of Murder in its Medical Aspects*, p. 3.

jury. So what types of killing done by children were classified as wilful murder? How did they kill, and who were their victims?

Of the 230 children I have located who were charged with felonious killing offences in nineteenth-century England and Wales, 96 were charged with wilful murder.<sup>114</sup> Just 26 of these were found guilty (Table One). Those not convicted of wilful murder at the assizes were either acquitted or charged with a lesser felonious offence; six were found guilty of assault, four of attempted murder, and 30 of manslaughter. It is clear that there was some confusion over the definition of murder. Killings that had been determined by coroner's juries and magistrates in police courts to be the result of an act of wilful murder were often reduced to the lesser felonious killing offence of manslaughter at the assizes. Martin Wiener suggests that there was an increasing reluctance to convict perpetrators of homicide for murder in the nineteenth century because of growing discomfort with the death penalty.<sup>115</sup> Jurors, recognising that they held the life of a man, or child, in their hands, were fearful about making a wrongful conviction and preferred the lesser verdict of manslaughter. It is possible that this hesitation to convict would be especially strong when the criminal in the dock was a child.<sup>116</sup> However, for the majority of cases I have researched, fear of wrongful conviction does not explain why some children indicted for wilful murder were found guilty of manslaughter at the assizes. Rather, this decision tended to be reasoned and followed the letter of the law. It lay in the uncertain boundaries between the definitions of manslaughter and wilful murder, namely in proving malicious intent.

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<sup>114</sup> Not including cases of infanticide.

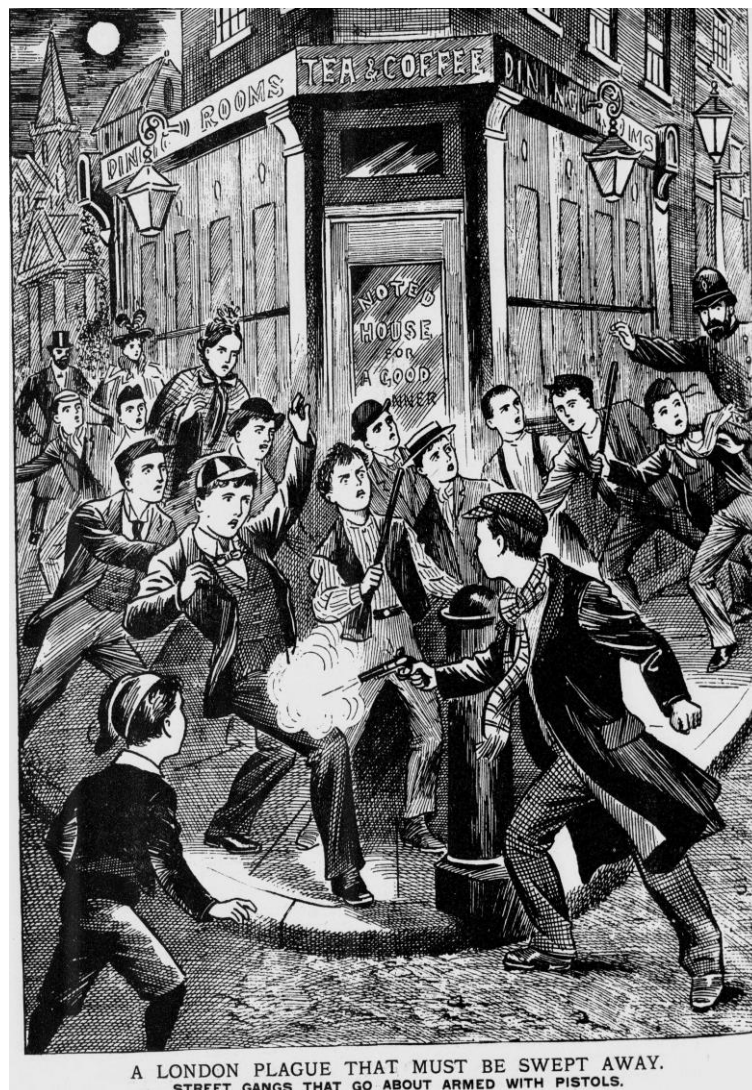
<sup>115</sup> M. J. Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (Cambridge: Cambridge University Press, 2004), p. 26.

<sup>116</sup> Refer to Chapters Three and Four for more detailed discussion on the extent that youth affected the treatment of children in the nineteenth-century criminal justice system.

A murder charge would most likely be reduced to one of manslaughter if a child had killed through the use of firearms. Of the fifteen children who killed using pistols, rifles or revolvers, ten were charged with manslaughter and five with wilful murder. The indictments of these five cases, however, were each reviewed by a Grand Jury and just three proceeded to court where one child was found guilty of murder and the other two were convicted of manslaughter, each receiving prison sentences of under a year. Guns were cheap and readily

### Figure Two

‘A London Plague That Must Be Swept Away’, *Illustrated Police News*,  
Saturday 13 November 1897.



available to people in the nineteenth century, irrespective of age, and concerns over the use of firearms by children were frequently raised in the media. In 1897 the *Illustrated Police News* printed a sensational article accompanied by an image showing the potential dangers of allowing children to play with guns (Figure Two). Headlined ‘A London Plague That Must Be Swept Away’ the newspaper depicted a scene of anarchy as armed boys fought one another outside a respectable coffee house, the nearby adults and policeman unable to stop them. However it was not until the late nineteenth and early twentieth century that licensing laws were enforced. A bill introduced into Parliament in 1893 to prevent the carrying of pistols by children was overturned as a result of opposition expressed by Mr Charles Hopwood, Recorder of Liverpool. In response to this Sir William Vernon Harcourt was reported to have sarcastically congratulated Mr Hopwood on, ‘his triumphant vindication of the right of free shooting, at all ages.’<sup>117</sup>

A consequence of the cheap and ready availability of firearms was that many of the guns that made their way into the hands of children were often old and damaged. These weapons were likely to discharge their powder without warning and judges and members of juries recognised this. In 1866 sixteen-year-old George Warwick was tried at the Warwick Assizes for having shot and murdered a youth who worked in his father’s workshop. James FitzJames Stephen defended the boy and much detail was gone into on the condition of the gun. The lawyer called attention to the fact, ‘that it was utterly impossible, owing to the trigger being broken, to fix the pistol at full cock, whilst by accidentally striking back the lock it would fall upon the nipple with sufficient force to explode the charge’, and noted, ‘that the prisoner, just before the explosion of the pistol, was rubbing it with his sleeve.’<sup>118</sup> Stephen showed that the crime could not be one of wilful murder for the trigger had gone off

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<sup>117</sup> Sir W. V. Harcourt, ‘Juvenile Offenders: Reports Based on an Inquiry Instituted by the Committee of the Howard Association’, *PP*, 1898.

<sup>118</sup> ‘Alleged Murder in St. Mark’s Street’, *Birmingham Gazette*, Saturday 14 July 1866.

accidentally. There was no evidence of malicious intent. Warwick was found to be guilty of manslaughter, having killed without intending to cause the death of the deceased, and was sentenced to be imprisoned for ten months.

Likewise there was often a degree of confusion in determining whether deaths resulting from fights amounted to wilful murder or manslaughter. In 1839 fifteen-year-old George Coker was charged with wilful murder after he stabbed a fishmonger to death in the market town of Harefield in Middlesex.<sup>119</sup> A coroner's jury considered Coker to be guilty of murdering the twenty-three-year-old man with malicious intent, stating that the boy had taken offence at the price he had been charged for some salmon. However Coker was found guilty of manslaughter at the Old Bailey, not murder. Intent to kill could not be sufficiently proven. The defence argued that Coker had engaged in a fight with the fishmonger, both dealing blows, and that the single knife wound had been dealt with the intention to harm, not kill. Similarly in 1873 John Joyce, a thirteen-year-old schoolboy, was charged with wilfully murdering fifteen-year-old John Kirkham after he stabbed the boy during a fight in Birmingham.<sup>120</sup> A jury presiding at the Warwick Assizes could find no evidence to prove that the stabbing had been committed with the intention to kill, and not just to wound. Joyce was therefore found guilty of manslaughter and received just one month's imprisonment. It is clear, then, that just as there existed a fine line between manslaughter and accidental death, the boundaries between manslaughter and wilful murder were also blurred.

So what types of killing committed by children were classified as crimes of wilful murder in nineteenth-century England and Wales? Who were the victims of these children and how do their crimes compare to those of adults charged with, and convicted of, murder?

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<sup>119</sup> 'The Late Murder By a Boy, at Harefield', *The Times*, Friday 9 August 1839.

<sup>120</sup> 'Fatal Fight Between Two Boys', *Bradford Observer*, Friday 27 June 1873.

The majority of children who were charged with wilful murder between 1816 and 1908 were male. Just 21% were girls. The types of killing offences committed by boys charged with murder can be roughly divided into three groups; boys who killed as the result of inter-gang rivalries or in street fights, boys who murdered friends or workmates, and boys who killed family members at home. Deaths that occurred as a result of youth involvement in gang warfare represent nearly a third of all murders committed by boys. Feuds between male youths in working-class urban districts are nothing new. In the nineteenth century the neighbourhoods surrounding the Ancoats district of Manchester were populated by a number of rival bands of youths known as scuttlers. Alexander Devine, a police-court reporter for the *Manchester Guardian*, explained in 1880 how, ‘lads, usually between the ages of fourteen and eighteen’, fought one another with various hand-crafted weapons.<sup>121</sup> These included, ‘old cutlasses, pokers, pieces of strap having iron bolts affixed to the end, the tops of stone “pop” bottles fastened at the end of a piece of string and used for whirling around the head, specially made pieces of iron...knives, and loaded sticks.’<sup>122</sup> In 1892 William Willan, a sixteen-year-old scuttler, was sentenced to death by Mr Justice Collins at the Lancaster Assizes after he was found guilty of wilfully murdering rival gang member Peter Kennedy. Having purchased a knife from another boy and verbally expressing his intention to, ‘dose the lad’, Willan, ‘waited for Kennedy...and when he met Kennedy he went up to Kennedy and stabbed him from behind violently in the back.’<sup>123</sup>

Violent gangs of youths were not just a feature of the overcrowded streets of Manchester. Liverpool had the High Rippers and in London, to name just a few, there was the

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<sup>121</sup> A. Devine cited in A. Davies, *The Gangs of Manchester: The Story of the Scuttlers, Britain’s First Youth Cult* (Berkshire: Milo Books, 2008), p. 16.

<sup>122</sup> Devine cited in G. Pearson, *Hooligan: A History of Respectable Fears* (London: The MacMillan Press, 1983), p. 102.

<sup>123</sup> ‘Manchester Assizes: The Charge of Murder Against Manchester Scuttlers’, *Manchester Evening News*, Friday 20 May 1892.



Clerkenwell Pistol Gang, the Tiger Bay Lads of Bow and the Bowry Boys of Poplar. In 1883 four fifteen-year-old boys were convicted of murdering a fourteen-year-old boy in Liverpool. They had chased the member of a rival gang down a street and, having cornered him, they kicked the boy to death. A similar event occurred in 1875 near Spitalfields Market in East London. Two bands of youths clashed outside a public house opposite the newly built Liverpool Street Station.<sup>124</sup> There were many injuries, the boys fighting with weapons and bottle ends they had found on the floor. One boy died from a stab wound he received to his abdomen and, following a lengthy police investigation, a sixteen-year-old boy appeared before the Central Criminal Court charged with wilful murder. He was found guilty and served a ten-year sentence of penal servitude for his crime. Children who killed as a result of gang warfare were more likely to be found guilty of committing wilful murder than other children who killed siblings and playmates in fights. Malicious intent to kill was more easily proven. Youths who belonged in gangs killed other youths they deemed arch-enemies rather than school friends they had temporarily fallen-out with.

Victims of murder in cases of gang warfare were often of similar ages to those who committed the crime. There were some exceptions, however. In 1888 a group of boys belonging to the Fitzroy Place Lads in London sought revenge against a rival gang after a girl from their neighbourhood was punched in the eye. They marched through alleys and courts in search of a member of the Lisson Grove Boys until they reached Regent's Park. Here they found Joseph Rumbold, a young man unconnected with any gang. George Galletly, the leader of the group of young vigilantes, thought otherwise and stabbed the innocent man who later died from his injuries.<sup>125</sup> Similarly in 1876 John Pennington, a middle-aged tin-plate worker

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<sup>124</sup> London's Liverpool Street Station opened in 1874. The public house mentioned above was called *Dirty Dicks* and is still open for business today.

<sup>125</sup> 'George Galletly, Peter Lee, William Joseph Graefe, William Henshaw, Charles Henry Govier, Francis Cole, William Elvis, Michael Doolan', *OBP*, 30 July 1888.

from Manchester, was stabbed to death when he intervened in a fight between a group of youths. Thomas Ryan, aged fifteen, and John Calligan, aged sixteen, were charged with the man's murder. Calligan was found guilty and sentenced to death.<sup>126</sup>

The victims of boys who were charged with wilful murder as a result of quarrels that occurred in the workplace also tended to be boys themselves. They were young and of a similar socio-economic status as their killers. Murders committed by boys in the workplace often resulted from fights. One boy killed his colleague by hitting him over the head with a lump of wood, another killed a boy in a fight by repetitively kicking him in the head, and three boys killed by deliberately throwing hatchets at workmates who had annoyed them. The boy who killed his colleague with a lump of wood did so because the deceased had been bullying him. It was no accident. The make-shift weapon had not been thrown in jest. It had been used with the intention to kill or grievously harm the deceased. It is not surprising that the majority of felonious killing offences committed by boys were against other boys their own age and occurred in public spaces or areas of industry. Murders committed in 'public', or rather non-domestic, spaces have been described as a particularly male type of crime. David Taylor has argued in his study of nineteenth-century crime, policing, and punishment that most murders committed by adult men occurred as a result of fights with other men in the workplace or in other spaces traditionally associated with masculinity, such as public houses.<sup>127</sup> According to Peter King over 40% of murders recorded at the Old Bailey in the late eighteenth and early nineteenth centuries arose from fights between adult men in pubs.<sup>128</sup> Working-class boys were expected to contribute to the family wage and spent most of their

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<sup>126</sup> This was later commuted to a life sentence of penal servitude.

<sup>127</sup> D. Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Hampshire: Palgrave Macmillan, 1998), p. 29.

<sup>128</sup> P. King, 'The Impact of Urbanization on Murder Rates and on the Geography of Homicide in England and Wales, 1780-1850', *The Historical Journal*, Vol. 53, No. 3 (2010), p. 693.

day at work. At the end of the day they would join their adult colleagues in the public house for a drink, roaming the streets and larking around. A witness at the murder trial of fifteen-year-old John Gough explained in 1835 how he and Gough planned the crime in the *Painter's Arms* and that after Gough committed the murder they, 'returned to the house and had another pint of ale.'<sup>129</sup> Just as adult men were likely to kill their peers in the workplace and in fights, the same can be said for boys.

The third type of killing carried out by boys who were charged with, and convicted of, wilful murder, however, resembled more the forms of killing traditionally associated with women; those committed in domestic environments and those done by feloniously administering poison. In 1895 two brothers named Robert Allen Coombes and Nathaniel George Coombes, aged thirteen and twelve, were charged with the wilful murder of their mother. Robert had stabbed his mother to death whilst she slept. Nathaniel then helped his brother to conceal the crime. An image printed on the front page of the *Illustrated Police News* depicted the murder and the events leading up to the discovery of the woman's body almost three weeks later (Figure Three). The murder by the boys was clearly presented as a domestic killing. Robert is shown stabbing his mother in the front bedroom of 33 Cave Road in Plaistow, London. The domesticity of the crime is then further emphasised by a sketch of the family home in the upper right-hand corner of the illustration.

Judith Knelman, in her study of the treatment of murderesses in the nineteenth-century press, has shown that women were more likely to commit murders in 'private' or domestic settings.<sup>130</sup> They tended to kill infants and children at home. Though murders committed by boys in domestic environments might be compared with the types of felonious

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<sup>129</sup> 'Adjourned Inquest of the Late Mr. Painter', *Birmingham Gazette*, Monday 16 March 1835.

<sup>130</sup> J. Knelman, *Twisting in the Wind: The Murderess and the English Press* (Toronto: University of Toronto Press, 1998), p. 3.

Figure Three

**‘Boys Murder Their Mother: Revolting Crime at Plaistow – Shocking Details’,**  
*Illustrated Police News*, Saturday 27 July 1895.



killing offences associated with women, their victims were very different. Victims of domestic murders committed by boys were more likely to be adults than infants and children their own age. I have located 28 murder cases in England and Wales from 1816 to 1908 where adults were killed by children. Of these three were cases of patricide, children who killed their fathers, and five of matricide, the killing of a mother. The extent that children were physically capable of killing adults was keenly debated in these murder trials. How was it possible for a child to kill someone considerably larger and stronger than themselves? At the murder trial of thirteen-year-old James Driscoll in 1857 a surgeon named Cornelius

Edwin Garman maintained that children could kill adults, especially if they used some sort of weapon. When questioned as to whether Driscoll could have caused the fatal injuries of his victim Garman replied, 'I think a little boy like the prisoner could have inflicted such a wound.'<sup>131</sup> All of the cases of parricide committed by children in nineteenth-century England and Wales were committed using a weapon rather than by blows or physical might.<sup>132</sup> Robert Allen Coombes used a knife he had purchased from a pawn shop the week before and waited until his mother was asleep until he murdered her.

Poison was also used by children to kill adults, both relatives and the masters for whom they worked. In 1838 Samuel Kirkby, a fifteen-year-old apprentice, placed a small amount of arsenic in his master's tea-kettle, angry at having been chastised by the man. As a result of his actions the man, John Bruce, died and two female servants fell seriously ill.<sup>133</sup> According to Knelman, poison was a method of killing largely associated with women in the nineteenth century and that arsenic was most commonly used.<sup>134</sup> This poison was widely used to kill rats, and could be purchased from pharmacies and other shops frequented by women and children without raising much suspicion. The Sale of Arsenic Act in 1851, however, required the person purchasing the poison to provide proof of identification and for vendors to be registered. Nevertheless, in 1882 an article published in *Macmillan's Magazine* suggested that children could still purchase lethal substances from merchants, 'without hesitation or inquiry of any kind.'<sup>135</sup> In a social experiment the author of the article sent an

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<sup>131</sup> 'James Driscoll', *OBP*, 26 October 1857.

<sup>132</sup> According to the eight cases of parricide committed by children in my study.

<sup>133</sup> 'The Confession of the Boy Kirkby', *Stamford Mercury*, Friday 17 August 1838.

<sup>134</sup> The majority of murders committed by women, included in Knelman's study of Victorian murderesses, killed through the use of poison (48%). Knelman, *Twisting in the Wind*, p. 8.

<sup>135</sup> B. Kalikoff, *Murder and Moral Decay in Victorian Popular Literature* (Michigan: UMI Research Press, 1986), p. 137.

eleven-year-old girl into a variety of shops in order to purchase some, 'patent medicines.'<sup>136</sup> He reported how the child was provided with every poison she asked for and concluded, 'had we extended our journey onwards with the same object, this little child could have procured sufficient poisons to have converted any parish in London into "a city of the dead."'”<sup>137</sup> It was this ease of purchase, and the fact that poisons such as arsenic were readily available in the home, that explains why some boys used it to commit murder. Just as working-class boys belonged in the masculine world of work, their crimes resembling those of adult men, children were also dependents in the family home, sharing, to an extent, the domestic status of women. Gendered studies of homicide, where men killed men in public spaces and women poisoned at home, can therefore be used to understand the types of murder committed by boys in the nineteenth century. Their victims were both children their own age and adults, the geographical characteristics of their crimes mirrored those committed by adult working-class males, at work and on the streets, and they turned to poison and other disabling devices commonly used by murderesses in order to kill those older and stronger than themselves.

Girls represent a small percentage of the children who were charged with felonious killing offences in nineteenth-century England and Wales. Just four of the 134 children included in my study who were charged with manslaughter and 20 of the 96 children charged with wilful murder were female, not including cases of infanticide. In contrast to murders committed by boys, where their victims were adults or children their own age, girls tended to kill younger children and babies. The majority of girls charged with wilful murder in the nineteenth century worked as nursemaids in middle-class households. In 1893, for example, a fourteen-year-old girl named Elizabeth Ada Urry threw a baby she was meant to be looking after into a well because the infant would not stop crying. She was found guilty of murder

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<sup>136</sup> Kalikoff, *Murder and Moral Decay in Victorian Popular Literature*, p. 137.

<sup>137</sup> *Ibid*, p. 52.

and sentenced to a lengthy term of penal servitude.<sup>138</sup> Then in 1899 fifteen-year-old nursemaid Mary Elizabeth Allman was charged with, and convicted of, murdering the four-year-old child of her employer by drowning her in a bog. Allman killed the child in revenge after she had been reprimanded by her mistress.<sup>139</sup> According to the 1871 Census 23% of nursemaids were under the age of fourteen.<sup>140</sup> They were, on average, younger than other domestic servants. These girls spent their days inside, caring for the children of their masters. It is not surprising then that the victims of girls who committed murder were younger than those killed by boys. Even girls who were not employed as nursemaids were expected to take care of their younger siblings. Children who committed felonious killing offences killed those who lived and worked closest to them. Boys who worked spent most of their time out of the family home with adults or children their own age whilst girls spent most of their time at home caring for infants and young children.

One group of boys, however, were more likely to kill infants than children their own age. These were killers who were especially young themselves. Murders committed by children under the age of ten were rare in the nineteenth century. When particularly young children did kill, the charge against them was often dropped by a Grand Jury or the verdict reduced to manslaughter at the assizes.<sup>141</sup> In 1855 two nine-year-olds named John Breen and Alfred Fitz were charged with the murder of a young boy by beating him, throwing a brick at his head, and pushing him into a canal. The two boys were found guilty of manslaughter and

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<sup>138</sup> 'Southsea tragedy. Urry Tried for Murder. The Case at the Assizes', *Portsmouth Evening News*, Wednesday 5 July 1893.

<sup>139</sup> 'A Homicidal Nurse Girl', *Huddersfield Chronicle*, Saturday 22 July 1899.

<sup>140</sup> L. Rose, *The Erosion of Childhood: Child Oppression in Britain, 1860-1918* (London: Routledge, 1991), p. 36.

<sup>141</sup> For a more detailed discussion on the effects age had on the criminal responsibility and liability of children who killed see Chapter Three.

served twelve months in gaol.<sup>142</sup> Similarly in Stockport in 1861 an infant boy was decoyed away from his home by two eight-year-old boys. Peter Barratt and James Bradley stripped the child and beat him with sticks, drowning him in a brook. They were also found guilty of manslaughter rather than wilful murder and were sentenced to serve five years in a reformatory school.<sup>143</sup> Young children charged with wilful murder tended to kill in pairs or groups. Their victims were often very young and they killed using similar methods; by torturing and beating their victims and then drowning them. In 1891 another young child was murdered by two boys who were under the age of ten. Eight-year-old Robert Shearon and nine-year-old Samuel Crawford lured a young boy into a building site in Liverpool. Here they stripped him, beat him, and drowned him in a puddle.<sup>144</sup> Though felonious killing offences committed by particularly young children were rare in the nineteenth century, they were also remarkably similar in nature.<sup>145</sup>

Rarer still were cases when children were charged with multiple counts of homicide. In 1903 Patrick Knowles, aged eight, was caught in the act of burying a live baby in a brickyard in Stockton-on-Tees. The infant was saved but Knowles was charged with having murdered another child who had been killed in the same manner a few weeks before. Known as ‘The Stockton Boy Murderer’ in the press Knowles was found guilty of murder and attempted murder and was sentenced to serve an undetermined period of time in Broadmoor Criminal Lunatic Asylum.<sup>146</sup> Newspapers revelled in the news of multiple homicide,

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<sup>142</sup> ‘The Murder By Boys, In Liverpool’, *Liverpool Daily Post*, Thursday 23 August 1855.

<sup>143</sup> ‘The Stockport Murder’, *Chester Chronicle*, Saturday 27 April 1861.

<sup>144</sup> ‘The Murder By Boys in Liverpool. Gross Depravity’, *Lancaster Gazette*, Saturday 26 September 1891.

<sup>145</sup> These three cases share many characteristics of the murder of toddler James Bulger by two ten-year-old boys in 1993. For a comparison of murders committed by children under the age of ten in the nineteenth century and the murder committed by Jon Venables and Robert Thompson see Chapter Two.

<sup>146</sup> Patrick Knowles was only removed to Broadmoor Criminal Lunatic Asylum when he turned sixteen. Until then he was placed in a number of industrial schools, institutions designed to house and rehabilitate wayward children.



especially when these were perpetrated by children. In 1876 an eleven-year-old boy named William Gilbert Harrod was charged with two counts of murder. He had first been accused of killing a boy named William Hebblewhite by pushing him into a village pond after they had quarrelled. Then, a few days before the murder trial, the *York Herald* announced ‘The Boy Murder Near Boston. A Second Charge of Homicide.’ Another boy from the same Lincolnshire village, named Arthur Stockley, had been found drowned in the same pond as Hebblewhite a few months previously and members of the local police force were certain that this was no coincidence. The trial was therefore delayed to allow for proper investigations into the second charge of homicide against Harrod. He was eventually found guilty of wilful murder and died in 1884 after serving eight years of a fifteen-year sentence of penal servitude.

### **Children Who Killed and the Juvenile Delinquent**

It is clear, then, that children belong in the history of murder as perpetrators of felonious killing offences and not just as victims of violent fathers and drunken mothers. Children were charged with, and convicted of, a variety of killing offences. They killed as a result of criminal negligence, they committed manslaughter when siblings and playmates were killed during games or in fights, and children maliciously killed infants, other children, masters, and parents with the intention of causing death or grievous bodily harm. So who were these children? How old were they, where did they live, and how do they compare to the criminal children, the young habitual thieves, commonly found in histories of nineteenth-century juvenile crime?

Margaret May argued in her seminal historical study of youth criminality that the modern concept of the ‘Juvenile Delinquent’ developed in the nineteenth century.<sup>147</sup> Previous

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<sup>147</sup> M. May, ‘Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century’, *Victorian Studies*, Vol. 17, No. 1 (1973), p. 7.

to the Juvenile Offenders Acts of 1847 and 1850 the majority of criminal children had been treated like criminal adults. They journeyed through the same judicial process and found themselves in the same penal institutions as hardened adult offenders. A distinct image of the criminal child developed in social commentaries and parliamentary debates concerning early nineteenth-century reforms in juvenile judicial and penal policy. The Juvenile Delinquent was male, poor, he lived in congested cities and, above all, he was a thief. It is this type of criminal child that has been the focus of academic studies of youth crime. Historians such as Heather Shore and Jeannie Duckworth have provided detailed studies of the lives and penal experiences of these youthful criminals.<sup>148</sup> They have shown that children found guilty of property offences were treated more like children as the nineteenth century progressed, separated from adults in the judicial process and placed in reformatory schools specially designed to cater to the needs of youthful convicts. In Chapter Four I will discuss how similar the penal experiences of children who killed were to other children found guilty of property crimes. The final section of this chapter, however, will focus on the characteristics of children who were labelled as ‘juvenile delinquents’ in the nineteenth century and the extent that children who killed resembled this type of criminal child. I will place children charged with felonious killing offences in the history of juvenile crime showing that, just as murders committed by children followed similar patterns to those committed by adults in the nineteenth century, children who killed came from similar socio-economic backgrounds as other youthful criminals.

In his 1896 study on *Juvenile Offenders* William Douglas Morrison wrote that, ‘the character as well as the amount of juvenile crime is largely determined by the age of the

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<sup>148</sup> H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Suffolk: The Boydell Press, 1999); J. Duckworth, *Fagin’s Children: Criminal Children in Victorian England* (London: Hambledon, 2002).

offender.’<sup>149</sup> He maintained that, ‘the very young offender is prevented by physiological incompleteness from being anything but a vagrant or a petty thief.’<sup>150</sup> This observation would imply that children who killed were older than those who committed petty offences.

However, an analysis of the ages of the 230 children identified in this thesis proves otherwise (Table Three). Children charged with manslaughter and wilful murder were of a similar age to those found guilty of petty misdemeanours, not older. I have managed to locate eleven children charged with manslaughter and eleven children charged with wilful murder who were under the age of ten. The incidence of crimes against the person committed by children, however, increased with age. Just eight children aged ten, and nineteen children aged eleven, were charged with felonious killing offences in England and Wales between 1816 and 1908 compared with 31 fourteen-year-olds, 47 fifteen-year-olds, and 61 sixteen-year-olds. Older children were more likely to commit crimes, whether these were petty or of a more serious nature.

The gender divide of children who killed was also similar to that observed in children charged with petty offences and other misdemeanours in the nineteenth century. The Juvenile Delinquent was often depicted as male in social commentaries and reform literature. In 1816 a *Report of the Committee for Investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis* provided case studies of twelve children serving time in London gaols and houses of correction, illustrating the types of children who committed crime.<sup>151</sup> All twelve of these children were boys. Then in 1838 the Marquis of Lansdowne provided the official returns of juvenile offending for the two previous years. He stated, ‘that 5,174 males and 1,275 females under the age of sixteen were committed for various crimes,

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<sup>149</sup> W. D. Morrison, *Juvenile Offenders* (London: T. Fisher Unwin, 1896), p. 64.

<sup>150</sup> *Ibid*, p. 82.

<sup>151</sup> Anon, ‘Report of the Committee for Investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis’, *PP*, 1816.

**Table Three**

**Ages of Children Charged with Felonious Killing Offences in England and Wales,  
1816-1908**

<b>Age</b>	<b>Manslaughter</b>	<b>Wilful Murder</b>
Under 10	11	11
10	4	4
11	15	4
12	17	6
13	14	5
14	22	9
15	22	25
16	29	32
Total	134	96

the average of the two years being 2,587 males and 637 females.<sup>152</sup> The majority of the children charged with felonious killing offences were also male. Over 70% of children tried at the assizes on charges of manslaughter and wilful murder in the nineteenth century were boys. Again, it is clear that children who killed shared similar demographic characteristics with other criminal children.

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<sup>152</sup> Marquis of Lansdowne, 'Juvenile Offenders', House of Lords Debate, *Hansard*, 17 July 1838.

Youthful offenders in nineteenth-century England and Wales most often came from poor families and resided in overcrowded districts of cities and towns. William Augustus Miles, in his 1837 study of fifty-four children serving custodial sentences for property crimes in Liverpool, noted the occupations of the juvenile delinquents.<sup>153</sup> Of those who were employed there were four carpenters, four masons, three errand boys, and three sailors. Henry Mayhew in *London Labour and the London Poor* associated these occupations with the poorer urban classes.<sup>154</sup> The occupations of children charged with felonious killing offences were similar to those of other criminal children. Although no nineteenth-century studies on the economic and familial backgrounds of children who killed have survived, the occupations of family members, neighbours and friends were often recorded in witness testimonies and reported in the press. In 1888, for example, eight youths were charged with the wilful murder of a young man named Joseph Rumbold. The occupations of all eight boys were stated at their murder trial, held at the Central Criminal Court in London:

George Galletly, aged 16, no occupation, of 135, Whitfield-street, Tottenham Court-road; William Elvis, 16, a porter, of 23 Wybert-street, Kentish Town; Francis Cole, 18, a porter, of 30, William-street, Hampstead-road; Peter Lee, 17, a sailor, of 23, Whitfield-street; William Joseph Graefe, 17, a cutter, of 29, London-street; William Henshaw, 16, a French polisher, of 2, William-street, Hampstead-road; Charles H. Govier, 16, a farrier's boy,

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<sup>153</sup> NA, HO73/16, One Bundle of Chadwick's Correspondence as Secretary and Member of the Commission; Including interviews and Reports Made by William Augustus Miles, 1835-1837.

<sup>154</sup> The first three volumes of Henry Mayhew's *London Labour and the London Poor* (London: Griffin, Bohn and Co, 1861) chronicled the types of occupations practised by the street folk of Victorian London.

of 183, Drummond-street; and Michael Doolan, 15, a porter, of 22 Seaton-street.<sup>155</sup>

The youths on trial shared similar occupations to the young thieves in Miles' study. They all worked in low-income manual labour industries, or in jobs commonly practised by working-class boys; as porters, errand boys, and assistants.

Furthermore not only were the occupations of the eight boys charged with the murder of Joseph Rumbold in 1888 similar to those associated with other youthful offenders, but they also lived in similar environments to those in which juvenile delinquents were thought to live. James Greenwood, a nineteenth-century journalist, recognised that the majority of children sent before magistrates at police court hearings in London lived, or had been brought up, in slums and other working-class districts of the city. He wrote, 'no one but their miserable poor little selves know of the cruel hardships and strange experiences with which hundreds of these babes of the slums grow familiar', and maintained that he was not surprised to see so many committing crimes.<sup>156</sup> George Galletly, the boy charged with, and convicted of, Rumbold's murder, lived on Whitfield Street just off of Tottenham Court Road in London. According to Charles Booth's Poverty Map of 1889 Whitfield Street contained houses of the very poor (coloured dark blue), the poor who earned between 18 and 21 shillings a week (light blue), and houses occupied by members of the working-class whom Booth termed as the 'comfortable poor' (purple) (Figure Four). Galletly lived at number 135 Whitfield Street, located in the dark blue section of the map. He lived in accommodation designed for the destitute and very poor just like the youthful offenders described by Greenwood.

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<sup>155</sup> 'George Galletly, Peter Lee, William Joseph Graefe, William Henshaw, Charles Henry Govier, Francis Cole, William Elvis, Michael Doolan', *OBP*, 30 July 1888.

<sup>156</sup> J. Greenwood, *The Prisoner in the Dock: My Four Years' Daily Experiences in the London Police Courts* (London: Chatto & Windus, 1902), p. 59.

## Figure Four

### Whitfield Street (to the right of Fitzroy Square) on Charles Booth's Poverty Map (1889)



In 1836 the *Report of Inspectors of Prisons in Great Britain* noted that, ‘the proportion of juvenile delinquents would appear from the tables to which we have referred, to be considerably greater in the Metropolis, and in the Manufacturing Districts, than in the Agricultural counties.’<sup>157</sup> Though this statement was based on the returns of children convicted of property offences the same conclusion could also be applied to children charged with manslaughter and wilful murder in the nineteenth century. Of the children brought before district judges at county assizes in England and Wales between 1816 and 1908 who were charged with felonious killing offences, at least 59 lived in London, 19 came from Liverpool, 17 from Manchester, and 8 from Birmingham. Just thirteen lived in rural areas of agricultural counties. William Beaver Neale recognised in his 1840 study of *Juvenile Delinquency in Manchester* that, ‘one peculiar feature in the criminal statistics of Manchester and the manufacturing districts is...*the great extent to which juvenile delinquency*

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<sup>157</sup> Anon, ‘Report of Inspectors of Prisons in Great Britain’, *PP*, 1836, p. 83.

*prevails.*<sup>158</sup> He argued that certain areas of the city had particularly high populations of youthful offenders and offered his readers a moral topography of Manchester: ‘Angel Meadow, which comprises a number of streets, New Town, Blakely-street, St. George’s-road, Oldham-road, Great Ancoats-street, and Pollard-street, Deansgate, Little Ireland, Pop Gardens, Gaythorn and Knott Mill, are the districts which may be pointed out as principally occupied by the criminal portion of society.’<sup>159</sup> William Willan, the sixteen-year-old scuttler convicted of murdering a rival gang member by stabbing him in the back in 1892, lived in the Ancoats district of Manchester and belonged in the Bradford Street mob. He attacked Peter Kennedy on the corner of Great Ancoats Street. Just as William Beaver Neale identified Great Ancoats Street as a typical haunt of juvenile delinquents in Manchester, the street also served as a location for a murder committed by a boy.

There were some exceptions, however. Although the majority of children charged with felonious killing offences were male, working class and lived in the same urban, industrialised areas as children convicted of property offences, one of the most infamous murders committed by a child in the nineteenth century was committed by a girl from a respectable family living in a rural Wiltshire town. In 1860 sixteen-year-old Constance Kent was accused of murdering her infant step-brother after the child’s body had been found in a privy with his throat cut so deeply that he had almost been decapitated. There was outrage that the daughter of a respectable gentleman could be suspected of committing such a brutal murder. Mr Edlin, a lawyer who worked for the Kent family, stated that, ‘it will never be forgotten that this young lady has been dragged from her home and sent like a common felon – a common vagrant – to Devizes gaol.’<sup>160</sup> Letters by interested members of the public that

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<sup>158</sup> W. B. Neale, *Juvenile Delinquency in Manchester: Its Causes and History, Its Consequences, and Some Suggestions Concerning Its Cure* (Manchester: Gavin Hamilton, 1840), p. 8.

<sup>159</sup> *Ibid.*

<sup>160</sup> Summerscale, *The Suspicions of Mr. Whicher*, p. 154.



were sent to the detective inspector investigating the murder accused the father of murdering his child. A letter signed by, 'a lover of justice', wrote that, 'there is a strong suspicion on the public mind, that the father was the murderer. It is only known to God how far this is true.'<sup>161</sup> It was not until 1865 that Constance Kent was found guilty of murdering her step-brother and her belated confession of the crime generated a considerable degree of public sensation.<sup>162</sup> In 1904 another child from a respectable middle-class household was found guilty of wilful murder. Frank Rogers, the fifteen-year-old son of a Cambridge lawyer, shot his mother in the drawing room of the family home without any apparent motive. His two sisters testified at the trial that their brother harboured no ill will against their mother and suggested that he suffered from some form of mental weakness. Though Rogers was convicted of the murder of his mother, evidence was provided by medical professionals suggesting that he suffered from a temporary form of insanity and he was sentenced to serve an undetermined period of time at Broadmoor Criminal Lunatic Asylum.

The majority of children who were charged with felonious killing offences in England and Wales between 1816 and 1908, however, shared similar socio-economic backgrounds to the 'juvenile delinquents' found in contemporary and historical studies of youth offending. Children who killed tended to be working-class males living in overcrowded and insanitary areas of cities and towns. They came from the same neighbourhoods and family backgrounds as children charged with petty offences. Though children who were charged with, and convicted of, manslaughter and wilful murder are rarely included in historical studies of youth crime, it is clear that they do belong in the history of nineteenth-century juvenile delinquency.

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<sup>161</sup> NA, MEPO 3/6, Metropolitan Police: Office of the Commissioner: Correspondence and Papers, Special Series, Murder of Francis Saville Kent, Aged 4 Years, By Constance Emilie Kent. Letter to Inspector Whicher From a Member of the Public, Mile End, 2 August 1860.

<sup>162</sup> For more on the extraordinary sensation generated by the murder committed by Constance Kent in 1860 see Chapter Two.

The number of children charged with felonious killing offences in nineteenth-century England and Wales far exceeds the number previously recognised by historians of crime and murder. At least 134 children aged sixteen and under were charged with manslaughter between 1816 and 1908, having killed another human being without intending to cause death or grievous bodily harm to the deceased. These children killed pedestrians when they drove horse-drawn vehicles irresponsibly, they killed playmates and siblings as a result of misadventures in play, and mortally wounded friends in fights and quarrels. Over ninety children were charged with the most serious felonious killing offence of wilful murder. These children killed with the intention of taking the life of another human being. The most common form of murder committed by boys in the nineteenth century were murders of other boys during fights in the workplace and on the street. Working alongside adult men and other boys as apprentices and colleagues in various industries, or belonging in street factions at war with enemy gangs, boys were more likely to kill male children their own age. They used a variety of weapons and tended to strike their victims in areas of the body most likely to cause death or grievous bodily harm such as the head and chest. Murders committed by boys also resembled the types of killing commonly associated with women in historical studies of nineteenth-century murder. For instance in order to kill adults children first disabled their victims, either waiting until they were vulnerable before they killed them or killing through the use of poison. Boys and girls used poison to commit murder since poisons such as arsenic were readily available in many Victorian homes. Compared to murders committed by boys, however, girls were more likely to kill infant children than adults and children their own age. Young nursemaids poisoned, drowned and smothered infant children in their care. Though the numbers of children charged with manslaughter and wilful murder in nineteenth-century England and Wales are dwarfed by the number of children who were charged with property

offences, the cases do exist.<sup>163</sup> Children did kill in the nineteenth century and these cases deserve the attention of historians of murder and youth crime.

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<sup>163</sup> Nearly 10,500 children appeared at the Old Bailey charged with property offences between 1816 and 1908 compared with 58 children who were charged with either manslaughter or wilful murder.

## Chapter Two

### Press Treatment of Murders Committed By Children

In 1897 the Wranglers Debating Society met in Reading to discuss one of the most important developments of the Victorian age: the growth of the newspaper press. Mr F. N. A. Garry, remarked that, ‘the press had become a perfect hydra, for no sooner did one paper fail then up would spring two more to take its place.’<sup>164</sup> Following the abolition of stamp and paper duty in the 1850s and 1860s newspapers were cheaper to produce and advancements in printing technology meant that more news could be printed in an hour. By the end of the nineteenth century there were almost 1,800 newspapers in England and Wales, providing daily, weekly, evening and special-interest news to an increasingly literate population.<sup>165</sup> Crime had its own column in the majority of newspapers. Stories of murder, assault, arson, and burglary were popular with the reading public and newspaper editors recognised this. Some papers dedicated 50% of their column-space to crime news, employing melodramatic language and generating sensation.<sup>166</sup>

A number of historians have focused their attention on how crimes were reported in the nineteenth century. Scholars such as Judith Rowbotham and Kevin Williams provide detailed analyses of the typography and language used in nineteenth-century crime reports. They consider how newspapers represented certain forms of deviant behaviour, the types of crimes that were particularly newsworthy, and the effect sensationalised crime news had on

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<sup>164</sup> “‘Wranglers’ Debating Society. The Power of the Press’, *Reading Mercury*, Saturday 20 February 1897.

<sup>165</sup> J. K. Chalaby, *The Invention of Journalism* (Hampshire: Macmillan Press, 1998), p. 36.

<sup>166</sup> D. D. Gray, *London’s Shadows: The Dark Side of the Victorian City* (London: Continuum UK, 2010), p. 101.

members of the reading public.<sup>167</sup> In his historical study of wilful murder Pieter Spierenburg highlighted the extent to which newspapers were able to guide the emotions of their readers. Through the use of sensational language and the over-reporting of particular crimes the press could generate a sense of panic. The fear surrounding the Ripper murders in 1888 and a London-based panic regarding a supposed increase in juvenile hooliganism in the 1890s have both been attributed to the manner in which the crimes were reported in the press.<sup>168</sup>

Spierenburg analysed the newspaper treatment of children who were charged with felonious killing offences in the nineteenth and twentieth centuries, expecting to find evidence of such press-generated sensation. He was only able to locate a small number of newspaper articles detailing cases of children who killed and as a result concluded that when children committed murder in the past there was little newspaper coverage of their crimes and even less press comment. He argued that concerns surrounding children who killed were part of a, ‘modern anxiety’, inspired by an increasing awareness of children’s rights since the 1960s, and that murders committed by children were not considered newsworthy events in the nineteenth century.<sup>169</sup> However, it is clear from my previous chapter that nineteenth-century newspapers did report murders committed by children. All of the 230 cases I have located where children were charged with felonious killing offences in England and Wales

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<sup>167</sup> J. Rowbotham and K. Stevenson, ‘Causing a Sensation: Media and Legal Representations of Bad Behaviour’, in their *Behaving Badly: Social Panic and Moral Outrage – Victorian and Modern Parallels* (Hampshire: Ashgate, 2003), pp. 31-46; K. Williams, *Get Me a Murder a Day! A History of Mass Communication in Britain* (London: Arnold, 1998); K. Williams, *Read All About It! A History of the British Newspaper* (Oxford: Routledge, 2010).

<sup>168</sup> P. Spierenburg, *A History of Murder: Personal Violence in Europe From the Middle Ages to the Present* (Cambridge: Polity Press, 2008), p. 172.

<sup>169</sup> *Ibid*, pp. 218-129. Spierenburg drew the majority of his evidence to support the claim that concerns surrounding children who kill are part of a modern anxiety from a study that was conducted by Clive Emsley in the wake of the James Bulger murder in 1993. Emsley compared the newspaper treatment of a murder of a child by two children in the nineteenth century with the press coverage received in the Bulger case. More discussion of this, and similar studies, can be found later on in this chapter.

between 1816 and 1908 were reported in the press, some receiving less comment than others, but comment nonetheless.

This chapter considers how murders committed by children in the nineteenth century were reported in the press. How was the story presented to the reader? Were murders by children treated like other items of murder news? Were these stories considered to be particularly newsworthy? First I will provide a brief history of the newspaper press, documenting how criminal acts were translated into news and describing the standard techniques employed by newspapermen in the nineteenth century to report crime. News events were filtered through a number of stages before they were read as ‘news’ in the press. First a news-story had to be located, then a journalist had to translate it into words, an editor then decided whether to include the piece of copy in a newspaper, and finally it had to be printed and distributed to suit an intended audience. The process of making news was complicated in the nineteenth century and developed to such an extent that the representation of crime reports changed dramatically. I will then consider in more detail the claim that children who killed did not receive much press comment in the nineteenth century. This assumption is based on the application of modern newspaper theories to understand the newsworthiness of crimes in the past. I will argue that this is problematic. What constituted sensation in the nineteenth century, and sensational reporting in the nineteenth-century press, might not appear so sensational to us today. Although children who killed in the past did not provoke the level of press-generated panic associated with similar cases in the twentieth and twenty-first centuries I will show that the crimes committed by these children were not only newsworthy but that a small number became particular sensations.

## Making Crime 'News'

'Crime has its columns, like the Money-Market and the agricultural reports, and the police report would hardly know itself without this stolid and fixed characteristic. The eye glances down these horrors, and we are duly shocked and scandalised, but there mingles with the disturbance caused to our humane feelings a latent perception of this being the proper and expected place to find brutality.'<sup>170</sup> So ran an article in the *Hertford Times* in 1861 describing the 'Spirit of the British Press', noting how crime news had developed as a distinct genre and could be found in the majority of newspapers throughout the country. Criminal proceedings were frequently reported in the nineteenth-century press, introduced to readers under headings like 'Police Intelligence', 'Inquests', and 'At the Assizes'. Melodramatic language, sensationalised headlines and eye-catching topography attracted the attention of potential readers and, as a result, crime proved to be one of the most profitable items of news that a newspaper could report.

### Locating Crime News

In the early nineteenth century the process of acquiring news was difficult and expensive. Only the wealthiest of newspapers, such as *The Times*, could afford to pay their own correspondents to travel and attend sessions held at county assizes.<sup>171</sup> As a result crime news printed in newspapers tended to be local or, in the case of particularly sensational crimes, lifted from local or national newspapers. When fourteen-year-old John Any Bird Bell was convicted of the murder of Richard Faulkner Taylor in Kent in 1831 provincial papers throughout the country reported 'The Murder Near Rochester'. The majority of articles provided in these papers were direct copies of those published in the *Maidstone Journal* (a

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<sup>170</sup> 'Spirit of the British Press. The Boy Murderers at Stockport', *Hereford Times*, Saturday 17 August 1861.

<sup>171</sup> A detailed history of *The Times* is provided in A. James, *Newspapers and The Times in the 19<sup>th</sup> Century* (London: Longman Group Ltd, 1976).

local newspaper) and of the assize report printed in *The Times*. In an article labelled ‘Assize Intelligence’ the *Yorkshire Gazette* re-printed parts of the trial report that had appeared in *The Times* more than a week before.<sup>172</sup> By the time readers of the *Yorkshire Gazette* learned that the boy had been found guilty of wilful murder John Bell had already been executed for his crime. Charles Dickens recollected the difficulties he experienced in trying to locate news during his time as a journalist in the early nineteenth century. It was not an easy task travelling to different locations in the hope of acquiring a newsworthy story, especially before the development of the national rail network, and once copy had been written it was up to journalists to deliver it back to the press office, having to rely on the flying post, the notoriously poor postal service, or private means of transport. Dickens often found himself writing, ‘important speeches... writing on the palm of my hand, by the light of a dark lantern, in a post chaise and four, galloping through a wild country and through the dead of night.’<sup>173</sup>

In the 1840s, the invention of the electric telegraph meant that news could be more easily shared, saving time and making the process of locating news more efficient. Private telegraph companies such as the Electric and International and the British-Irish Magnetic, as well as press organisations like Reuters and the Press Association, provided information to newspapers in return for a subscription fee.<sup>174</sup> It was not until 1869, however, that the majority of newspapers could enjoy the benefits of the electric telegraph. Subscriptions to the private companies were expensive. An act of parliament transferred the ownership of the telegraph service from these private companies to the Post Office. As a result the price to send a telegram was considerably reduced. In 1885 it cost just sixpence to send twelve

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<sup>172</sup> ‘Assize Intelligence. Trial for Murder’, *Yorkshire Gazette*, Saturday 6 August 1831.

<sup>173</sup> C. Dickens cited in James, *Newspapers and The Times*, p. 21.

<sup>174</sup> K. Williams, *Read All About It! A History of the British Newspaper* (Oxford: Routledge, 2010), p. 117.

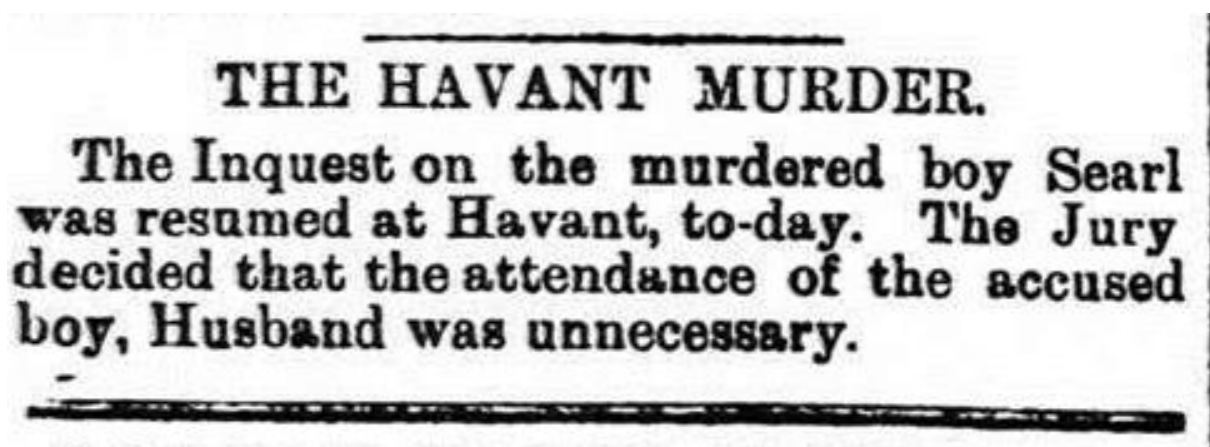


words.<sup>175</sup> Provincial papers could now afford to locate news using the electric telegraph and it has been estimated that the number of words transmitted weekly through the telegraph system rose from 4.2 million in 1874 to 15.7 million in 1899.<sup>176</sup>

The invention and expansion of the electric telegraph influenced the practice of writing crime reports. Newspaper editors of the late nineteenth century would often print telegrams in their original form, reducing news-stories to short nuggets of information. In 1888 an accusation of murder made against an eleven-year-old boy from Havant in Hampshire was reported in *The Star* in just four lines (Figure Five). Summarising information received by telegraph the newspaper provided its readers with the primary facts of the case, the headline commanding almost as much print-space as the article itself. For more sensational cases, or for murders committed in the local area, newspapers often collected a number of telegrams together in order to form a narrative, printing them as a large overview story at the end of the week. The *Hampshire Telegraph*, for instance, printed a substantial

**Figure Five**

**‘The Havant Murder’, *The Star*, Tuesday 4 December 1888.**



<sup>175</sup> L. Brown, *Victorian News and Newspapers* (Oxford: Clarendon Press, 1985), p. 13.

<sup>176</sup> *Ibid*, p. 14.

report on the arrest of the Havant Boy Murderer. The seven-column article was divided into 53 sections, each with a separate sub-heading and each reflecting segments of news that had been collected, collated and received by telegraph.<sup>177</sup>

### Writing Crime News

It was common in nineteenth-century newspapers for writers to remain anonymous. Tracing the author of a particular article is, therefore, difficult. Historians have noted that eminent thinkers such as Harriet Martineau, Charles Dickens and the MP William Harcourt often wrote articles printed in *The Times* and that it was not unusual for legal professionals to earn an additional income by submitting reports of court proceedings to newspaper offices.<sup>178</sup> The lawyer James FitzJames Stephen, for example, regularly wrote for the *Saturday Review* and the *Pall Mall Gazette*. Lucy Brown, in her detailed study of the Victorian press, has noted that the majority of journalists in the nineteenth century were educated middle-class men who wrote for newspapers and periodicals as a full-time job.<sup>179</sup> Journalism became an increasingly professionalised occupation in the nineteenth century and the publication of works like E. P. Davies' *How to Write for the Press: Comprehensive Instructions for Reporting All Kind of Events* (1910), J. Dawson's *Practical Journalism: How to Enter Thereon and Succeed. A Manual for Beginners* (1904) and E. Phillips' *How to Become a Journalist: A Practical Guide to Newspaper Work* (1895) sought to train young men to the craft.<sup>180</sup>

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<sup>177</sup> 'Shocking Murder at Havant. A Boy Stabbed to Death. The Story of the Crime. A Boy Arrested as the Murderer', *Hampshire Telegraph*, Saturday 1 December 1888.

<sup>178</sup> Rowbotham and Stevenson, 'Causing a Sensation', p. 42.

<sup>179</sup> Brown, *Victorian News and Newspapers*, p. 80.

<sup>180</sup> E. P. Davies, *How to Write for the Press: Comprehensive Instructions for Reporting All Kinds of Events* (London: Guilbert Pitman, 1910); J. Dawson, *Practical Journalism: How to Enter Thereon and Succeed. A Manual for Beginners* (London: L. Upcott Gill, 1904); E. Phillips, *How to Become a Journalist: A Practical Guide to Newspaper Work* (London: Sampson Low, Marston & Company, 1895).

However, nineteenth-century historian and editor of the *Morning Advertiser* James Grant recognised in 1871 that crime news was not often written by professional journalists. Rather these articles were penned by young journalists in training, or by men known as penny-a-liners.<sup>181</sup> These writers were drawn from the poorer classes. They roamed the streets looking for anything that might be particularly newsworthy, jotting it down on low-grade paper, or ‘flimsy’, and selling it to as many newsrooms that would accept it. Paid according to the number of lines they produced the articles written by penny-a-liners were often long and detailed. ‘Words are the things he worships...he is unfit for his “profession” unless he possesses the talent of stating a fact in the greatest possible number of words of which the statement of fact will admit.’<sup>182</sup> Grant recalled a story told to him by one of these men who was once scolded for his bad grammar. The man had replied, ‘Well, but what’s the odds, so as the lines is in.’<sup>183</sup> Although they were often grammatically incorrect, the reports of these working-class writers contained a lot of detail and information, and proved a useful source for newspaper editors to quench the hunger of the British public for sensational stories of murder and crime.

It was the role of the ‘reader’ to filter through the piles of flimsy brought to the newspaper office by these penny-a-liners and check for grammatical errors before the articles were sent to the sub-editor and then finally to the printers. Grant included a poem in his history of the newspaper press that described the everyday work of readers:

Read! Read! Read!

With tears rolling down from my eyes.

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<sup>181</sup> J. Grant, *The Newspaper Press: Its Origin, Progress and Present Position, Volume II* (London: Tinsley Brothers, 1871), p. 260.

<sup>182</sup> *Ibid*, p. 269.

<sup>183</sup> Grant, *The Newspaper Press*, p. 262.

Read! Read! Read!

Till I can't tell l's from i's.

Read! Read! Read!

In pain, confusion, and noise.

And bored by a voice of dolorous pitch,

Belonging to one of the boys.

Read! Read! Read!

Till my weary spirits sink,

And mark! Mark! Mark!

While life ebbs with the ink.<sup>184</sup>

The process of writing news was time consuming and involved the hard work of men from a number of different professions. By the time an article reached the sub-editor in order to be considered for entry into the newspaper, and by the time a news-story was being compiled by printers onto a press and formed into ink, the news of a particular murder or crime had already passed through the hands of a writer and reader, each adding their own interpretation of the event.

### Selecting Crime News

Editors of nineteenth-century newspapers played a particularly important role in the production of crime news. The news-stories that appeared in print were heavily influenced by an editor's personal taste and, more importantly, by an editor's desire to print what his intended audience wanted to read whilst maintaining the purpose and political agenda of the

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<sup>184</sup> Grant, *The Newspaper Press*, p. 158.

newspaper. John Thadeus Delane became editor of *The Times* in 1841. A colleague of his recalled the influence Delane had as editor in deciding what news should and should not appear in print. He wrote that Delane, ‘insisted on being himself responsible for all the news supplied to the public; he was solely responsible for the interpretation of the news and for the comments upon them...in short the paper every morning was not a mere collection of pieces of news from all parts of the world, or various opinions, and of more or less valuable essays. It was Mr. Delane’s report to the public of the news of the day, interpreted by Mr. Delane’s opinions, and directed throughout by Mr. Delane’s principles and purposes.’<sup>185</sup>

Newspaper editors were also keen to please the proprietors of their papers; men of privilege who were on first name terms with powerful individuals in business and politics. John Robinson, manager of the *Daily News*, maintained how he felt obliged to print stories with a Liberal stance to satisfy the political persuasions of his proprietors, Samuel Morley and, later, Arnold Morley, who was a Liberal Whip.<sup>186</sup> Many newspapers were governed by political allegiances. The *Daily Telegraph* was an independent Liberal paper, the *Standard* an established Conservative paper, and newspapers like the *Bradford Review* promoted Chartism.<sup>187</sup> Historian Ann Baltz Rodrick has argued that a paper’s political agenda significantly influenced the selection of crime news in the nineteenth century. In a study of crime reports and class conflict she compared articles detailing the news of crimes printed in the *Northern Star*, a radical newspaper that had been actively involved in protests against the Corn Laws, and in the *Illustrated London News*, a paper designed to be read by a middle-class metropolitan audience. The radical paper devoted one quarter of its column space to

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<sup>185</sup> James, *Newspapers and The Times*, p. 81.

<sup>186</sup> Brown, *Victorian News and Newspapers*, p. 90.

<sup>187</sup> *Ibid*, p. 73.

crime reports, far greater than the coverage provided in the *Illustrated London News*.<sup>188</sup> Furthermore the crime reports in the *Northern Star* had been carefully selected to form a narrative of class oppression. Crimes that cast working men as belonging to a victimised class, and those which emphasised the villainy of the ruling elite, were accorded more importance than other items of crime news.<sup>189</sup>

Circulation figures also guided editors in the selection of news. Printing news became a highly competitive industry in the nineteenth century. The repeal of stamp and paper duty reduced the costs of producing newspapers and, as a result, the number of newspapers printed throughout the country burgeoned. Crime news, and especially stories of murder, were important commodities for editors trying to increase the circulation of their papers. Murders sold well. Henry Mayhew, in his 1851 social study of the London poor, repeated the words of a news vendor who maintained that, ‘there’s nothing that beats a stunning good murder after all.’<sup>190</sup> There was a public hunger for sensational stories of blood and gore throughout the nineteenth century. Penny gaffs and theatres produced melodramatic tales characterised by brutal violence and human depravities, such as *Maria Marten; or, The Murder in the Red Barn* (1840) and *The String of Pearls; or, The Fiend of Fleet Street* (1847). A form of murder tourism developed where members of the public could pay to visit the scene of a murder, purchase souvenirs of a crime, and visit the ‘Chamber of Horrors’ at Madame Tussauds to see wax models of infamous murderers set in staged reconstructions of murder scenes.<sup>191</sup> Even

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<sup>188</sup> A. Baltz Rodrick, “‘Only a Newspaper Metaphor’: Crime Reports, Class Conflict, and Social Criticism in Two Victorian Newspapers”, *Victorian Periodicals Review*, Vol. 29, No. 1 (1996), p. 1.

<sup>189</sup> *Ibid*, p. 5.

<sup>190</sup> H. Mayhew cited in M. Diamond, *Victorian Sensations; Or, the Spectacular, the Shocking and the Scandalous in Nineteenth-Century Britain* (London: Anthem Press, 2003), p. 154.

<sup>191</sup> These souvenirs included personal items that had belonged to both murderer and victim, illustrations and photographs of crime scenes, as well as likenesses of the people involved. Following the execution of William Corder in 1828 items of pottery were manufactured memorialising the crime. For example, a Pearlware model was produced depicting Corder and Marten standing in front of a red barn; an illustration of which can be found in R. Crone, *Violent Victorians: Popular Entertainment in Nineteenth-Century London* (Manchester:

Charles Dickens participated in this cult of murder. An illustration depicting a likeness of the Ratcliffe Highway murderer hung at his house in Gad's Hill.<sup>192</sup> Forms of street literature such as broadsides, describing the life and crimes of men and women who had been sentenced to death, and penny bloods and penny dreadfuls that romanticised criminal behaviour, also provided readers with gory details of real and imagined murders. These proved particularly popular. In 1828 over 1,166,000 copies of the *Confession and Execution of William Corder* (the man found guilty of murdering Maria Marten in the Red Barn) were sold.<sup>193</sup>

Newspapers also participated in this cult of murder. Popular weeklies targeting working-class readers reserved a considerable amount of print-space for reports of murders and other violent crimes. The editor Edward Lloyd began his career as a writer of penny dreadfuls and when he founded *Lloyd's Weekly Newspaper* in 1842 he prioritised sensational stories of crime, accidents and murder, certain they would boost circulation figures. He once instructed the journalist George Augustus Sala that, 'there must be more blood, more blood!'<sup>194</sup> Rosalind Crone, in her study of the Victorian cult of murder, compared the number of crime reports printed in *Lloyd's Weekly Newspaper* with the number of criminal cases heard at the Central Criminal Court between 1845 and 1865. She discovered that the

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Manchester University Press, 2012), p. 93. Murder relics were also collected. A book supposedly bound with the skin of William Corder, a gory token kept by a physician who was present at Corder's dissection, toured the country in the nineteenth century. The book still exists and is displayed at the Moyse's Hall Museum in Bury St. Edmunds, Suffolk.

<sup>192</sup> Dickens described the illustration in a letter written to Walter Thornbury on September 15 1866: 'representing the horrible creature as his dead body lay on a cart, with a piece of wood for a pillow, and a stake laying by, ready to be driven through him.' C. Dickens, *The Letters of Charles Dickens; Edited By His Sister-in-Law and His Eldest Daughter: Volume Two, 1857-1870* (London: Chapman and Hall, 1880).

<sup>193</sup> R. D. Altick, *The English Common Reader: A Social History of the Mass Reading Public, 1800-1900* (Chicago: University of Chicago Press, 1957), p. 382.

<sup>194</sup> R. Crone, *Violent Victorians: Popular Entertainment in Nineteenth-Century London* (Manchester: Manchester University Press, 2012), p. 215.

newspaper printed 10.6% of the crimes tried at the Old Bailey and dedicated half its print-space to violent crimes and murders tried in court sessions throughout the country.<sup>195</sup>

### Disseminating Crime News

Following the abolition of stamp duty (1855) and taxes on paper (1861) newspapers could afford to print more news, providing more detail and offering more column-space for stories that were considered to be especially newsworthy. As a result *The Times* increased its size. In the early nineteenth century the paper consisted of a double-sheet of news. By the 1830s *The Times* was eight pages long, far larger than any of its competitors, and by 1861 the paper contained 24 pages of news, dedicating a section to crime news and court reports.<sup>196</sup> The invention of new presses also allowed newspapers to meet the demand of their readers. Printing presses in the early nineteenth century were slow and required heavy manual labour for them to work. Such presses did not have the capacity to print multiple copies of a 24-page paper. *The Times*, however, could afford its own engineers and a number of new presses were trialled. In 1827 Augustus Applegath and Edward Cowper invented a press connected to a rotary engine. This press could print as many as 5,000 sheets of the double-sheet paper in an hour. In 1848 Applegath designed a more efficient rotary press that could print 10,000 copies of the four-page version of *The Times* and in 1857 the Hoe machine was employed, allowing the paper to increase its size to 24 pages. The Hoe Press could print 20,000 sheets an hour, considerably improving the ability of the newspaper to meet the demands of its circulation.<sup>197</sup>

It was not only large dailies, like *The Times*, that could afford the new printing machines. *Lloyd's Weekly Newspaper* was also printed on a Hoe Press and by the end of the nineteenth century the circulation figures of dailies soared, undermining those of the previous

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<sup>195</sup> Crone, *Violent Victorians*, p. 230.

<sup>196</sup> James, *Newspapers and The Times*, p. 49.

<sup>197</sup> Ibid.



giants in the press industry. In the 1880s the circulation enjoyed by *The Times* was estimated at 60,000.<sup>198</sup> This was considerably smaller than that enjoyed by the *Daily Chronicle* (100,000) and the *Daily Telegraph* (300,000).<sup>199</sup> The circulation of weeklies also increased, the number of readers far outweighing those of the daily papers. Historian Drew D. Gray has estimated that by 1890 *Lloyd's Weekly Newspaper* boasted a circulation of over 900,000.<sup>200</sup> The reason behind this growth of the daily and weekly papers was their affordability. Whereas *The Times* remained a costly method of accessing news, priced at 7d, the new papers founded after the abolition of stamp tax targeted the literate working classes and offered news for a penny. The *Daily Telegraph*, founded in 1855, was the first morning newspaper to provide news at the price of 1d. Grant maintained the importance of this development: 'here was a penny paper, containing not only the same amount of telegraphic and general information as the other high-priced papers...but also evidently written in its leading article department with an ability which could only be surpassed by that of the leading articles of the Times itself. This was indeed a new era in the morning journalism of the metropolis.'<sup>201</sup> Accessing news was no longer restricted to those with money, now even the poorest workman could afford to buy a newspaper.

Another invention of the nineteenth century improved the ability of newspapers to disseminate news and to meet the demands of their increasing circulation of readers: the national rail system. Before the widespread use of the rail network and the invention of the electric telegraph the distribution of news had been restricted to a localised area. Only wealthy metropolitan papers reached a national audience. They distributed their news by post

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<sup>198</sup> A. Lee, 'The Structure, Ownership and Control of the Press, 1855-1914', in G. Boyce, J. Curran and P. Wingate, *Newspaper History from the Seventeenth Century to the Present Day* (London: Constable and Company Ltd, 1978), p. 120.

<sup>199</sup> *Ibid*, p. 120.

<sup>200</sup> Gray, *London's Shadows*, p. 101.

<sup>201</sup> Grant, *The Newspaper Press*, pp. 93-94.

and it often arrived at the most northerly parts of the country days or weeks out of date. The extent to which newspapers took advantage of the rail network to disseminate their news throughout the country can be seen in an analysis of the literature provided in the Bradford reading rooms conducted by historian Lucy Brown.<sup>202</sup> Subscribing to a particular newspaper or buying papers from newsboys on the streets and vendors in shops were not the only routes to access news in the nineteenth century. Newspapers, once bought, were often shared and passed around friends.<sup>203</sup> They were also provided in public places such as coffee-houses and pubs. Furthermore a number of cities organised reading rooms where artisans and members of the working class could access a wide range of newspapers for a small subscription fee. Brown's study showed that in 1868 the Bradford reading rooms provided its subscribers with London, Manchester, Leeds and Liverpool-based newspapers in addition to local papers like the *Bradford Observer* and the *Bradford Daily Telegraph*. She argued that it was the less localised papers that enjoyed the larger sales. The *Leeds Mercury* sold on average 90 copies a week, the *Daily Telegraph*, 85 copies and *The Times*, 27 copies.<sup>204</sup> Members of the public were no longer restricted to reading local news.

By the close of the nineteenth century the newspaper press had developed into something that F. N. A. Garry could only describe as a monstrous, 'hydra'.<sup>205</sup> News in the first few decades of the century was difficult to locate, a news-story went through a complicated process of writing, reading and editing before it made it into print, and heavy

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<sup>202</sup> Brown, *Victorian News and Newspapers*, p. 41.

<sup>203</sup> Joseph Jenkinson, a Nottinghamshire man, recalled, 'the improper conduct of Mr. Slyfield', who was reading the *Morning Chronicle* to himself in a public house. Jenkinson, 'kindly requested him to read the city article and sat a quarter of an hour thinking he would look at it a while, he however continued reading to himself... as if he were the only person who had a right to know any of its contents.' Cited in M. Hammond, 'Readers and Readerships', in J. Shattock, *A Cambridge Companion to English Literature, 1830-1914* (Cambridge: Cambridge University Press, 2010), p. 34.

<sup>204</sup> Brown, *Victorian News and Newspapers*, p. 41.

<sup>205</sup> "'Wranglers' Debating Society. The Power of the Press', *Reading Mercury*, Saturday 20 February 1897.

taxes on paper and stamp duties meant that the process of making news was costly. However, throughout the course of the nineteenth century, with the abolition of ‘Taxes on Knowledge’, the invention of the electric telegraph, the development of more efficient printing presses, and the construction of a national rail network, newspapers found it increasingly easy to locate, write, print and disseminate news. Newspapers could be bought anywhere and read by anyone. *The Times*, the *Daily Telegraph*, the *Morning Star*, and the *Standard* were listed in inventories of day rooms at Colney Hatch Lunatic Asylum in Middlesex and similar papers were also provided to inmates of hospitals, infirmaries and prisons.<sup>206</sup> Crime news was a predominant feature in the nineteenth-century press, with murder reports considered by editors to be particularly newsworthy.

#### Murder News

For a person to be found guilty of murder in the nineteenth century they had to progress through a series of examinations that made up the criminal justice system. First they would be charged by a coroner at an inquest on the victim’s body, then formally charged and indicted by magistrates at a police court, and finally tried before a judge and jury at the assizes. Newspapers were careful to follow each stage of the criminal justice process. Penny-a-liners and junior journalists attended coroner’s inquests and police court sessions scouting for newsworthy stories. Journalist Ernest Phillips remarked that, ‘the police court is an admirable school of experience. I knew a chief reporter who sent his juniors down to the courts every morning when there was nothing else for them to do.’<sup>207</sup> Journalists were also permitted to attend trials heard at the Central Criminal Court and the county assizes. It was not uncommon for tickets of entry to be sold at particularly sensational murder trials in the

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<sup>206</sup> R. Hunter and A. Macalpine, *Psychiatry for the Poor: 1851 Colney Hatch Asylum, Friern Hospital 1873; A Medical and Social History* (Kent: Wm Dawson and Sons Ltd, 1974), p. 139.

<sup>207</sup> Phillips, *How to Become a Journalist*, p. 44.

nineteenth century to reduce overcrowding in courtrooms. Tickets were waived for members of the press and they were provided with their own seating near the dock so they could report a court hearing in detail.

Attention to detail was one of the principal elements found in nineteenth-century murder reports. Larger papers, such as *The Times*, were able to report trials verbatim. Names of witnesses were provided, their occupations and place of residence, their statements, questions they received from lawyers and their answers in return. Advice books written for young journalists in the late nineteenth century maintained the importance of recording police court hearings and murder trials in as much detail as possible. Ernest Phillips noted in *How to Become a Journalist* (1895) that a writer should, ‘remember that he is writing for the public, who only want facts, and interesting facts at that.’<sup>208</sup> What was the name, age and occupation of the accused? What was the nature of the charge? Who was the judge? When did they arrive at the assizes? Who met them at the railway station? These were all questions printed in E. P. Davies’ guide *How to Write for the Press* (1910).<sup>209</sup> Murder reports contained as much information about a trial as the paper could afford to print, often styled in a narrative that followed trial proceedings without comment. Davies maintained that murder reports ought not to contain the opinions of journalists: ‘the reporter should remember in all instances that it is not his duty to criticise the proceedings, or to sit in judgement on the justices; his mission is to give a fair report of the cases that come before the Court.’<sup>210</sup>

The presentation of murder news in nineteenth-century newspapers, therefore, appears dry and underwhelming to a modern reader. Not only were the reports near verbatim accounts of trial proceedings, but they did not include editorial opinion and were placed in newspapers

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<sup>208</sup> Phillips, *How to Become a Journalist*, p. 37.

<sup>209</sup> Davies, *How to Write for the Press*, p. 74.

<sup>210</sup> *Ibid*, p. 64.



alongside other news items without distinctive headings or eye-catching illustrations of any kind. A page from the *Hertford Mercury* illustrates how murder news was presented in 1848 (Figure Six). Containing seven columns of small print, the article reporting the supposed murder of a child by her eight-year-old brother is identified only by a small headline at the top of the page: ‘Buntingford. Murder By a Child. Confession and Committal of the Accused.’ This headline notifies the reader of the main points of the story; the place of the murder, the nature of the crime, and the content of the article to follow. It does not include sensational language or leave the modern reader feeling shocked and wanting to know more.

However, by the close of the nineteenth century the presentation of murder news in the press began to resemble editorial styles used today. This movement towards what nineteenth-century journalist T. P. O’Conner termed, ‘the eve of a new departure in English journalism’, became a feature of the popular penny press.<sup>211</sup> Newspapers such as the *Daily Telegraph*, *Lloyd’s Weekly Newspaper*, and the *News of the World* borrowed editorial techniques of sensation journalism from America. Reports were more concise and easier to read, the text broken up by headlines, labels, and cross-heads. Illustrations were included and journalists provided their personal interpretations of events rather than merely reporting a trial verbatim. Historians and nineteenth-century commentators termed this new style of reporting, ‘New Journalism’. A page from the *Blackburn Standard*, detailing the supposed murder of a shopkeeper by his teenage apprentice in 1896, demonstrates how ‘New Journalism’ broke away from the traditional methods used to report murders such as those employed by the *Hertford Mercury* in 1848 (Figure Seven). The eight columns filled with a mass of small type in the *Blackburn Standard* are broken up by cross-heads and labels such as ‘Prisoner Confesses’ and ‘Prisoner Before the Magistrates’. Furthermore the text is broken down into small paragraphs and interrupted by five large detailed illustrations of the prisoner,

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<sup>211</sup> T. P. O’Conner, ‘The New Journalism’, *New Review*, Vol. 1 (1889), p. 423.



the murder scene, and the murder weapon. The headline is bold and eye-catching, presented in the multi-decker format associated with the nineteenth-century American popular press, commanding, ‘three or four lines in bold Grot, condensed, square and well-spaced.’<sup>212</sup>

Another journalistic technique borrowed from America and used to report murders in the late nineteenth century was the art of sensationalism. Why report the trial of a criminal in verbatim when you can report in gory detail the story of a cruel and bloody murder? W. T. Stead, editor of the *Pall Mall Gazette*, pondered the role of sensation in murder news in an article headlined ‘The Blood-Thirst of the Day’. He wrote, ‘What is the right thing to do? The paying thing to do is clear enough. The paying thing is to go in for sensation, to bring out a sheet which drips with gore and is almost as “creepy” and revolting as the gashed and mangled corpse of the murderer’s victim. To work up the sensation by every means known to journalism.’<sup>213</sup> There were many ways in which murder news was sensationalised in the nineteenth-century press. The most obvious was the use of melodramatic language in both the headlines and the main content of the article. Murders became ‘tragedies’, police investigations, ‘mysteries’, murder victims became ‘innocents’, and murderers, ‘monstrous.’<sup>214</sup> Additional methods included the use of detailed illustrations, such as those published in the *Blackburn Standard*, printing the written confessions of murderers, and attributing the label ‘murderer’ to criminals who had not yet been convicted or who had been found guilty of a lesser criminal offence. Nineteenth-century commentators complained that the new style of journalism used to report crime and murder news was, ‘featherbrained.’<sup>215</sup>

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<sup>212</sup> A. Hutt, *The Changing Newspaper: Typographic Trends in Britain and America, 1622-1972* (London: Gordon Fraser, 1973), p. 68.

<sup>213</sup> W. T. Stead cited in L. P. Curtis, *Jack the Ripper and the London Press* (New Haven: Yale University Press, 2001), p. 81.

<sup>214</sup> All these tags can be found in the headlines reporting murders committed by children in nineteenth-century newspapers located in the bibliography.

<sup>215</sup> This term was used by Matthew Arnold in his description of W. T. Stead’s reporting style employed in the *Pall Mall Gazette*. Arnold wrote, ‘that it is *feather-brained*. It throws out assertions at a venture because it



An anonymous writer following the trial of two brothers accused of murdering their father in 1890 complained that, ‘newspaper reporters have got into the bad habit of calling all murders, however violent, brutal, and prosaic, “tragedies.” Every action for breach of promise, however silly and vulgar the details may be, involves a “romantic story.” Phrases indiscriminately applied become in the process of time unmeaning.’<sup>216</sup>

However, the sensationalism associated with the rise of ‘New Journalism’ in the late nineteenth century was not as ‘new’ as this commentator liked to believe. Editorial techniques designed to generate an atmosphere of sensation had been used in England and Wales long before the development of a mass circulation newspaper press. Crime broadsides written in the early nineteenth century, for example, often employed sensational language to describe the crimes of murderers who had been sentenced to death. These gruesome details were shouted out by vendors on the streets hoping to generate interest amongst passers-by. Bold headlines were also used in broadsides to attract public attention. Eye-catching labels printed in broadsides resemble the multi-decked headlines associated with the ‘New Journalism’ of the late nineteenth century. Whereas the *Hertford Mercury*’s introduction to the murder of a girl by her brother in 1848 appeared staid and unsensational, the same could not be said for the headline of a broadside that documented the crime (Figure Eight). It announced the ‘Full Particulars of the Cruel and Horrid Murder at Westmill, Near Buntingford, Hertford, By a Wm. Games, A Boy Eight Years Old, On the Body of His Little Sister.’ This degree of sensation did not belong in the newspapers of the early nineteenth century. Such exaggeration and melodrama was considered vulgar and crude.

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wishes them true; does not correct either them or itself, if they are false; and to get at the state of things as they truly are seems to feel no concern whatever.’ Cited in A. J. Lee, *The Origins of the Popular Press in England, 1855-1914* (London: Croom Helm, 1976), p. 118.

<sup>216</sup> Anon, ‘The Cheshire Tragedy’, *The Speaker; The Liberal Review*, 8 February 1890, p. 141.

Figure Eight

Broadside produced in 1848 providing the details of a murder committed by a boy

**FULL PARTICULARS of the CRUEL  
AND HORRID MURDER  
At WESTMILL,  
NEAR BUNTINGFORD, HERTFORD,  
BY  
WM. GAMES, A BOY EIGHT YEARS OLD,  
On the body of his little Sister.**

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<p>YOU tender parents all around come listen unto me, While I unfold a murder cold, an awful tragedy ; Near Buntingford, in Hertfordshire, is a village called Westmill— This sad inhuman murder will cause your blood to chill.</p> <p>This murdered child so innocent was but five years of age, Has closed its little eyes in death all by a brother's rage ; A lad of only nine years old, how dreadful to relate, Each parents heart must bleed with woe to think upon their fate.</p> <p>The murderer's name is Wm. Games, a lad that's known full, At Squire Grieg's this boy's father in service long did well ; This most dreadful tragedy has caused much sore dismay, And filled his parents heart with woe upon that fatal day.</p> <p>How little did their parents think when they were both from home, That such a shocking fate as this would to their daughter come, That they should see its mangled corpse lay bleed- ing on the floor— The darling child they loved so well, alas was now no more !</p>	<p>The cruel brother with a stick first struck the child with dread, Then with his father's bill-hook he wounded her dear head ; Then cut and maimed its hands and face in such a dreadful state. Enough to make your blood run cold to think upon her fate.</p> <p>A more distressing deed there never yet was found, And grief and terror it has caused the country all around ; To think poor child it should be slain and no one there to save— It's mutilated body now must fill an early grave.</p> <p>Her tender mother when she found her darling child was dead, Was driven into wild despair, her senses now are fled ; You tender parents when you hear this shocking tale of woe, In feeling for your children dear, it will cause your tears to flow.</p> <p>This youthful murderer now does find how hard 'tis to bewail The horrid crime of murder within a dismal gaol ! May God some comfort now impart to the parents aching hearts, Who for their murdered child do mourn how dread- ful is the smart.</p>
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BIRT, Printer, Seven Dials, London.

By the close of the nineteenth century, however, sensationalism was recognised to be invaluable in reporting murder news. Sensational headlines and melodrama caught the attention of passers-by, bringing in the profits every newspaper editor strove to obtain. It was not just the penny papers who used sensational language in their articles and headlines. Even newspapers like *The Times*, which rejected 'New Journalism' and maintained traditional journalistic methods to report murder news, took advantage of the impact sensationalism had on the selling power of a paper. An article in the *Globe* in 1870 called the crime-news section

of *The Times*, ‘A Sheet Full of Horrors’.<sup>217</sup> The anonymous author remarked that, ‘a person in the future will look back with horror on the condition of those savages of the 19<sup>th</sup> century’, for pages five, eight, nine and eleven were filled with reports of, ‘horrible murder’, and, ‘other atrocities.’<sup>218</sup>

It is clear that newspapers in the nineteenth century regarded murders to be particularly newsworthy. Penny-a-liners made it their daily occupation to visit multiple inquests and police court sessions in the hope of sourcing a good story. Editors paid telegraphic companies and their own correspondents to travel across the country in order to report the latest events of a murder trial. The sensational language of murder reports aimed to attract the attention of readers, to sell as many copies of the paper as possible, and to satisfy the public’s taste for horror and gore. However, a number of historians who turned their attention to the press coverage of children who killed in the past, have argued that murders committed by children in the nineteenth century were not sensational, that these murders received little press coverage and even less editorial comment. The next section of this chapter responds to this previously accepted view of the press treatment of children who killed in the past. I will argue that newspapers in nineteenth-century England and Wales did report cases of children who were charged with felonious killing offences and that these stories were considered to be newsworthy.

### **Murder By Children: a Newsworthy Crime?**

In 1831 two brothers were charged with the murder of a boy named Richard Faulkner Taylor. He had just collected his father’s poor relief money and was walking home when John and James Bell, aged fourteen and twelve, lured him into some nearby woods. It was

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<sup>217</sup> ‘A Sheet Full of Horrors’, *Globe* (1870), cited in C. A. Casey, ‘Common Misperceptions: The Press and Victorian Views of Crime’, *Journal of Interdisciplinary History*, Vol. 41, No. 3 (2011), p. 376.

<sup>218</sup> *Ibid.*

here that John Bell took out a knife and stabbed Taylor, stealing the small sum of nine shillings and leaving the boy to die. The body was not discovered until two months later. Crime historian Vic Gatrell, in his celebrated book *The Hanging Tree*, remarked that this murder committed by children did not ignite the level of press interest he had expected.<sup>219</sup> Few newspapers reported the trial of John Any Bird Bell, and those that did only dedicated a small amount of print-space to the case. According to Gatrell *The Times* report was only a few inches long.<sup>220</sup> However if we place these articles in context of the newspaper press of the 1830s, rather than analysing them according to modern notions of newsworthiness, it becomes clear that the murder trial and execution of John Bell were sensational events and were deemed newsworthy by nineteenth-century newspaper editors. For example, the small amount of print-space given to the case reflects the expense of printing news before the ‘Taxes on Knowledge’ were abolished in the 1850s rather than any lack of desire to report the crime. In 1831 newspaper stamp duty cost 4d whilst the excise duty on paper varied from 2 to 15s per ream.<sup>221</sup> It was not unusual for newspaper reports, even of the most sensational crimes, to be brief. Furthermore Gatrell seems to ignore the length of the other articles on the trial and execution of John Bell that were printed in *The Times*. The summary report of the execution might have only been a few inches long, but on the 30<sup>th</sup> of July 1831 *The Times* provided a 39 paragraph report on the trial proceedings heard at the Maidstone Assizes.<sup>222</sup> This article was re-printed in a number of provincial papers throughout the country, including the *Chester Courant*, the *Bury and Norwich Post*, and the *Yorkshire Gazette*.<sup>223</sup> Though this

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<sup>219</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994), p. 4.

<sup>220</sup> *Ibid.*

<sup>221</sup> Chalaby, *The Invention of Journalism*, p. 12.

<sup>222</sup> ‘Summer Assizes. Maidstone, Friday, July 29’, *The Times*, Saturday 30 July 1831.

<sup>223</sup> ‘Horrible Murder By a Child’, *Chester Courant*, Tuesday 2 August 1831; ‘Trial of John Any Bird Bell’, *Bury and Norwich Post*, Wednesday 3 August 1831; ‘Assizes Intelligence’, *Yorkshire Gazette*, Saturday 6 August 1831.

case might not have been as widely reported as Gatrell had first expected, it was considered newsworthy enough for editors of provincial papers to follow the story. This involved a considerable amount of work in the days before the electric telegraph and the national rail network.

It is also important to remember that newspapers in the early nineteenth century were expensive. A single copy of *The Times* cost 7d. Newspaper reports should not, therefore, be the only source historians consider when judging the newsworthiness and sensation of a crime. The Bell murder trial was widely reported in the newspaper press, according to nineteenth-century standards, and even more so in the popular press. Sold on the streets by patterers and chaunters (news vendors who sung the words of headlines to attract the attention of passers-by) broadsides, pamphlets, and chapbooks printed on low-grade paper provided sensational news to those who could not afford newspapers. Henry Mayhew, in an interview with a broadside-seller, recognised the central importance of murder news in selling these forms of street literature. According to the vendor, ‘murders are the great goes.’<sup>224</sup> At least six different broadsides were produced following the trial and execution of John Bell; four in London, one in Ipswich, and one in Birmingham. Furthermore an anonymous author published an affordable chapbook detailing the crime from the moment the two brothers decided to rob Taylor to the horror felt by the crowds who stood under the gallows when John was hanged. It was called, *A Narrative of Facts Relative to the Murder of R. F. Taylor, Together with the Trial of John Any Bird Bell for the Murder, Including the Confession of the Prisoner.*<sup>225</sup> Though there is no way of telling how many people read this

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<sup>224</sup> H. Mayhew cited in L. Shepard, *The History of Street Literature: The Story of Broadside Ballads, Chapbooks, Proclamations, News-Sheets, Election Bills, Tracts, Pamphlets, Cocks, Catchpennies, and other Ephemera* (Devon: David & Charles, 1973), p. 72.

<sup>225</sup> Anon, *A Narrative of Facts Relative to the Murder of R. F. Taylor, Together with the Trial of John Any Bird Bell for the Murder, Including the Confession of the Prisoner* (Rochester, 1831).

chapbook it is clear that the murder trial of John Bell received far more press attention than Gatrell first assumed.

The majority of scholars who have sought to understand how murders committed by children were reported in the nineteenth-century press focus their research on a comparative analysis of the news coverage surrounding the murder trial of ten-year-olds Jon Venables and Robert Thompson in 1993 with two other murders of children committed by children in 1855 and 1861.<sup>226</sup> Stamp duty and taxes on paper had been abolished, the electric telegraph was available to those who subscribed, and the growing national rail system improved the speed at which news could be disseminated. Short articles borrowed from other papers might have been the norm in the 1830s but the newspaper press of the 1860s could now afford to print more detail. Does this mean that low levels of news coverage and a lack of attention to detail in the press reflected a dearth of interest in a particular crime or murder?

Media scholars John Archer and Jo Jones, in an article examining how violence is represented in the modern press, compared the headlines reporting the murder of James Bulger in 1993 with those found in the newspaper coverage of the two murders committed by nine-year-olds John Breen and Alfred Fitz in 1855 and eight-year-olds Peter Barratt and James Bradley in 1861. They argued that the headlines found in the nineteenth-century newspapers were not as sensational as those in the modern press; that the murders committed in 1855 and 1861 did not excite the level of sensation associated with children who kill

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<sup>226</sup> J. Abbott, 'The Press and the Public Visibility of Nineteenth-Century Criminal Children', in J. Rowbotham and K. Stevenson, *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage* (Columbus: Ohio State University Press, 2005), pp. 23-39; J. Archer and J. Jones, 'Headlines from History: Violence in the Press, 1850-1914', in E. A. Sarko, *The Meanings of Violence* (London: Routledge, 2003), pp. 17-31; J. Muncie, *Youth and Crime: A Critical Introduction* (London: Sage Publications, 1999); J. Rowbotham, K. Stevenson and S. Pegg, 'Children of Misfortune: Parallels in the Cases of Child Murderers Thompson and Venables, Barratt and Bradley', *The Howard Journal*, Vol. 24, No. 2 (2002), pp. 107-122; P. Spierenburg, *A History of Murder: Personal Violence in Europe from the Middle Ages to the Present* (Cambridge: Polity Press, 2008).

today.<sup>227</sup> The *Daily Mirror* in 1993 provided a front-page headline that immediately grabbed the attention of readers, generating sensation and sympathy for the murdered victim. It read ‘JAMES BULGER: Born 16 March 1990, Killed 12 February 1993. Goodnight Little One.’<sup>228</sup> In comparison Archer and Jones analysed two headlines that introduced the murder of a boy by two nine-year-olds in 1855. One read simply ‘A Little Boy Murdered By Two of His Playmates’ and the other ‘The Extraordinary Case of a Boy Killed By a Boy.’<sup>229</sup> The latter might appear more sensational, suggesting to Archer and Jones an increased degree of newsworthiness, but it was factually inaccurate. The murder was not committed by ‘a boy’ but by two boys. They concluded that the tone of headlines reporting murders committed by children in the past lacked the outrage found in the newspaper coverage of the Bulger case.<sup>230</sup>

However, when these headlines are analysed in the context of other items of crime news that were reported in the nineteenth century it becomes clear that the two murders committed by children in 1855 and 1861 were sensational, and were regarded to be newsworthy. Factual errors in newspapers were not unusual in the nineteenth century. Though the invention of the electric telegraph allowed provincial papers to print a wider selection of news, the telegrams they received were often factually inaccurate. In 1876 when eleven-year-old William Gilbert Harrod was charged with the murders of William Henry Hebblewhite and Arthur Stockley a large number of papers printed the second victim’s name as ‘Arthur Hockley’. It is probable that these papers all accessed their information from the same telegraph company. Rather than illustrating a lack of attention afforded to the case the factual error reflects the desire of provincial papers to pay telegraph subscription fees

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<sup>227</sup> J. Archer and J. Jones, ‘Headlines from History: Violence in the Press, 1850-1914’, in E. A. Stanko, *The Meanings of Violence* (London: Routledge, 2003), pp. 20-21.

<sup>228</sup> Archer and Jones, ‘Headlines from History’, p. 20.

<sup>229</sup> *Ibid.*, p. 21.

<sup>230</sup> Archer and Jones, ‘Headlines from History’, p. 21.

in order to report crime and murder news. The factually incorrect headline analysed by Archer and Jones appeared in the *Liverpool Daily Post* on the 21<sup>st</sup> of July 1855. Just two days later the paper offered a fuller report of the case headlined ‘The Murder By Children – Resumed Inquest.’<sup>231</sup> Here the ages of Breen and Fitz were provided and the article followed the coroner’s inquest on the body of seven-year-old James Fleeson in considerable detail. Further reports appeared in the same paper throughout July and August, documenting the boys’ progression through the criminal justice process. The headlines might not have always been accurate or sensational but the case was heavily reported.

Archer and Jones maintain that headlines are used as signposts in modern newspapers. They reflect the opinions of writers, editors, and readers, attributing blame and passing judgement.<sup>232</sup> The more sensational a headline, the more newsworthy a story. However headlines did not perform this role in the nineteenth century. They acted as labels to signal the start of a new article, guiding a reader through the page of tightly-packed print, summarising the main points of the story that followed.<sup>233</sup> Certain headlines were commonly used to report crime and murder news, such as ‘Accidents and Offences’, ‘Coroner’s Inquests’, and ‘Assize Intelligence’. Other more crime-specific headlines included ‘Murder By a Boy’, ‘Boy Killed By Another Boy’, and ‘Child Killed in Play’. These headlines did not reflect the opinions of writers or editors, they were merely tags attributed to certain news-stories to make the paper easier to read. It was not until the late nineteenth century with the rise of ‘New Journalism’ that headlines were accorded more importance in the meaning of an article.<sup>234</sup> The apparently dull headlines used to report the murder of James Fleeson in 1855

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<sup>231</sup> ‘The Murder By Children – Resumed Inquest’, *Liverpool Daily Post*, Monday 23 July 1855.

<sup>232</sup> Archer and Jones, ‘Headlines from History’, p. 22.

<sup>233</sup> Hutt, *The Changing Newspaper*, p. 54.

<sup>234</sup> *Ibid*, p. 58.



do not, therefore, suggest that the case was not newsworthy. The editor of the *Liverpool Daily Post* treated the murder committed by two children like he would any other murder.

In fact when children were charged with wilful murder in the nineteenth century their crimes were often considered to be especially newsworthy. Not only were they examples of murder, Mayhew recognising that murders sold well, but these murders had been committed by children. An article following the murder trial of eight-year-old Robert Shearon and nine-year-old Samuel Crawford in 1891 emphasised the degree of sensation surrounding children who killed in the nineteenth century. Under an attention-grabbing headline, ‘The Ghastliest Murder on Record’, the *Pall Mall Gazette* remarked:

We doubt if the rest of the civilised world...has ever been confronted with a passage quite so hideously black...what is it that makes one crime stand out among its fellows? Is it inadequacy of motive? Pitiful inadequacy of motive is here. Cold, savage deliberation in compassing the crime – horror and cruelty in the circumstances of its accomplishment? Such deliberation, such cruelty, were never more revoltingly displayed than here. But over and above all this, as the last bid for ghastly pre-eminence, which seems to put this Liverpool murder in a class by itself, there is one circumstance which may be told in a sentence. Murdered and murderers all three were infants.<sup>235</sup>

Murder was a crime associated with adults in the nineteenth century, not children. The most infamous murderers in literature were adult males, such as Bill Sykes in *Oliver Twist* and Sweeney Todd in *A String of Pearls*. In these novels children were either innocent bystanders or the victims of hardened adult criminals.<sup>236</sup> The image of two children standing in

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<sup>235</sup> ‘The Ghastliest Murder on Record’, *Pall Mall Gazette*, Thursday 24 September 1891.

<sup>236</sup> For more detail on the place of children and murderers in the Victorian popular imagination see Chapter Six.

Figure Nine

The front page of the *Illustrated Police News* (Saturday 16 May 1874), including two illustrations of murders committed by children in the central horizontal panel



the dock charged with murder shocked the Victorian public and the press took advantage of this sensation. Murder was a newsworthy crime, murders committed by children were even more so.

Woodcut illustrations rarely appeared in nineteenth-century newspapers. Lucy Brown has argued that they were reserved only for the most important and sensational news-stories.<sup>237</sup> Illustrations were expensive to produce and they were difficult to print. Therefore editors only invested this time and money for stories that were guaranteed a high degree of public interest. On the 16<sup>th</sup> of May 1874 sketches of two cases of murder committed by children appeared on the front-page of the *Illustrated Police News* (Figure Nine). The illustration on the left detailed the murder of a young lady who was shot with a rifle by eleven-year-old Henry Hubbard and the image on the right the murder of a boy who was pushed into a pond and drowned by his playmates. These two stories were accorded the same level of sensation as an ‘Attempted Suicide By a Nobleman’, a ‘Serious Accident to a Four-in-Hand’ and ‘The Extraordinary Murder at Hackney’.<sup>238</sup>

Some murders committed by children were considered so newsworthy that they received multiple illustrations in a single edition of a newspaper. In 1888 eleven-year-old Robert Husband was charged with stabbing another boy to death. The *Illustrated Police News* issued a two-part woodcut illustrating the discovery of the body and the arrest of the boy murderer (Figure Ten). Husband appeared in both images. In the top illustration he is shown as a shadowy figure, the murderer, his small stature indiscernible beside the man bending down over the body of the deceased child. In the bottom image, however, Husband’s youth is emphasised. Standing beside a tall policeman and surrounded by adults

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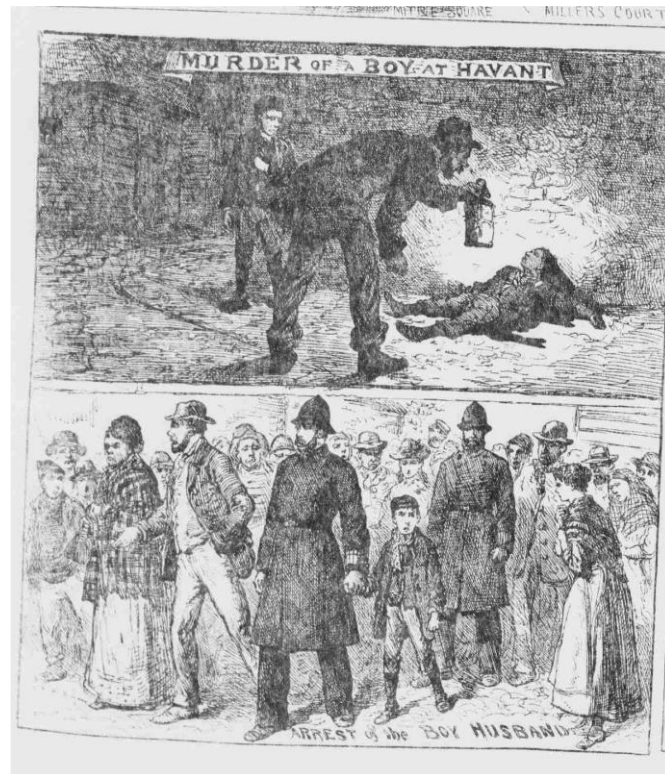
<sup>237</sup> Brown, *Victorian News and Newspapers*, p. 22.

<sup>238</sup> Front-page headlines of woodcuts printed on the *Illustrated Police News*, Saturday 16 May 1874.

## Figure Ten

‘Murder of a Boy at Havant. Arrest of the Boy Husband’, *Illustrated Police News*,

Saturday 8 December 1888



Husband appears very small, youthful and childlike. It was the association of youth with a crime like murder that made this case so sensational in the press.

The extent to which the youth of children charged with murder made their crimes particular sensations in the nineteenth century can also be seen in newspaper headlines. When eight-year-olds Peter Barratt and James Bradley were tried for wilfully murdering an infant child in 1861 their crime was not reported under the headline ‘A Shocking Murder’ but rather ‘A Shocking Murder By Two Boys.’<sup>239</sup> The same importance accorded to the youth of offenders can be seen in the newspaper headlines following the murder trials of John Bell (1831) and John Breen and Alfred Fitz (1855). The *Chester Courant* reported ‘A

<sup>239</sup> ‘Shocking Murder By Two Boys’, *Bury and Norwich Post*, Tuesday 23 April 1861.

Horrible Murder By a Child' in 1831 whilst in 1855 the *Cheshire Observer* announced that there had been a 'Murder By Boys at Liverpool.'<sup>240</sup> These headlines might not appear to be as attention-grabbing or shock-provoking as those used in the press coverage of the Bulger murder trial in 1993, but this should not be surprising. The treatment of crime and murder news in the nineteenth century was very different from that used today. Print-space was an expensive commodity, headlines served as labels rather than as journalistic devices to influence a reader's perception of crime, and the standard of printing technology meant that the use of illustrations was not widespread. However, it is clear that what was considered newsworthy in 1993 was also considered newsworthy in the past. Murders, and especially murders committed by children, were sensational items of news that sold well. Newspaper editors were therefore keen to take advantage of this sensation and were quick to report the news that a child had killed.

### **Murder By Children: Moral Panic or Sensation?**

Murders committed by children might have been presented as particularly sensational and newsworthy stories in the nineteenth-century press but is there any evidence that this press coverage generated public concern? In the 1970s sociologists Jock Young and Stanley Cohen argued that newspaper representations of deviant behaviour had the potential to create episodes of moral panic in modern societies.<sup>241</sup> Cohen, in his seminal book *Folk Devils and Moral Panics*, analysed how Mods and Rockers in 1960s Brighton were treated in the press. He argued that newspapers fashioned Mods and Rockers as distinct types of deviants, generating panic by over-reporting instances of youth violence, creating stereotypical juvenile criminals, and exaggerating the threat that these youths posed to the

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<sup>240</sup> 'Horrible Murder By a Child', *Chester Courant*, Tuesday 2 August 1831; 'The Murder By Boys at Liverpool', *Cheshire Observer*, Saturday 25 August 1855.

<sup>241</sup> S. Cohen and J. Young, *The Manufacture of News: Social Problems, Deviance and the Mass Media* (London: Constable, 1973).

rest of the community. What followed was a shared anxiety amongst the British public about the future of society and calls for the harsher treatment of juvenile delinquents.<sup>242</sup> Historians have applied the concept of newspaper-generated moral panics to explain similar periods of public anxiety in the past. R. Sindall, for example, has argued that the press generated a sense of panic after the MP James Pilkington was violently attacked in 1862. Criminals were identified as garroters whether they had garrotted their victims or not, judges felt pressured to pass harsh sentences against those charged with violent robberies, and members of the public feared walking down the street, imagining a garrotter was waiting for them behind the next corner.<sup>243</sup> John Muncie, among others, have maintained that the newspaper frenzy surrounding the murder of James Bulger resembled Cohen's model of a moral panic.<sup>244</sup> The papers presented Venables and Thompson as monsters, the result of an over-indulgence in violent popular culture. An article in the *Daily Mirror* reported the damaging influence of 'video nasties' on children in a two-page spread headlined 'BRITAIN UNDER SIEGE ++ BRITAIN UNDER SIEGE.'<sup>245</sup> The two youthful murderers came to signify what a future generation of young people might become.

Samantha Pegg has analysed the press coverage surrounding the murder of James Bulger alongside press reports recording the two murders committed by children in 1855 and 1861.<sup>246</sup> She argues that children who killed in the past did not generate a sense of panic like that witnessed in 1993. Though murders committed by children posed an ideological

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<sup>242</sup> S. Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (New York: St. Martin's Press, 1980).

<sup>243</sup> R. Sindall, 'The London Garrotting Panics of 1856 and 1862', *Social History*, Vol. 12, No. 3 (1987), pp. 351-359.

<sup>244</sup> J. Muncie, *Youth and Crime: A Critical Introduction* (London: Sage Publications, 1999), p. 4.

<sup>245</sup> Archer and Jones, 'Headlines from History', p. 20.

<sup>246</sup> S. Pegg, *Child on Child Killing: Societal and Legal Similarities and Dissimilarities; 1840-1890 and 1950-2000* (Unpublished Doctoral Thesis: Nottingham Trent University, 2007); S. D'Cruze, S. Walklate and S. Pegg, *Murder: Social and Historical Approaches to Understanding Murder and Murderers* (Oxford: Routledge, 2001), pp. 69-102

threat to popular notions of childhood in the nineteenth century, undermining the romanticised image of the innocent Victorian child, Pegg notes that no attempts were made in the nineteenth-century press to suggest that these murders committed by children signalled societal degeneration. Newspaper articles treated the murders committed by Breen and Fitz in 1855 and Barratt and Bradley in 1861 as anomalous incidences. The crimes committed by these four children were not loaded with symbolic meaning suggesting the erosion of childhood like those of Venables and Thompson in 1993.<sup>247</sup> My research supports Pegg's conclusion. I would argue that not a single case of child murder in the nineteenth century (of those included in my study) generated a moral panic. Though murders committed by children received a lot of press coverage in the nineteenth century, this coverage did not seek to provoke mass fears regarding the moral stability of society. No one case stands out in the Victorian popular imagination and memory, like the murder of James Bulger does in ours. The majority of murders committed by children were reported in the press like any other murder. They might have been particularly shocking events, the youth of the murderers proving unusual, but this shock did not often translate into fear or transform into a moral panic.

Murders committed by children in the nineteenth century were, however, used as shock tools in wider moral panics. John Springhall suggests that the murder committed by thirteen-year-old Robert Allen Coombes in 1895 sparked a moral panic in the press.<sup>248</sup> Newspapers, national and international, printed multiple reports discussing the crime. In newspaper articles such as 'The Plaistow Horror' and 'The Plaistow Matricide' Robert was cast as a villainous monster whilst his mother became the innocent victim of her son's

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<sup>247</sup> Pegg, *Child on Child Killing*, p. 261.

<sup>248</sup> J. Springhall, *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-Rap, 1830-1996* (Hampshire: Macmillan Press, 1998), p. 90.

cruelty.<sup>249</sup> Members in the House of Commons and the House of Lords debated whether this crime was simply the inevitable result of a child who had been brought up in an urban, modern society. Calls were made by MPs to investigate the state of childhood in London and the forms of popular culture made available to children.<sup>250</sup> This panic, however, centred more on the publication of pernicious penny literature directed at a youthful readership rather than on the crime committed by Coombes. The murder of a mother by her son was used as an example by moral reformers to show the dangerous effects of boys reading cheap adventure literature. The majority of newspapers and periodicals in leading articles discussing the Plaistow Matricide focused their attention on, ‘A Literary Causerie. The Poor Little Penny Dreadful’ and discussed ‘How to Counteract the “Penny Dreadful”’.<sup>251</sup> Kenneth Thompson in his discussion of *Moral Panics* maintains that children, as subjects, are rarely regarded as a source of risk. Rather, moral panics involving children reflect wider moral and social concerns.<sup>252</sup> Thompson argues that the panic surrounding the murder of James Bulger in 1993 was not provoked by the murder committed by two children, but by the circumstances that lead to that murder: the apparent rise in violent crime and the production of video nasties.<sup>253</sup> As can be seen with the moral panic surrounding the murder committed by Robert Coombes in 1895, when children kill it is not necessarily the murder committed by a child that incites a moral panic but, rather, the wider factors thought to have prompted the crime.

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<sup>249</sup> ‘The Plaistow Horror’, *Manchester Evening News*, Thursday 25 July 1895; ‘The Plaistow Matricide’, *Pall Mall Gazette*, Wednesday 18 September 1895.

<sup>250</sup> A more detailed discussion of the moral panic surrounding the murder committed by Robert Coombes, and its implications, can be found in Chapter Five.

<sup>251</sup> Anon, ‘A Literary Causerie. The Poor Little Penny Dreadful’, *The Speaker: The Liberal Review*, 5 October 1895, pp. 367-368; H. Chisholm, ‘How to Counteract the “Penny Dreadful”’, *Fortnightly Review*, 9 November 1895, pp. 765-775.

<sup>252</sup> K. Thompson, *Moral Panics* (London: Routledge, 1998), p. 43.

<sup>253</sup> *Ibid*, p. 15, p. 95.



So murders committed by children did not generate moral panics in the nineteenth century. This does not mean, however, that newspaper articles reporting cases of children charged with murder did not provoke an emotional response in the Victorian public. Whereas the garrotting panic of the 1860s generated fear and a concern for personal safety, and the newspaper coverage of the Bulger murder trial in 1993 invoked feelings of anger, revenge and anxiety about the future of society, nineteenth-century newspaper reports detailing murders committed by children created a sense of sensation.

I have discussed sensation in this chapter already. From the mid nineteenth century newspapers sensationalised items of news through the use of melodramatic language and other typographical methods seeking to amplify the horror and gore of a crime. ‘Sensation’ also referred to the relative newsworthiness of a crime. If a murder was sensational this meant it captured the interest of the reader and would sell well. This form of sensation was the inspiration for a popular music-hall song printed by Frank Hall and Frederic Archer in 1861:

Up and down the blessed town I run for information;

Trying to discover if there’s any new sensation.

Politics and accidents and scandalizing too, Sir,

Either’s all the same to me, as long as it is new, Sir.<sup>254</sup>

‘Sensation’ could also refer to the emotional response of a reader. Sensational crimes were not only ‘sensational’ because they were new but because they, ‘were calculated to produce

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<sup>254</sup> Diamond, *Victorian Sensation*, p. 1.

a startling impression', on those who read the paper.<sup>255</sup> This could be in the form of horror, shock, and even elation.

In 1890 *Reynolds's Weekly Newspaper*, notorious for its sensational representation of crime news, introduced to its readers, 'a crime the enormity of which has horrified the whole English-speaking race', and, 'arouse[d] the deepest feeling of horror.'<sup>256</sup> Two boys named Richard and George Davies, aged eighteen and sixteen, had murdered their father by striking him on the head with an axe. The story was sensationalised in the press. Headlines such as 'The Tragedy at Crewe', 'The Crewe Boy Murderers', and 'The Crewe Parricides' introduced the case to readers and the articles that followed presented the two brothers as the most abhorrent of all murderers. Parricide was a crime that shocked and horrified the Victorian public. George. W. M. Reynolds, founder of *Reynolds's Weekly Newspaper*, maintained, 'there are murders of various grades...there are assassinations for jealousy – revenge – in self-defence – or through sudden anger, as well as murders for gold and to conceal a crime...Can there be a murder more atrocious – more detestable – more horrible than any of these? Yes – there is one from which even common murderers...would shrink dismayed; and this is – PARRICIDE.'<sup>257</sup>

The murder of Mr Davies by his two sons proved to be a particular sensation. The case was heavily reported in the press, a series of graphic illustrations were printed in the *Illustrated Police News*, portraits of the two boys were hung as exhibits in 'The Chamber of Horrors' at Madame Tussauds<sup>258</sup> and waxwork figures of Richard and George Davies were

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<sup>255</sup> Curtis, *Jack the Ripper and the London Press*, p. 66.

<sup>256</sup> 'The Tragedy at Crewe', *Reynolds's Weekly Newspaper*, Sunday 30 March 1890.

<sup>257</sup> G. W. M. Reynolds, *The Parricide; or, The Youth's Career of Crime* (London: John Dicks, 1847), p. 2.

<sup>258</sup> The portraits of Richard and George Davies were included in George Augustus Sala's exhibition catalogue published in 1892 as a guide to visitors of Madame Tussauds. The Crewe parricide portraits were located two exhibits away from the wax-work of Edward Oxford, who tried to assassinate Queen Victoria in 1840, and four

included in P. T. Barnum's travelling show depicting, 'all the principal Celebrities', of the day.<sup>259</sup> A considerable amount of public interest was also invested in the murder trial of the two Davies brothers. Tickets of entry to the courthouse in Crewe were sold to reduce overcrowding in the auditorium and those who could not afford to buy tickets waited outside in the hope of glimpsing the two youthful murderers. According to the *Cheshire Observer*, 'despite the March wind that swept chillingly across the Castle Square there was a fairly large crowd in front of the court doors at nine o'clock, an hour before the opening of the proceedings.'<sup>260</sup> The paper described the emotions exhibited by those in the crowd, 'a thrill certainly ran through the court when the murdered man's widow entered the box.'<sup>261</sup> The determination of the crowd to witness the sensational trial almost caused a riot: 'after a short interval the court gate was partially opened [and] such a rush was made that the custodians were entirely overpowered.'<sup>262</sup> Special arrangements were made to transport the two convicted murderers to and from the assizes. A separate carriage was attached to the train that delivered them from Crewe to Knutsford Gaol. In the hope of avoiding a mob like the one that had gathered outside the courthouse the train departed earlier than scheduled, the windows blacked-out to avoid the curiosity of passers-by.

Though not all murders committed by children generated this level of sensation, the degree of public interest surrounding the Davies parricide was not an isolated event. One of the most infamous murders that took place in the nineteenth century was committed by a child. In 1860 Constance Kent, aged sixteen, was accused of killing her half-brother by

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along from the models of Maria and Frederick Manning; G. A. Sala, *Madame Tussauds Exhibition Catalogue* (London, 1892), exhibition number 323.

<sup>259</sup> 'Waxwork. – Crewe Murder', *The Era*, Saturday 8 March 1890.

<sup>260</sup> 'The Crewe Murder Trial. Scene in Court', *Cheshire Observer*, Saturday 22 March 1890.

<sup>261</sup> *Ibid.*

<sup>262</sup> 'The Crewe Murder Trial. Scene in Court', *Cheshire Observer*, Saturday 22 March 1890.

cutting his throat with a knife in the Somerset town of Road. Headlined as the ‘Road Murder’ in the press the news of the girl’s arrest caused sensation throughout the country.<sup>263</sup> Although she was not formally indicted for murder in 1860 the Kent family became a public attraction. According to Mr Kent’s lawyer, ‘letters containing threats and gross insults’, were sent to all the family members and that, ‘a party of six persons, dressed like gentlemen, rode into the grounds of the house, laughing, smoking, and joking...halting in front of the house [and] seeing one of the young ladies at the window, they shouted, “There is Constance,” and it was only on Mr. Kent making his appearance that they rode away.’<sup>264</sup> Similarly in 1888, when eleven-year-old Robert Husband was accused of murdering another boy in Hampshire, the press created a furore against the Havant Boy Murderer. His family name was associated with the crime long after he had been found innocent by a jury at the Hampshire Assizes. In 1889 an article in the *Leicester Chronicle* noted that, ‘the Husband family, so well known in connection with the Havant tragedy, are now in Portsmouth in an utterly destitute condition...the father has been unsuccessful in his efforts to obtain work. On Saturday last one of the children got employment, but on Monday when he went to his work, he was paid a week’s wages and dismissed, because of his family connections.’<sup>265</sup> The fate of Robert Husband remains unknown. His name does not appear in the 1891 Census, nor are there any records of his death. It is probable that he changed his name to avoid the public hostility generated by the press, following in his father’s foot-steps to begin a career in the Navy. Sensational murders, such as those committed by children, had the ability to stir emotions and arouse public concern. Though they did not provoke a sense of ‘panic’

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<sup>263</sup> For detailed analysis of the newspaper coverage surrounding the murder of Francis Saville Kent see K. Summerscale, *The Suspicions of Mr. Whicher, or The Murder at Road Hill House* (London: Bloomsbury Publishing, 2008).

<sup>264</sup> Anon, *The Road Murder; Being a Complete Report and Analysis of the Various Examinations and Opinions of the Press on this Mysterious Tragedy by a Barrister-at-Law* (London, 1860), p. 31.

<sup>265</sup> ‘The Havant Murder. – A Hard Case’, *Leicester Chronicle and Leicestershire Mercury*, Saturday 19 January 1889.

murders committed by children in the past did have the potential to generate collective feelings of sensation.

So why were crimes, and especially murders, sensationalised in nineteenth-century newspapers? Ann Baltz Rodrick has maintained that sensationalism was used by editors to underscore their paper's political agenda. Just as certain items of crime news were selected to further the chartist position of the *Northern Star*, the newspaper also used sensational language to emphasise the gap existing between rich and poor with the intention of generating class antagonism.<sup>266</sup> Similarly, L. P. Curtis has claimed that the sensation surrounding the Whitechapel murders in 1888 was created by the press in order to direct the attention of readers towards the need for social reform to improve law and order in East London.<sup>267</sup> This theory is based on the work of Steve Chibnall who examined crime news in the London press during the early 1970s.<sup>268</sup> In Chibnall's opinion there was, 'no other domain of news interest in which latent press ideology becomes more explicit than in what we may term "law-and-order-news".'<sup>269</sup> Through the use of hyperbole and sensational language newspapers were capable of generating a Fear of Crime.<sup>270</sup> In response to this fear, or panic, public authorities sought to improve standards of law and order by increasing police presence and introducing harsher penalties in the criminal justice system. A similar

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<sup>266</sup> A. Baltz Rodrick, "'Only a Newspaper Metaphor': Crime Reports, Class Conflict, and Social Criticism in Two Victorian Newspapers", p. 1.

<sup>267</sup> Curtis, *Jack the Ripper and the London Press*, p. 54.

<sup>268</sup> S. Chibnall, *Law-and-Order News: An Analysis of Crime Reporting in the British Press* (London: Tavistock Publications, 1977).

<sup>269</sup> Chibnall cited in Curtis, *Jack the Ripper and the London Press*, p. 50.

<sup>270</sup> In the 1980s the extent that newspapers influenced public perceptions of crime became the focus of a national study known as Fear of Crime (FOC). This research project involved the analysis of multiple newspapers and their readerships. It concluded that people who read low-market tabloids were more likely to believe that crime was increasing than those who read broadsheets like *The Times* and the *Guardian*. For more detail on this project see P. Williams and J. Dickinson, 'Fear of Crime: Read All About It? The Relationship Between Newspaper Crime Reporting and Fear of Crime', *British Journal of Criminology*, Vol. 33, No. 1 (1993), pp. 33-56.

explanation for the use of sensationalism in newspapers can be found in Cohen's concept of moral panics. Newspapers actively generated sensation to influence readers into believing that a crime wave was imminent, and the public therefore welcomed new measures to increase the level of social control exercised by the criminal justice system.<sup>271</sup> W. T. Stead, editor of the *Pall Mall Gazette*, maintained that, 'sensationalism is journalism...it is justifiable up to the point that it is necessary to arrest the eye of the public and compel them to admit the necessity of the action.'<sup>272</sup> It is clear, then, that nineteenth-century newspaper editors, and not just historians influenced by social theory, assumed the importance of sensationalism in achieving the political agenda of a paper.

This newspaper-generated form of sensation suggests that newspaper editors had the power to influence the opinions of their readers in the nineteenth century. Stead believed that the press, 'was at once the eye and ear and tongue of the people.'<sup>273</sup> A letter printed in the *Edinburgh Review* in 1855 described the newspaper press as a, 'fourth estate.'<sup>274</sup> According to a nineteenth-century writer, William Rathbone Greg, 'journalism is now truly an estate of the realm; more powerful than any of the other estates...It furnishes the daily reading of millions. It furnishes the exclusive reading of hundreds and thousands. Not only does it supply the nation with nearly all the information on public topics which it possess, but it supplies it with its notions and opinions.'<sup>275</sup> However, in an essay written in 1898 and titled, *The Newspaper Press as a Power Both in the Expression and Formation of Public Opinion*, Frank Taylor recognised that, 'there is a tendency, encouraged perhaps by the

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<sup>271</sup> Cohen, *Folk Devils and Moral Panics*, p. 77.

<sup>272</sup> W. T. Stead cited in Chalaby, *The Invention of Journalism*, p. 159.

<sup>273</sup> Stead cited in G. Boyce, 'The Fourth Estate: The Reappraisal of a Concept', in G. Boyce, J. Curran and P. Wingate, *Newspaper History from the Seventeenth Century to the Present Day* (London: Constable and Company Ltd, 1978), p. 25.

<sup>274</sup> W. R. Greg cited in Williams, *Read All About It! A History of the British Newspaper*, p. 99.

<sup>275</sup> *Ibid.*

natural vanity of journalists, to exaggerate the strength of forces external to the public mind.<sup>276</sup> Recent historiography has highlighted the importance of readers in the process of printing news. According to literary scholar Wolfgang Iser, in his theory of reader reception, the written word can only be realised once it has been interpreted by a reader.<sup>277</sup> An editor might therefore print a certain message in his newspaper, hoping to influence the opinions of his readers, but the message means nothing unless the readers interpret it in the way the editor intended. In 1881 lawyer Henry William Challis summarised the importance of readers in the construction of arguments, stating that ideas aroused by words, ‘are those with which the words are associated, not in the speaker’s or writer’s mind, but in the mind of the hearer and reader.’<sup>278</sup>

Newspapers did not only attempt to influence public opinion or action through the use of sensationalism, but they also reflected it. Readers of nineteenth-century newspapers wanted to read about tales of crime and murder. Edward Gibbon Wakefield noted in 1849 that murders were, ‘a source of intense and abiding interest’, and that the public wanted newspapers to provide gory details, a victim they could sympathise with and a villain they could abhor.<sup>279</sup> Sensationalism in the press was not just about promoting a particular political agenda. It was also about making money by meeting the expectations of readers and selling as many copies of a paper as possible. An article that appeared in *Punch* in 1842 neatly summarised newspaper intentions behind their printing of sensational crime and murder news. It began, ‘We are a trading community – a commercial people. Murder is,

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<sup>276</sup> F. Taylor, *The Newspaper Press As a Power Both in the Expression and Formation of Opinion* (Oxford: B. H. Blackwell, 1898), p. 18.

<sup>277</sup> W. Iser, ‘The Reading Process: A Phenomenological Approach’, in S. Towheed, R. Crone and K. Halsey, *The History of Reading: A Reader* (London: Routledge, 2011), p. 80.

<sup>278</sup> H. W. Challis cited in A. Jones, *Powers of the Press: Newspapers and the Public in Nineteenth-Century England* (Hampshire: Scolar Press, 1996), p. 82.

<sup>279</sup> E. G. Wakefield, *Experiences of a Gaol Chaplain: Comprising Recollections of Ministerial Intercourse with Criminals of Various Classes, With Their Confessions* (London: Richard Bentley, 1849), p. 80.

doubtless, a very shocking offence; nevertheless, as what is done is not to be undone, let us make money out of it.<sup>280</sup>

The nineteenth century witnessed the growth of the newspaper press. Advances in printing technology, the invention of the electric telegraph, and the development of a national rail network made the production and dissemination of news easier than it had been in the past. Following the abolition of ‘Taxes on Knowledge’ in the 1850s and 1860s newspapers, priced as little as one penny, were founded throughout the country, providing news that everyone could afford. Crime reports played an important role in the growth of the newspaper press. Sensational accounts of crime and murder attracted the attention of potential readers, increasing newspaper sales. Murders committed by children excited a great deal of sensation in the nineteenth century and newspaper editors therefore considered these crimes to be particularly newsworthy. The association of the innocence of childhood with the most abhorrent of all crimes, murder, shocked members of the public and they flocked to read the detailed and sensational reports provided in the press. It is clear, therefore, that newspaper comment and public interest concerning children who killed are not part of Spierenburg’s ‘modern anxiety’. Articles reporting murders committed by children in the past might not have been as noticeably sensational as they are today but the content of these reports was considered newsworthy. Children charged with felonious killing offences received the same press treatment as other murderers in the nineteenth-century press and these stories of murder satisfied public demand for sensational news.

However, newspaper editors did not only include reports documenting murders committed by children because they increased the saleability of a paper. Although journalists reporting trials of children charged with murder focused their attention on the

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<sup>280</sup> ‘Blood’, *Punch* (1842) cited in J. Flanders, *The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime* (London: Harper Press, 2011), p. 1.



most sensational features of the case, such as the extreme youth of the offender, they also provided their readers with ways to understand the crime committed. How responsible were children for their crimes? How should a child found guilty of murder be punished? What made a child decide to kill a fellow human being? Newspapers, above all, sought to inform and educate their readers. According to the editor James Grant, ‘the Mission of the Newspaper Press is...to effect the civilization and happiness of the human race.’<sup>281</sup> Generating panics when children were charged with felonious killing offences did not achieve this mission. Instead, newspapers drew on professional and popular notions of childhood, criminal behaviour, and criminal responsibility in order to provide their readers with reasons to explain the existence of children capable of committing wilful murder.

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<sup>281</sup> Grant, *The Newspaper Press*, p. 456.

## Chapter Three

### The Legal Responsibility of Children Who Killed

On the 23<sup>rd</sup> of July 1855 the inquest on the body of seven-year-old James Fleson was concluded. The boy had been found drowned at the Stanley Dock in Liverpool, his body badly beaten and bruised. Two nine-year-old boys were arrested and charged with his murder. In his summary to the jury the coroner remarked that, ‘this case was certainly an extraordinary one. The boy killed was a child; the chief witness was a child; and the two prisoners were both children.’<sup>282</sup> He concluded that, ‘he had no doubt a question would arise in the minds of the jury can these *children* be guilty of the crime of *murder*?’<sup>283</sup>

In this chapter I will show how children indicted for felonious killing offences were treated in the nineteenth-century criminal justice system. I will consider both the opinions of legal professionals and of the press on the complicated issue of the criminal responsibility of children and its application in homicide law. First I will explain the theoretical and legal problems children who killed posed the criminal justice system, describing notions of responsibility that underpinned nineteenth-century criminal law and tracing the growing belief that children were incapable of reasoning like adults and therefore required special treatment in the criminal justice process. To what extent did youth affect legal responsibility when children were tried for manslaughter or wilful murder? Was age considered to be a mitigating factor in nineteenth-century homicide law? I will then show how legal professionals sought to answer these questions in theory, and in practice, during the nineteenth century. Although all children indicted for felonious killing offences had to be

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<sup>282</sup> ‘The Murder By Children. – Resumed Inquest’, *Liverpool Daily Post*, Monday 23 July 1855.

<sup>283</sup> *Ibid.*

tried before a judge and jury in a criminal court, according to homicide law, there were a number of allowances made that recognised various forms of criminal incapacity in childhood. One was the presumption of *doli incapax*, that children under the age of seven could not be found guilty of a crime, and another was the insanity plea. In this chapter I will show how these forms of defence were applied in cases when children were brought before the assizes charged with manslaughter and wilful murder and how newspapers explained the decisions made in criminal courts to their readers. The capacity of children to reason like adults was widely denied in popular thought, however, the rigid constrictions of homicide law, fashioned over centuries according to the adult mind, meant that opinion did not often reflect action in legal process. Children over the age of seven were tried like other murderers regardless of their youth, the presumption of *doli incapax* considered to be outdated, and the insanity plea inappropriate when the defendant on trial was a child. In legal practice age was not considered a reliable test in order to determine whether a person was criminally responsible for their actions. Newspapers expressed this legal opinion to the public, informing them of the outcome of a trial and explaining how it was possible for a child to be found guilty of committing wilful murder.

### **Responsibility and Criminal Law**

In the nineteenth century the criminal justice system was fashioned around the assumption that human beings were responsible agents and should, therefore, be held accountable for their actions. Crime was thought to be the result of individuals exercising their ability to reason and choosing to indulge their passions. Those indicted for felonious offences were tried as rational human beings in court, their actions assumed to be the result of calculated judgement. Consequently offenders were punished in a way that sought to penalise

the choice to commit crime whilst also teaching them, and others, to make better decisions in the future.<sup>284</sup>

‘But how can responsibility be measured?’<sup>285</sup> This question was asked in 1854 by J. C. Bucknill, founder of the *Journal of Mental Science*, in a book describing criminal law to medical professionals. According to Bucknill there were two important factors in determining the responsibility of a human being: the extent that the individual knew right from wrong, and the power of reason that person had in choosing one and refusing the other.<sup>286</sup> The dual approach to understanding responsibility in nineteenth-century criminal law embodied two different, yet co-existing, theories on the nature of man, one theological and the other attributed to the philosophy of Jeremy Bentham.<sup>287</sup> The former centred on the idea that crime, or sin, occurred when a person failed to listen to his conscience. According to the Reverend J. A. Jamieson conscience was, ‘an inward monitor within us to warn against evil and to incline us to good...to be His law written on the fleshy tables of the heart.’<sup>288</sup> Every human being was born with the capacity to learn the difference between right and wrong and to choose to listen to the innate voice of God or to turn towards the Devil and sin. Those who sinned did so in the knowledge that they were committing a wrongful act and were therefore held to be accountable for their actions.

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<sup>284</sup> More detail on nineteenth-century penal policy can be found in Chapter Four.

<sup>285</sup> J. C. Bucknill, *Unsoundness of Mind in Relation to Criminal Insanity* (London: Longman, Brown, Green & Longmans, 1854), p. 5.

<sup>286</sup> ‘A man having the knowledge of right and wrong, and in the possession of the power of choosing the one and refusing the other is rightly held to be responsible for his conduct to his God, to his neighbours, and to himself.’ Bucknill, *Unsoundness of Mind in Relation to Criminal Insanity*, p. 5.

<sup>287</sup> W. R. Cornish, ‘Criminal Justice and Punishment’, in W. R. Cornish, J. Hart, A. H. Manchester, and J. Stevenson, *Crime and Law in Nineteenth-Century Britain* (Dublin: Irish University Press, 1978), p. 9.

<sup>288</sup> J. A. Jamieson, “Conscience,” *A Sermon Preached at Christ Church, Ellacombe* (London: William Poole, 1878), p. 5.

The second approach recognised that a certain degree of reason was needed in order for a person to make the decision to commit a good or a bad act. Jeremy Bentham, in his *Introduction to the Principles of Morals and Legislation* (1789), maintained that every action was determined according to a motive. He wrote, ‘when a man has it in contemplation to engage in any action, he is frequently acted upon at the same time by the force of divers motives: one motive, or set of motives, acting in one direction; another motive, or set of motives, acting as it were in an opposite direction.’<sup>289</sup> Human beings, blessed with the capacity to reason, judged how best to pursue this motive. They weighed up the consequences of a number of scenarios and chose which delivered most pleasure and avoided pain. Again, an individual was held accountable for his or her actions because the act, whether a crime or not, was the product of reasoned deliberation. It was a calculated choice. Not only did the individual know the difference between right and wrong but they had the power to act on this knowledge. According to nineteenth-century criminal law this made them legally responsible.

John Henry Newman, who later became Cardinal Newman, wrote to the Duke of Norfolk of his aversion to the Benthamite approach to human nature: ‘the rule and measure of duty is not utility, nor expedience, nor the happiness of the greatest number, nor State convenience, nor fitness and the *pulchrum*. Conscience is not a long-sighted selfishness, nor a desire to be consistent with oneself, but a messenger from Him who, both in nature and in grace, speaks to us behind a veil.’<sup>290</sup> Despite the differences in philosophy, whether sin was phrased according to calculated choices to best pursue a motive or in a determined refusal to listen to the voice of God, both theories of human nature recognised that human beings were capable of controlling their actions. They were born with the capacity to learn right from

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<sup>289</sup> J. Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907), p. 127.

<sup>290</sup> J. H. Newman cited in I. Ker and T. Merrigan, *The Cambridge Companion to John Henry Newman* (Cambridge: Cambridge University Press, 2009), p. 190.

wrong and were capable of employing reason in order to decide whether to behave according to one or the other.

However not all human beings did fulfil the criteria needed to prove criminal responsibility. Not every individual was able to recognise the difference between right and wrong, and if they did their limited mental capacity meant they could not act on this knowledge. It was in these cases that the issue of criminal responsibility came to the fore in the criminal justice system, especially in cases of homicide. For a felonious killing to be defined as murder it had to be proven that the accused had wilfully intended to kill the deceased.<sup>291</sup> This required the ability to reason and suggested a calculated decision made by the accused to commit a crime. Children tried for wilful murder proved to be difficult cases for the criminal justice system. Could a child reason to the same extent as offenders of a more mature age? Was it possible for the actions of a child to be calculated enough to justify a charge of wilful murder?

### **The Child as ‘Child’**

In 1762 Jean-Jacques Rousseau remarked that, ‘we know nothing of childhood...the wisest writers devote themselves to what a child ought to know, without asking what a child is capable of learning. They are always looking for the man in the child, without considering what he is before he becomes a man.’<sup>292</sup> Social historian Philippe Ariès argued that during the late seventeenth, and throughout the eighteenth and nineteenth centuries, the concept of childhood evolved, denoting a period in life experienced before a person reached maturity.<sup>293</sup> It was increasingly recognised that children thought and behaved differently from adults.

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<sup>291</sup> For detailed discussion on the definition of murder see Chapter One.

<sup>292</sup> J. Rousseau, *Émile, or On Education* (1762) cited in G. Benziman, *Narratives of Child Neglect in Romantic and Victorian Culture* (Hampshire: Palgrave Macmillan, 2012), p. 33.

<sup>293</sup> P. Ariès, *Centuries of Childhood: A Social History of Family Life* (New York: Vintage Books, 1962), pp. 131-132.

Human beings were not born with the ability to reason, this faculty developed with age. Rousseau famously observed that in children there was a, ‘sleep of reason’, and as a result they should not be considered to be as responsible for their actions as adults.<sup>294</sup>

Rousseau’s approach to child development became popular in Britain during the nineteenth century.<sup>295</sup> Novels illustrated how adults found it difficult to understand children. In her introduction to *Misunderstood* (1892) Florence Montgomery noted that, ‘it has been thought that the lives of children, as known by themselves from their own little point of view, are not always sufficiently realised.’<sup>296</sup> She sought to rectify this by explaining the seemingly irrational behaviour of seven-year-old Humphrey Duncombe to her readers. After Humphrey’s younger brother dies his father is appalled by the apparent lack of concern shown by the child: “‘He has not much heart,’” was his inward comment, as he watched the little figure, in its deep mourning, chasing the young lambs in the meadow.’ Montgomery explained that this behaviour reflected Humphrey’s childishness. He was not indifferent to the death of his brother but was easily distracted and could not yet understand the significance and finality of death.<sup>297</sup> Advice literature directed at parents also recognised that immaturity should be acknowledged in children. The Reverend J. C. Ryle in his best-selling manual, *Train Up a Child in the Way He Should Go* (1846), suggested that parents should,

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<sup>294</sup> Rousseau cited in A. Fletcher, *Growing Up in England: The Experience of Childhood, 1600-1914* (New Haven: Yale University Press, 2010), p. 8.

<sup>295</sup> Many historians of childhood have noted the influence Rousseau’s concept of child development had on nineteenth-century attitudes to childhood. Harry Hendrick has argued that the naturally innocent child in early nineteenth-century Romantic literature and art stemmed from imagery in Rousseau’s *Émile*, and Galia Benziman has maintained that many nineteenth-century educational manuals written for children emphasised the potential moral dangers children faced because of an assumption, based on the work of Rousseau, that children were born without a knowledge of right and wrong and that their natural innocence needed to be protected. H. Hendrick, ‘Constructions and Reconstructions of British Childhood: In Interpretive Survey, 1800 to the Present’, in A. James and A. Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (London: Routledge, 1997), p. 37; G. Benziman, *Narratives of Child Neglect in Romantic and Victorian Culture* (Hampshire: Palgrave Macmillan, 2012), p. 53.

<sup>296</sup> F. Montgomery, *Misunderstood* (Leipzig: Bernhard Tauchnitz, 1892), p. 1.

<sup>297</sup> *Ibid*, p. 15.

‘reason with your child if you are so disposed, at certain times, but never forget to keep in mind (if you really love him), that he is but a child after all; that he thinks like a child, he understands like a child, and therefore must not expect to know the reasoning of everything at once.’<sup>298</sup>

Although it was held that human beings were born with the capacity to understand the difference between right and wrong, whether this was by attending to the innate voice of God within, or using an instinctual moral awareness, it was recognised that this capacity developed with maturity and education. A child was born with the ability to learn which acts were good and which acts were bad but it was the responsibility of parents to train up a child in the way he should go. Austin Holyoake recollected that, ‘from my earliest childhood I remember being taught to dread the wrath of an avenging God, and to avoid the torments of a brimstone hell. I said prayers twice a day [and] I went to Sunday-school where I learnt nothing but religious dogma.’<sup>299</sup> This was the attempt of his Methodist parents to instil in him a sense of right and wrong so that he was better able to adhere to his own conscience. Advice manuals and tracts written for children in the nineteenth century were also careful to explain the difference between good and bad behaviour. Emphasis was placed on the consequences of committing a sin, developing in a child the knowledge to enable them to make a measured decision about how they should behave. For example in 1847 the Religious Tract Society printed *The Beginnings of Sin*:

The smallest sin within thy heart,

If unrestrain’d by grace divine,

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<sup>298</sup> J. C. Ryle, “*Train Up a Child in the Way He Should Go: A Sermon for Parents Preached in Helmingham Church, August 20, 1845* (London: Seeley & Co, 1846), p. 31.

<sup>299</sup> A. Holyoake cited in T. Dixon, *The Invention of Altruism: Making Moral Meanings in Victorian Britain* (Oxford: Oxford University Press, 2008), p. 99.



Will widely spread through every part,

And all thy faculties entwine.<sup>300</sup>

This tract was aimed at particularly young children, an inscription on the inside leaf of a copy held in the British Library reading, ‘Eveline Wilkinson, aged 3’.<sup>301</sup> Parents were supposed to read it to their children to develop within them a strong moral sense and the ability to choose right from wrong.

During this period it was also recognised that children were unable to think or reason like adults because their mental faculties had not fully developed. The second half of the nineteenth century witnessed the development of child psychology. Alongside detailed studies of nervous disorders and forms of insanity that were suffered in childhood, medical experts were keen to understand the workings of a child’s mind.<sup>302</sup> It was not only moral sense that developed with maturity. W. A. F. Browne, an asylum doctor and later the president of the Medico-Psychological Association, argued that there existed four classes of power in human beings: instinct and impulses, emotion, intellect, and observation. He wrote, ‘all these feelings and faculties are gradually developed and that they gradually decline; that they are weak in infancy, strong at maturity, and again weak in old age.’<sup>303</sup> Children were unable to reason like adults because they had not yet developed a full mental and intellectual capacity to allow for rational thought.

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<sup>300</sup> Anon, *The Beginnings of Sin* (London: Religious Tract Society, 1847).

<sup>301</sup> Ibid. Held at the British Library. Shelf-mark: General Reference Collection 1578/3989.(6.)

<sup>302</sup> Sally Shuttleworth traces the origins of child psychology in her 2010 book *The Mind of the Child*. She charts the growing interest in the minds of children in scientific, medical, and popular literature showing that by the close of the nineteenth century it was widely recognised that children were unable to think or behave like adults: S. Shuttleworth, *The Mind of the Child: Child Development in Literature, Science, and Medicine: 1840-1900* (Oxford: Oxford University Press, 2010).

<sup>303</sup> W. A. F. Browne, *What Asylums Were, Are, and Ought to Be: Being the Substance of Five Lectures Delivered Before the Managers of the Montrose Royal Lunatic Asylum* (Edinburgh: Adam and Charles Black, 1837), p. 3.

## *Doli Incapax* and the Knowledge of Right and Wrong

If children were less able to understand the difference between right and wrong and less able to use their powers of reason to decide how to act then surely they were less responsible for their actions. The *Hereford Times* raised this concern after two eight-year-old boys were convicted of feloniously killing another boy in 1861.<sup>304</sup> It asked, ‘what is the reason why it should be absurd and monstrous that these two children should have been treated like murderers?’ The article explained that, ‘the conscience, like other natural faculties, admits of degrees; it is weak and has not arrived at its proper growth in children, though it has real existence and a voice within them; it does not speak with that force and seriousness which justifies us in treating the child as a legally responsible being.’<sup>305</sup> Penal reformer Mary Carpenter campaigned for the recognition of childhood in the nineteenth-century criminal justice system. Writing in 1851 she maintained that, ‘in consequence of the immature state of physical, mental, and moral powers [a child] cannot act with a “malus animus” in the *same sense* than an adult can.’<sup>306</sup> As a result she concluded that, ‘a child is to be *treated as a child*.’<sup>307</sup>

Extreme youth was recognised, in theory, to be a mitigating factor regarding the legal responsibility of children in the criminal law of England and Wales long before the nineteenth century. The presumption of *doli incapax* (incapable of harm) was introduced in the reign of Edward the Third (1312-1377) and established an accepted age at which a person

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<sup>304</sup> Peter Barratt and James Bradley were found guilty of feloniously killing an infant child in 1861. This case is discussed in more detail in Chapters One and Two.

<sup>305</sup> ‘Spirit of the British Press. The Boy Murderers at Stockport’, *Hereford Times*, Saturday 17 August 1861.

<sup>306</sup> M. Carpenter, *Reformatory Schools for the Children of the Perishing and Dangerous Classes and for Juvenile Offenders* (London: G. Gilpin, 1851), cited in L. Radzinowicz and R. Hood, *A History of English Criminal Law and Its Administration From 1750: The Emergence of Penal Policy* (London: Stevens & Sons, 1986), p. 168.

<sup>307</sup> Carpenter *ibid*, cited in H. Hendrick, ‘Constructions and Reconstructions of British Childhood: An Interpretive Survey, 1800 to the Present’, in A. James and A. Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (London: Routledge, 1997), p. 44.

was considered fully liable for his or her actions. In the nineteenth century this age of discretion was fourteen. Sir William Blackstone, an eighteenth-century legal scholar whose *Commentaries on the Laws of England* was widely read by Victorian lawyers, wrote that, ‘an infant cannot be found guilty of a felony; for them a felonious discretion is almost an impossibility in nature.’<sup>308</sup> According to this legal presumption the term ‘infant’ included all children under the age of seven. It was accepted that children of such extreme youth were unable to voluntarily commit crimes. They did not yet know the difference between right and wrong and were unable to control their desires through the use of an undeveloped conscience and ability to reason. For those children between the ages of seven and fourteen it was also presumed that they were *doli incapax*, that they were incapable of committing a felony. However, if it could be proven by the prosecution that the child in question had a full knowledge of the difference between a good and a bad act, and was aware of the consequences of their actions, that child was then considered liable. According to Blackstone, ‘if it appears to the court and jury that he was *doli capax*...he may be convicted and suffer death.’<sup>309</sup>

For a case of homicide to appear at the assizes wilful intent had already been proven to a sufficient degree by magistrates at a police-court hearing and by a Grand Jury. If it had been found that a child killed another human being with a clear motive and evidence of premeditation then surely that child was fully capable of reasoning and should be held to be legally responsible for his crime? This question was raised at the 1852 Select Committee on Criminal and Destitute Juveniles. In the evidence provided by David Power, a lawyer and the Recorder of Ipswich, the Committee asked, ‘You are aware, I am sure, of instances that have

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<sup>308</sup> W. Blackstone, *Commentaries on the Laws of England: In Four Books* (London: Murray, 1857), cited in S. Magarey, ‘The Invention of Juvenile Delinquency in Early Nineteenth-Century England’, *Labour History*, No. 34 (1978), p. 18.

<sup>309</sup> *Ibid.*

occurred in the English law, where some of the most malignant cases of arson have been proved against children under 14, and also cases of the most deliberate murder proved against children under that age; would you, in cases of malicious crimes such as I have mentioned to you, deal with a child in the same way as you would in cases of dishonesty?’<sup>310</sup> Power maintained that the presumption of irresponsibility in childhood ought to be applied to all children who were under the age of fourteen regardless of the crimes they had been charged with. He replied to the Committee, ‘Yes; of course, wherever you fix an arbitrary limit, there may be exceptional cases; you must, however, put the limit somewhere.’<sup>311</sup>

Children under the age of seven who were suspected of killing another human being were presumed to be *doli incapax*. In 1866 five-year-old Samuel Case killed his younger sister when he hit her over the head with a brick during an argument. According to nineteenth-century homicide law this method of killing would have been sufficient for a charge of murder if it had been committed by an adult. Samuel Case struck his sister with apparent intent to cause serious harm. However the coroner summarised that, ‘there could be no doubt that the deceased died from the injuries received at the hands of her brother, but as he was under seven years of age, the law held that he was not responsible for his actions.’<sup>312</sup> Case was consequently discharged. When seven-year-old Arthur Pittam was brought before a police court in 1897 he was formally indicted for manslaughter. He had thrown a knife at his mother, ‘in a fit of passion’, but had missed her and instead killed his baby sister.<sup>313</sup> He was

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<sup>310</sup> Anon, ‘Report from the Select Committee on Criminal and Destitute Juveniles; Together With the Proceedings of the Committee, Minutes of Evidence, Appendix and Index’, *PP*, 1852, p. 164.

<sup>311</sup> *Ibid.*

<sup>312</sup> ‘A Child Killing His Sister’, *Dundee Courier*, Thursday 22 November 1866.

<sup>313</sup> ‘A Boy Murderer’, *Dundee Courier*, Thursday 18 March 1897.

committed for trial at the Northampton Assizes but the case was thrown out by a Grand Jury. They found a no true bill against the boy because of his, ‘extreme youth.’<sup>314</sup>

Newspapers were keen to explain to their readers how a charge of homicide could be dismissed in consequence of an offender’s age. When children under the age of seven were brought before a coroner’s jury suspected of killing another human being newspapers often provided long and detailed reports of the proceedings. Print-space was reserved for the coroner’s summary made to the jury. In 1851 five-year-old Walter Standish killed another boy in a fight over an apple. The coroner’s jury ruled that the child, ‘did kill and slay but not feloniously’, and the case was dismissed. In an article headlined ‘Child Killed By Another’ the *Bath Chronicle* explained why the child was not charged with a felonious killing offence. The article quoted the summary made by the coroner, ‘that within the age of seven years no infant can be guilty of a felony or be punished for any capital offence, for within that age he cannot, by presumption of law, be endowed with any discretion.’<sup>315</sup> A similar explanation was provided in the *Pall Mall Gazette* when two-year-old Alfred Burdett was brought before a coroner’s inquest in 1882. The young child had killed another toddler during an argument when he threw the child violently to the ground. Although the *Gazette* entertained the notion that the child had full awareness of his actions, remarking that Burdett, ‘flung him to the ground with such force as to fracture his skull, and then walked away with a blood-stained pinafore from the corpse of his little victim’, the paper made it clear why the child had not been charged.<sup>316</sup> It wrote, ‘although technically guilty of manslaughter, if not of murder, he is too young to be criminally responsible for his acts.’<sup>317</sup>

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<sup>314</sup> ‘A Boy Murderer’, *Dundee Courier*, Thursday 18 March 1897.

<sup>315</sup> ‘A Child Killed By Another’, *Bath Chronicle and Weekly Gazette*, Thursday 13 November 1851.

<sup>316</sup> ‘The Blood-Stained Pinafore’, *Pall Mall Gazette*, Wednesday 24 May 1882.

<sup>317</sup> *Ibid.*

The legal responsibility of children over the age of seven was not so easy to explain. Though presumed incapable of felonious discretion it was possible for children aged between seven and fourteen to be found guilty of a crime. It was the duty of the prosecution to prove, first that the child accused had committed the felonious act, and then whether the act had been committed with deliberation in full awareness that it was contrary to the law. In cases where children were indicted with felonious killing offences this decision was made at the assizes before a judge and jury. Although children between the ages of seven and fourteen were younger than the age of discretion, they could not be acquitted by a coroner or by magistrates at a police court merely on account of their youth.

In 1848 an article printed in the *Journal of Psychological Medicine and Mental Pathology* asked, ‘What is meant by this judicial term, “consciousness of right and wrong”?’<sup>318</sup> Discussing the murder trial of twelve-year-old William Newton Allnutt the article explained that, ‘the capacity of a child to give evidence has long been tested in our courts by this criterion. Does he understand that in swearing to an untruth he is violating the command of God, and therefore incurring an awful responsibility?’<sup>319</sup> A similar test was used by members of the prosecution to prove that child offenders, and not just youthful witnesses, were competent to stand trial. Lawyers questioned children charged with felonies on their knowledge of the Bible and whether they understood the implications of sin. Prison chaplains were often called as expert witnesses. At the trial of William Allnutt the Reverend John Davis, chaplain of Newgate Gaol, was asked by lawyer Mr Ballantine, ‘have you found him, on other points, a boy who did not understand the distinction between truth and falsehood?’<sup>320</sup> The chaplain replied, ‘He is a very clever boy in some things – in most things

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<sup>318</sup> Anon, ‘Baron Rolfe’s Charge in the Case of the Boy Allnutt – The Plea of Insanity in Criminal Cases’, *The Journal of Psychological Medicine and Mental Pathology*, Vol. 1 (1848), p. 194.

<sup>319</sup> Ibid.

<sup>320</sup> NA, PCOM 1/55, Old Bailey Sessions Papers, 1847-1848.

he is a boy of very superior ability – there was nothing to lead me to think he did not know the difference between falsehood and truth.’<sup>321</sup> Allnut was tried for wilful murder and found guilty.

Intellectual capacity was also used to determine whether a child should be considered legally responsible for a felony. W. D. Morrison, in his 1896 work *Juvenile Offenders*, wrote that, ‘a child of ten and twelve would be unusually dull if he did not know that it might be punished for stealing.’<sup>322</sup> Similar assumptions were applied in cases of homicide committed by children even though the law presumed every child under fourteen to be *doli incapax*. Close family members were called as witnesses to prove to the jury that the child was intelligent enough to know right from wrong. Mary Louisa Allnut, William’s mother, explained that she often had to chastise her son. Mr Ballantine asked whether the boy was affected by the punishment, did he realise he had been bad? The lady replied, ‘I should say he understood it.’<sup>323</sup> Schoolteachers were also called as witnesses to determine a child’s capacity to intentionally commit a felonious act. In 1895 thirteen-year-old Robert Allen Coombes was tried for the murder of his mother at the Central Criminal Court in London. Three different headmasters from schools the boy had attended in the previous three years testified to Robert’s intelligence. George Charles Hollamby, headmaster of Grange Road School, stated that, ‘his capacity was very good’, and Jesse Smith, headmaster of Stock Street School, remarked, ‘I should say he was a very clever boy for his age.’<sup>324</sup>

However, during the second half of the nineteenth century there was a growing dissatisfaction with the test used to determine the criminal responsibility of children. A

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<sup>321</sup> NA, PCOM 1/55, Old Bailey Sessions Papers, 1847-1848.

<sup>322</sup> W. D. Morrison, *Juvenile Offenders* (London: T. Fisher Unwin, 1896) p. 247.

<sup>323</sup> NA, PCOM 1/55, Old Bailey Sessions Papers, 1847-1848.

<sup>324</sup> NA, PCOM 1/147, Old Bailey Sessions Papers, 1895.

number of legal professionals wanted the age of *doli incapax* to be raised. The fourth resolution of the 1852 Select Committee on Criminal and Destitute Juveniles held, ‘that it is the opinion of this Committee that no child under nine years of age should be regarded as accountable for any act or felony or misdemeanour.’<sup>325</sup> Others thought the presumption of a lack of criminal responsibility based on the age of an offender was outdated and did not best serve justice. The Reverend Micaiah Hill, a nineteenth-century penal reformer, explained to the Committee that age, ‘is such a very imperfect criterion’, for measuring the moral and legal responsibility of an individual.<sup>326</sup> He wrote that, ‘in many cases it would be found that a child above nine years of age had no distinct idea that it was committing an offence; whereas in many other cases a child below nine years of age would be perfectly conscious as much as if he were twenty one.’<sup>327</sup>

Though lawyers for the prosecution were careful to consider the moral and intellectual capacity of children indicted for felonious offences (children on trial for wilful murder and manslaughter were routinely questioned on their knowledge of the Bible to ascertain whether they knew that lying was sinful and the testimonies of parents and teachers were frequently heard at the start of a trial) many legal professionals refused to recognise the presumption of *doli incapax* for children over the age of seven. A number of those called to give evidence at the 1852 Select Committee maintained that the legal presumption, ‘has been the principle adopted by several criminal writers of high repute, but even that...has fallen into disrepute.’<sup>328</sup> The importance of youth in determining the criminal responsibility of an offender appeared merely as part of legal process in the case of the prosecution. It mattered more for the defence, who encouraged the sympathy of the jury by appealing to a child’s

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<sup>325</sup> ‘Report of the Select Committee on Criminal and Destitute Juveniles’, p. 63.

<sup>326</sup> Ibid, p. 64.

<sup>327</sup> ‘Report of the Select Committee on Criminal and Destitute Juveniles’, p. 64.

<sup>328</sup> Ibid, p. 63.



tender years. Just three of the 230 children I have located who were aged between seven and sixteen and charged with felonious killing offences in England and Wales between 1816 and 1908 were acquitted because of their youth. In 1848 William Game, aged nine, was found not guilty of murdering his younger sister and in 1891 eight-year-old Robert Shearon and nine-year-old Samuel Crawford were acquitted of the murder of another boy in Liverpool because, ‘on account of their age they were not responsible for their actions.’<sup>329</sup> It appears, then, that youth was not considered important in legal practice. Lawyers entertained the notion of *doli incapax* but it was thought that children over the age of seven had enough moral sense and had developed a sufficient standard of intellect and the capacity to reason to be criminally liable for their actions.

Newspapers covering murder trials of children were careful to outline the legal presumption of *doli incapax* just as they did when especially young children were brought before a coroner’s inquest on suspicion of causing a death. Articles often quoted the words of the prosecution when they explained to members of the jury that children were not as criminally responsible for their actions as adults. When eleven-year-old William Gilbert Harrod was tried for murder in 1876 newspapers provided their readers with a clear understanding as to whether youth affected liability in criminal law. The *Lincolnshire Chronicle*, under the headline ‘The Fishtoft Boy Murderer’, explained that:

Under the age of seven a child was not suspected to be capable of committing crime at all, and above 14 the law held them to be adults.

As the prisoner was between the ages of seven and 14 the jury must know whether he had mischievous disposition or not when he

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<sup>329</sup> ‘Shocking Juvenile Depravity. Children Murdering a Playmate’, *Birmingham Daily Post*, Thursday 10 December 1891.

committed the deed: in other words that he knew right from wrong,  
and that he knew what he was doing was wrong.<sup>330</sup>

The nineteenth-century press also utilised the authoritative voice of judges to convey to their readers the laws concerning criminal responsibility in children. In the same article a detailed account of the judge's summary to the jury was provided. Mr Justice Lindley explained, 'in this case unless you [the jury] were satisfied apart from the evidence that the prisoner knew that what he was doing was wrong they must acquit him of everything...but if they were of opinion that there was wicked disposition they would not be justified in acquitting the boy.'<sup>331</sup>

Newspapers not only explained the law on the criminal responsibility of children to their readers but they also defended the decisions made by a jury. When two eight-year-old boys were found guilty of manslaughter in 1861 the *London Standard* wrote, 'the culprits were not more than eight years old, but were very properly held responsible for their atrocious offence.'<sup>332</sup> Judith Rowbotham and Kim Stevenson have argued that nineteenth-century newspaper editors imagined themselves as mediators between the law and the people.<sup>333</sup> They considered it their moral duty to explain to their readers how the criminal justice system worked and to reassure them that justice had been served. An article printed in the *Daily Telegraph* in 1870 maintained that, 'it is better that society should be occasionally shocked with the report of the most detestable charges than that judicial proceedings should

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<sup>330</sup> 'The Fishtoft Boy Murderer', *Lincolnshire Chronicle*, Friday 24 March 1876.

<sup>331</sup> Ibid.

<sup>332</sup> 'London, Monday, August 12', *London Standard*, Monday 12 August 1861.

<sup>333</sup> J. Rowbotham and K. Stevenson, 'Causing a Sensation: Media and Legal Representations of Bad Behaviour', in their *Behaving Badly: Social Panic and Moral Outrage – Victorian and Modern Parallels* (Hampshire: Ashgate, 2003), p. 37.

at any time take place in secret.’<sup>334</sup> In providing judgement in its closing lines the article printed in the *London Standard* following the trial of the two boys justified the guilty verdict. It might be shocking that two children were found guilty of a felonious killing offence, but the decision made by the court had been lawful and correct.

However, not all newspapers agreed with decisions made in a criminal court. The *Stamford Mercury* played on the childhood innocence of the boys convicted of manslaughter in 1861, enhancing the childlike qualities of the children to their readers. It wrote, ‘they are only eight years of age, and their heads hardly appeared over the dock, and they seemed quite incapable of giving a plea for knowing what was going on.’<sup>335</sup> This newspaper directly questioned the ability of the two boys to know right from wrong and thus undermined their legal responsibility. In 1866 sixteen-year-old Henry Gabbites was tried for the murder of his fellow apprentice. Although he had achieved the age of discretion according to criminal law, a number of newspapers argued that the boy was still too young to be found criminally responsible for his actions. An article in the *Leeds Times* employed notions of childhood innocence to suggest that Gabbites was legally innocent: ‘that mere child, his young life just dawning upon him, came quietly and coolly up in the dock, not with an air of a hardened criminal, but with quietness, calmness, and innocence of demeanour, and pleaded guilty, as though life were utterly unimportant to him – it mattered little to him that the hour had struck and the time had come.’<sup>336</sup> This article presented the sixteen-year-old boy to be a child and argued that he could not be fully aware of the consequences of his actions because he showed so little emotion at the prospect of death. Newspaper articles covering the trials of children

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<sup>334</sup> J. Rowbotham and K. Stevenson, *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage* (Columbus: Ohio State University Press, 2005), p. xxiv.

<sup>335</sup> ‘Spirit of the British Press. The Boy Murderers at Stockport’, *Hereford Times*, Saturday 17 August 1861.

<sup>336</sup> ‘A Youth Convicted of Murdering His Fellow Apprentice, at Sheffield’, *Leeds Times*, Saturday 22 December 1866.

charged with felonious killing offences were more willing to recognise the youth of offenders than legal professionals practicing homicide law.

### **Children Who Killed and the Insanity Plea**

English courts of law had recognised the relevance of insanity to questions of criminal responsibility long before the nineteenth century. The first recorded case where a defendant was acquitted as a result of mental derangement occurred in 1505.<sup>337</sup> By the start of the nineteenth century the law stated that, ‘the demented cannot be guilty ordinarily of capital offences, for they have not the use of their understanding, and act not as reasonable creatures.’<sup>338</sup> It was recognised that the insane could not choose to do right or wrong and therefore should not be held accountable for their actions. In the next section of this chapter I will direct my attention towards those children who were tried for felonious killing offences whose mental capacity was questioned in court. To what extent was a plea of insanity a viable defence when the defendant was a child? If it had already been proven that the youthful offender could reason enough, and recognise right from wrong, to be *doli capax* how could that offender then be found to be ‘guilty but insane’?<sup>339</sup>

The ‘knowledge test’ was also used as a measurement of responsibility in the insanity plea. It had to be proven that there was an aberration of an individual’s understanding affecting the ability to know right from wrong for an insanity plea to be successful. Sir Matthew Hale, whose *Histories of the Pleas of the Crown* (1736) was widely referred to by legal professionals in the nineteenth century, explained that, ‘in order to exculpate a person

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<sup>337</sup> J. P. Eigen, ‘Lesion of the Will: Medical Resolve and Criminal Responsibility in Victorian Insanity Trials’, *Law and Society Review*, Vol. 33, No. 2 (1999), p. 427.

<sup>338</sup> M. Hale, *History of the Pleas of the Crown* (1736) cited in J. P. Eigen, *Witnessing Insanity: Madness and Mad-Doctors in the English Court* (New Haven: Yale University Press, 1995), p. 36.

<sup>339</sup> ‘Guilty but Insane’ was the verdict issued in courts, following the 1883 Trial of Lunatics Act, when enough evidence had been brought forward to prove that a defendant had been insane at the time he had committed a criminal act. The defendant was considered guilty of the crime but not responsible for his actions.

from the penalty attached to criminal offences, there must be a defect of the understanding, unequivocal and plain, not the mere impulse of passion, or of idle frantic humour, or unaccountable mode of action, but an absolute dispossession of the free and natural agency of the human mind.<sup>340</sup> Accordingly only two forms of mental alienation were formally recognised in criminal law at the start of the nineteenth century: those judged to be of unsound mind (idiots and imbeciles) and those suffering from total mania or raving madness.

As the nineteenth century progressed the growth of medical knowledge and the development of psychology as an expert field inspired new attempts to expand the breadth of the insanity plea. Partial insanity was gradually accepted as a valid form of mental illness in criminal law. In 1800 the lawyer Thomas Erskine successfully argued that James Hadfield, who had attempted to assassinate King George III, should not be held responsible for his actions because he suffered from temporary delusions unaccompanied by any form of raving madness. Then in 1843 Daniel McNaughten, who shot and killed the private secretary to the Prime Minister under the delusion that he was being persecuted by the government, was also found not guilty of murder on the grounds of his partial insanity. He was not of unsound mind, nor did he suffer from complete mania or raving madness. McNaughten's legal responsibility was undermined because he occasionally suffered from delusions that clouded his sense of judgement and ability to know right from wrong.<sup>341</sup>

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<sup>340</sup> Hale cited in F. Winslow, *The Plea of Insanity in Criminal Cases* (London: H. Renshaw, 1843), p. 1.

<sup>341</sup> The trials of James Hadfield and Daniel McNaughten have been described by historians as pivotal in the development of the insanity plea in the nineteenth century. Excellent discussions on the two trials and the implications they had on the role of the insanity plea in the nineteenth-century criminal justice process can be found in: J. P. Eigen, *Unconscious Crime: Mental Absence and Criminal Responsibility in Victorian London* (Baltimore: The John Hopkins University Press, 2003), p. 6; R. Smith, *Trial by Medicine: Insanity and Responsibility in Victorian Trials* (Edinburgh: Edinburgh University Press, 1981), pp. 14-20; N. Walker, *Crime and Insanity in England: Volume One: The Historical Perspective* (Edinburgh: Edinburgh University Press, 1968), pp. 93-106; S. White, 'The Insanity Defence in England and Wales Since 1843', *Annals of the American Academy of Political and Social Science*, Vol. 477 (1985), p. 44.

This trial unsettled many legal professionals and politicians. Some thought the verdict was too lenient, and members of the House of Lords posed questions to a number of eminent judges in order to formalise a set of rules to control the use of the insanity plea in civil and criminal courts. These became known as the M'Naughten Rules. They stated that:

We have to submit our opinion to be, that jurors ought to be told in all cases that every man is to be presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that to establish a defence on the ground of insanity it must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know, that he did not know he was doing what was wrong.<sup>342</sup>

For the responsibility of a defendant to be legally undermined as a result of mental aberration it had to be proven that he suffered from a disease of the mind which affected intellectual capacity and, thus, the ability to know right from wrong. This kind of mental incapacity could be total, as in cases of congenital idiocy, or partial if it could be proven that the person had been suffering from delusions that affected his ability to reason at the time the criminal act was committed.

The use of the insanity plea as a defence in murder trials increased during the nineteenth century. In the ten years following 1834 just 2% of defendants on trial for murder were found unfit to plead as a result of mental aberration and 7.5% were acquitted on the grounds of insanity. By the close of the century, in the ten years ending in 1903, 7.8% of those standing trial were found unfit to plead and 22.6% were acquitted as a result of the

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<sup>342</sup> Cited in R. Smith, *Trial by Medicine: Insanity and Responsibility in Victorian Trials* (Edinburgh: Edinburgh University Press, 1981), p. 15.

insanity plea.<sup>343</sup> How many of those acquitted were children? Just seven of the 96 children tried for wilful murder in England and Wales between 1816 and 1908 were acquitted on grounds of insanity. Three were considered unfit to plead and four were found to be ‘guilty but insane’. This may seem like a very small number, and it is, but this is not surprising. It has already been shown in Chapter One that children did not frequently appear before a criminal court charged with felonious killing offences. If, as Nigel Walker has argued, the majority of cases where the insanity plea was put forward as a defence in the nineteenth century were in murder trials then it would make sense that very few children were acquitted on the grounds of insanity.<sup>344</sup>

However there are other reasons that might explain the small number of children indicted for wilful murder who were acquitted as a result of the insanity plea. A number of medical professionals doubted whether children, who had yet to develop a full sense of reason, could suffer from certain types of insanity as adults did. Henry Maudsley asked, ‘how soon can a child go mad? Obviously not before it has got some mind to go wrong, and then only in proportion to the quantity and quality of mind which it has.’<sup>345</sup> Another leading alienist noted that, ‘insanity in children is a rare affection.’<sup>346</sup> This did not mean, however, that children could not suffer from other forms of mental aberration and cerebral disease. In *The Mind of the Child* (2010) historian Sally Shuttleworth has traced the development of child psychiatry during the nineteenth century and argues that, although children might not have suffered from insanity proper, it was widely recognised among medical professionals

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<sup>343</sup> N. Walker, *Crime and Insanity in England: Volume One: the Historical Perspective* (Edinburgh: Edinburgh University Press, 1968), p. 86.

<sup>344</sup> *Ibid*, p. 86.

<sup>345</sup> Shuttleworth, *The Mind of the Child*, p. 21.

<sup>346</sup> W. W. Ireland, *On Idiocy and Imbecility* (London: J & A Churchill, 1877), p. 241.

that children could be insane.<sup>347</sup> This degree of mental derangement was increasingly measured according to what was considered normal in a child's, not an adult's, mind. Research conducted into the mental capacity of children developed alongside the introduction of state education and by the close of the century special care was provided for those children deemed abnormal or mentally deficient.<sup>348</sup>

The most common forms of mental illness found in children in the nineteenth century were idiocy and imbecility. According to W. W. Ireland, a psychologist who was particularly interested in childhood insanity, 'idiocy is a mental deficiency, or extreme stupidity, depending upon mal-nutrition or disease of the nervous centres, occurring either before birth or before the evolution of the mental faculties in childhood.'<sup>349</sup> This form of mental illness did not require a fully mature mind to exhibit itself. It could develop in the very early stages of life, stunting a child's capacity to cultivate a sense of reason. Of the 180 children admitted to the Middlesex Colney Hatch Lunatic Asylum from 1851 to 1871, 121 were diagnosed as suffering from congenital idiocy or imbecility.<sup>350</sup> Symptoms included a total lack of understanding and an inability to function in almost all areas. These children were very rarely cured.

There was also a growing awareness in the nineteenth century that children could suffer from partial forms of mania. Whereas total mania was characterised by the irregular action of all mental powers, monomania involved delusions that affected only certain feelings or perceptions. Henry Maudsley defined monomania as, 'a morbid idea or delusion [which]

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<sup>347</sup> Shuttleworth, *The Mind of the Child*, p. 18.

<sup>348</sup> For more information on the classification and treatment of abnormal children in the late nineteenth century see Chapter Six.

<sup>349</sup> Ireland, *On Idiocy and Imbecility*, p. 1.

<sup>350</sup> LMA, H12/CH/B/1/001, Register of Admission for Male and Female Patients at Colney Hatch Lunatic Asylum, 1851-71.



reacts downwards, but not upon the sensory ganglia in the way described, its action is upon the movements, and is realised in some particular act.’<sup>351</sup> He then asked, ‘is this kind of monomania ever met with in children?’, replying, ‘certainly it is; and, as might be predicted from a consideration of the child’s mental development, chronic ideational insanity will commonly be of this partial kind.’<sup>352</sup>

One form of monomania that Maudsley recognised to be particularly noteworthy in childhood was homicidal monomania. He described that a, ‘destructive impulse which sometimes reaches such an extreme degree in the madness of childhood is afforded by the instance of homicidal impulse.’<sup>353</sup> An awareness of a distinct type of insanity that featured an impulse to kill developed out of French research on mental health in the early nineteenth century. Jean Etienne Dominique Esquirol, in his *Mental Maladies; A Treatise on Insanity* (1845), provided a detailed account of a young girl he treated whom he suspected was suffering from a form of homicidal monomania. The child, aged eight, was overcome with an irrational desire to kill her stepmother. She had not been mistreated by the lady, there was no underlying motive for the wish to commit murder, yet the child appeared certain and spoke calmly about her plans. Esquirol recalled his interview with the girl:

I addressed her the following questions. Her replies were made without bitterness or anger; and with composure and indifference. Why do you wish to kill your mother? Because I do not love her. Why do you not love her? I do not know. Has she treated you ill? No. Is she kind to you? Does she take care of you? Yes. Why do you beat her? In order to kill her. How? In order to kill her? Yes, I desire that she may die. Your blows cannot kill her; you are too

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<sup>351</sup> H. Maudsley, *The Physiology and Pathology of the Mind* (New York: D. Appleton and Company, 1867), p. 273.

<sup>352</sup> *Ibid*, p. 273.

<sup>353</sup> Maudsley, *The Physiology and Pathology of the Mind*, p. 283.

young for that. I know it. One must suffer, to die. I wish to make her sick, so that she may suffer and die, as I am too small to kill her at a blow. When she is dead, who will take care of you? I do not know. You will be poorly taken care of, and poorly clothed, unhappy child! That is all one with me; I will kill her; I wish her dead. If you were large enough, would you kill your mother? Yes. Would you kill your grand-mother? No. And why would you not kill her? I do not know. Do you love your father? Yes. Do you wish to kill him? No. Notwithstanding he punished you? That is all the same, I will not kill him. Although your father scolds and beats you, will you still love him? Yes. Have you a little brother? Yes. He has been sent abroad to nurse, have you ever seen him? Yes. Do you love him? No. Do you wish that he may die? Yes. Do you want to kill him? Yes. I have asked father to bring him home from his nurse, in order to kill him. Why do you not love your mother? I know nothing about it. I hope she will die. But is that possible? Yes, Yes. I wish to say no more about my plans. I will take care of them, until I am grown up.<sup>354</sup>

It was not just in medical literature that examples of monomaniacal children with homicidal impulses were reported. Many of the children admitted to Colney Hatch Lunatic Asylum in the nineteenth century who were diagnosed with mania were described as violent in asylum records. For example eleven-year-old Fanny Williams was admitted in 1864. Her case book described how, ‘all day long she is doing mischief, she pulls the hair of the old women or pinches or pricks them with pins, puts pins into her ears, strikes the inmates without any provocation [and] has threatened to cut her throat and at another time to thrust a

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<sup>354</sup> E. Esquirol, *Mental Maladies; A Treatise on Insanity* (Philadelphia: Lea and Blanchard, 1845), p. 371.

piece of steel into one of the nurses' eyes.<sup>355</sup> Although she had yet to commit a crime as a result of her violent tendencies the asylum attendant considered the child too dangerous to be housed in a normal ward. The girl was often placed in a padded cell for the protection of the asylum inmates and as punishment for her behaviour.<sup>356</sup>

An awareness of the existence of homicidal monomania also developed out of new concepts of insanity that began to be debated amongst medical professionals in the early nineteenth century. James Cowles Prichard introduced the term 'moral insanity' in his 1835 *Treatise on Insanity and Other Disorders Affecting the Mind*. This was a form of insanity that did not necessarily affect the intellectual abilities of a patient. It was the patient's moral faculties, their emotions, which were disordered. He explained that, 'this form of mental disease has been said above to consist of a morbid perversion of the feelings, affections, habits, without any hallucination or erroneous conviction impressed upon the understanding; it sometimes co-exists with an apparently unimpaired state of the intellectual faculties.'<sup>357</sup> Children were considered to be the natural victims of moral insanity. It was thought that the emotions were the first to develop in childhood, followed by the capacity to reason. It would make sense, then, that an insanity of the emotions could exist in childhood. Maudsley wrote that moral insanity, or as he termed it 'affective insanity', was, 'a form of disease which

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<sup>355</sup> LMA, H12/CH/B/11/009, Case Book for Female Patients Admitted to Colney Hatch Lunatic Asylum, 1862-1864.

<sup>356</sup> Fanny Williams was discharged from Colney Hatch Lunatic Asylum four months after she was admitted. Her condition was recorded as, 'not improved', and her mother exclaimed that she was, 'dissatisfied', to be taking the girl home. Two years later Fanny Williams arrived back at the Asylum. Her destructive behaviour had not improved. She was placed in seclusion for violence on Wednesday 24 July 1867 for 6 hours 30 minutes, for 4 hours 50 minutes on Wednesday 1 August, for 4 hours 15 minutes on Friday 16 August, 6 hours and 55 minutes on Friday 23 August and, finally, 9 hours and 10 minutes on Wednesday 4 September 1867. I have been unable to find any other trace of her activities at Colney Hatch or of her life outside of the Asylum. LMA, H12/CH/B/11/009, Case Book for Female patients Admitted to Colney Hatch Lunatic Asylum, 1862-1864; LMA, H12/CH/B/11/012, Case Book for Female Patients Admitted to Colney Hatch Lunatic Asylum, 1866-1870.

<sup>357</sup> J. C. Prichard, *A Treatise on Insanity and Other Disorders Affecting the Mind* (London: Sherwood, Gilbert, and Piper, 1835), p. 14.

undoubtedly occurs in early life, and which, indeed, is more readily acknowledged when it is met with in such young children than when it is met with in the adult.<sup>358</sup>

There was a period in childhood when the likelihood of suffering from forms of affective and ideational insanity increased. This was during puberty. Prichard argued in his *Treatise* that, ‘after the age of fifteen mental derangement is no longer a rare phenomenon, but it assumes, generally speaking, various aspects at different stages of life. Soon after puberty...or in young persons who grow rapidly, symptoms of mania or melancholia occasionally appear.’<sup>359</sup> Again, children diagnosed with these forms of insanity were admitted to the Colney Hatch Lunatic Asylum.<sup>360</sup> In 1864 a fourteen-year-old domestic servant named Mary Ann Bugbee was transferred to the asylum from a workhouse infirmary. Her behaviour had gradually deteriorated, her language and conduct described as, ‘obscene’, and she began to suffer from delusions where, ‘ugly men and women come from under her bed and make faces at her’, and where, ‘a man tried to cut her throat because she would not permit him to have sex with her.’<sup>361</sup> The cause of Bugbee’s mania was listed in the case book for female patients admitted to Colney Hatch Lunatic Asylum between 1860 and 1864 as, ‘puberty and suppressed menstruation.’<sup>362</sup> She soon recovered and was discharged just three and a half months after her admission.

Although it is clear that it was possible for children to suffer from a variety of mental illnesses in the nineteenth century it did not necessarily follow, in nineteenth-century criminal law, that insane children could not be held to be legally responsible for their actions. The

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<sup>358</sup> Maudsley, *The Physiology and Pathology of the Mind*, p. 328.

<sup>359</sup> Prichard, *A Treatise on Insanity*, p. 166.

<sup>360</sup> There were 39 children under the age of sixteen admitted to Colney Hatch Lunatic Asylum between 1851 and 1871 who were diagnosed with mania or melancholy that had been caused by puberty.

<sup>361</sup> LMA, H12/CH/B/11/009, Case Book for Female Patients Admitted to Colney Hatch Lunatic Asylum, 1862-1864.

<sup>362</sup> *Ibid.*

insanity plea rested on a very strict legal definition of insanity: mental aberration that affected the ability to reason or a form of partial insanity where a delusion temporarily disturbed a defendant's ability to know right from wrong. Since the insanity met with in childhood was necessarily partial and moral because of their mental immaturity, it was very difficult for a child on trial to meet the standard conditions for an insanity plea. The M'Naughten Rules had been drawn up to formalise and clarify the use of the insanity plea in courts of law but these rules were based on the insanity met with in adults. There were no guidelines or exceptions made for children. When children were tried on a charge of wilful murder and medical witnesses argued that they were insane the courts were faced with a difficult decision: to accept that forms of childhood insanity could also affect criminal responsibility, or to follow the legal definition of insanity.

Two forms of insanity that medical witnesses did apply to children who killed in nineteenth-century England and Wales were idiocy and imbecility. Although the popular image of idiocy characterised its sufferers as pitiful and mild creatures, medical professionals knew otherwise.<sup>363</sup> Henry Maudsley noted that, 'a very cursory examination of the idiotic classes...will convince that they are not always either happy, or innocent, or harmless.'<sup>364</sup> The case books at Colney Hatch Lunatic Asylum included many accounts of violence and homicidal impulses exhibited by children who were diagnosed as idiots and imbeciles. For example the mother of Richard Clarke, a fifteen-year-old boy who had been admitted to the Asylum as an imbecile in 1865, recalled, 'his beastly behaviour which passes all description: he has mixed what he thought was poison in her tea and he tried to set the chimney on

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<sup>363</sup> Natalie McKnight has argued that Charles Dickens depicted idiots to be vulnerable, innocent, and childlike in his novels: N. McKnight, *Idiots, Madmen, and Other Prisoners in Dickens* (New York: St Martin's Press, 1993), p. 72.

<sup>364</sup> H. Maudsley, 'The Psychology of Idiocy', *Journal of Mental Science*, Vol. 11 (1866), p. 30.

fire.’<sup>365</sup> In 1866 nine-year-old James Denham was admitted as a congenital idiot after he cut his sister’s arm with a knife. The superintendent at Colney Hatch observed in his report books that, ‘he is at times violent and spiteful.’<sup>366</sup>

No child charged with wilful murder who was found to be suffering from idiocy or imbecility was regarded to be legally responsible for their actions. In every case the child on trial was considered ‘unfit to plead’ and acquitted. Idiocy and imbecility were included in the legal definition of insanity. Both forms of mental derangement affected intellectual capacity. Children suffering from idiocy or imbecility were unable to know right from wrong, their actions were not guided by reason and therefore they could not voluntarily commit a crime. Idiocy and imbecility had been recognised to eradicate legal responsibility long before the nineteenth century. It became a general rule in criminal law that, ‘[an idiot] does not understand what he is doing, and wanting mind and reason, differs little from brutes.’<sup>367</sup>

This assumed lack of criminal responsibility was reflected in newspapers explaining to their readers why a child who killed had been acquitted of wilful murder. When fifteen-year-old Sarah Gibson stabbed her two-year-old brother to death with a kitchen knife in 1895 newspapers made it clear that she was imbecilic and therefore not accountable for her actions. Headlines focused on her mental debility. The *Lincolnshire Chronicle* reported the ‘Murder of a Brother By an Imbecile’ and the *York Herald* announced ‘Murder By an Imbecile in Lincolnshire.’<sup>368</sup> These articles then explained in more detail evidence showing that the girl

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<sup>365</sup> LMA, H12/CH/B/13/010, Case Book for Male Patients Admitted to Colney Hatch Lunatic Asylum, 1864-1865.

<sup>366</sup> LMA, H12/CH/B/13/011, Case Book for Male Patients Admitted to Colney Hatch Lunatic Asylum, 1866-1867.

<sup>367</sup> Lord Coke cited in J. C. Prichard, *On the Different Forms of Insanity in Relation to Jurisprudence: Designed for the Use of Persons Concerned in Legal Questions Regarding Unsoundness of Mind* (London: Hippolyte Baillière, 1842), p. 161.

<sup>368</sup> ‘Murder of a Brother By an Imbecile’, *Lincolnshire Chronicle*, Friday 12 July 1895; ‘Murder By an Imbecile in Lincolnshire’, *York Herald*, Wednesday 10 July 1895.

was weak-minded, describing how she wandered off after killing her brother covered in his blood, that no attempts were made by her to conceal what she had done, and how when she was questioned about the murder she merely laughed. What is particularly interesting about the reporting style of murders committed by children who were confirmed idiots or imbeciles is the degree to which newspapers assumed their readers recognised that the feeble-minded could not be considered criminally responsible. Opinions and testimonial evidence of medical experts were not provided and there were no attempts made to explain to their readers why idiocy and imbecility should exculpate a person who committed a crime.

The extent that other forms of insanity affected the legal responsibility of children, however, was less straightforward. A plea of insanity was made in at least fifteen murder trials of children in nineteenth-century England and Wales (Table Four). Three of these children were diagnosed as idiots or imbeciles and acquitted. In the remaining twelve cases defence lawyers argued that various forms of partial insanity should reduce the criminal responsibility of the child on trial. These included emotional unbalance as a result of puberty, moral insanity and homicidal monomania. The insanity plea was successful in just four of these cases, all achieved in and after the 1890s.

Partial insanity was not overlooked in the legal definition of insanity. If it could be proved that a defendant's ability to reason had been affected by a temporary delusion at the time a particular criminal act had been committed then the defendant was not considered to be legally responsible for his actions. The problem with partial insanity in childhood was that it was still in its early stages and had not yet affected intellectual capacity. When twelve-year-old William Allnutt stood trial for the murder of his grandfather in 1847 Dr Frederick Duesbury argued that the child suffered from a form of partial insanity that affected only his

**Table Four**

**The Insanity Plea Applied in Murder Trials of Children, 1816-1908**

<b>Date</b>	<b>Acquittal, unfit to plead</b>	<b>Acquittal, guilty but insane</b>	<b>Guilty, failed insanity plea</b>
1834			Partial Insanity
1847			Moral Insanity
1862			Puberty
1865			Puberty
1866			Moral Insanity
1889			Moral Insanity
1891			Partial Insanity
1891		Homicidal Monomania	
1893			Puberty
1895	Imbecility		
1895	Imbecility		
1895		Homicidal Monomania	
1903	Imbecility		
1904		Homicidal Monomania	
1904		Homicidal Monomania	

emotions. He was asked by Mr Ryland, acting for the prosecution, ‘do you mean that you consider him permanently insane, or liable to occasional derangement?’<sup>369</sup> The medical practitioner from Clapton replied, ‘my opinion is that it is in the early stages of insanity,

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<sup>369</sup> NA, PCOM 1/55, Old Bailey Sessions Papers, 1847-1848.



implicating the moral sentiments, the *sense* of right and wrong, and not as yet having reached the intellect in any marked degree.<sup>370</sup> According to criminal law an aberration of the sentiments, rather than an aberration of intellect, was not enough to reduce the criminal responsibility of a defendant and, as a result, Allnut was found guilty of murder.

Attempts made by medical professionals to deny the criminal responsibility of defendants who suffered from emotional and moral forms of insanity proved contentious throughout the nineteenth century. According to homicide law, individuals on trial for committing felonious offences could only be classified as criminal lunatics and acquitted if the mental aberration they suffered from directly affected their ability to reason. Moral insanity, however, was characterised by a disorder of the emotions without any impact on intellectual capacity. Even so, medical professionals argued that this form of insanity still affected a person's ability to control their actions and that it should therefore also reduce the criminal responsibility of those who suffered from it. They might know that an act is wrong, but are unable to behave according to this knowledge because they suffer from diseased emotions. Maudsley condemned the knowledge test applied in criminal law to define insanity: 'could anything be more absurd? It assumes that reason, not feeling, is the motive force of human action – that is to say, for example, a man falls in love from reason, and that, after fit embraces, he proceeds further in the business from reason. Is not that a singular absurdity?'<sup>371</sup>

Legal professionals thought not. The consensus among lawyers was that moral insanity threatened the stability of the criminal justice system. They could not understand how it could be sufficiently proven that a person committed a crime because of an emotional

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<sup>370</sup> NA, PCOM 1/55, Old Bailey Sessions Papers, 1847-1848.

<sup>371</sup> H. Maudsley cited in Anon, 'Criminal Responsibility in Relation to Insanity. A Discussion Opened by H. Maudsley', *Journal of Mental Science*, Vol. XLI, No. 175 (1895), p. 658.

unbalance. What was the difference between an impulse to kill and wilfully indulging in evil passions? James FitzJames Stephen neatly remarked in a paper to the Judicial Society in 1855, ‘there may have been instances of irresistible impulses of this kind, although I fear there is a disposition to confound them with unresisted impulses.’<sup>372</sup> Though the notion that a form of insanity affecting only the emotions was perfectly acceptable to medical professionals, lawyers, whose knowledge of mental illness had been built on the idea that reason determined action, were unwilling to recognise moral insanity as a valid defence. The position of legal professionals on the admission of moral insanity as a form of defence was made clear in an article printed in 1855 in *Fraser’s Magazine*. It argued that moral insanity, ‘has figured so remarkably, and, as we think, so dangerously in our courts of justice, paralyzing her arm, and securing impunity to those who have indulged their “homicidal orgasm,” as it is the fashion to call a propensity to murder.’<sup>373</sup>

Even so, according to historian Joel Eigen, the success rate of using emotional forms of insanity as a defence in criminal trials increased significantly during the late nineteenth century. He has attributed this to the efforts of medical men rephrasing evidence provided in their witness testimonies to better fit the legal definition of insanity.<sup>374</sup> Rather than using the controversial term ‘moral insanity’ medical witnesses began to argue the existence of ‘homicidal monomania’. Like moral insanity, homicidal monomania was characterised by uncontrollable impulses. However this affliction was categorised as a type of ‘mania’ and was open to the possibility of the existence of ‘delusions’, all terms that were buzz words regarding the insanity plea in homicide law. When thirteen-year-old Robert Coombes was

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<sup>372</sup> J. FitzJames Stephen cited in N. Walker, *Crime and Insanity in England: Volume One: The Historical Perspective* (Edinburgh: Edinburgh University Press, 1968), p. 104.

<sup>373</sup> Anon, ‘Moral Insanity. – Dr. Mayo’s Croonian Lectures’, *Fraser’s Magazine* (March, 1855), p. 246.

<sup>374</sup> J. P. Eigen, ‘Diagnosing Homicidal Mania: Forensic Psychiatry and the Purposeless Murder’, *Medical History*, Vol. 54 (2010), p. 441.

tried for the murder of his mother in 1895 medical witnesses provided evidence to suggest that the boy was a homicidal monomaniac. Though the prosecution tried to undermine the existence of insanity by arguing that Robert was, ‘a boy who may be very passionate and may be vicious without being insane’, the defence successfully persuaded members of the jury that the boy was not in control of his will at the time he committed the crime.<sup>375</sup> George Edward Walker, medical officer at Holloway Prison, phrased the homicidal impulse Robert had been unable to control as a delusion: ‘he might have been under the influence of a delusion when he brought the knife. I seriously mean that he would go to the shop, select the knife, bargain for it, and buy it while under the influence of mania; under the influence of homicidal mania these crimes are done with great deliberation.’<sup>376</sup> Robert was found to be ‘guilty but insane’.

It is clear that the application of the insanity plea in cases where mentally ill children committed murder was problematic. The legal definition of insanity was based on forms of insanity that were met with in adulthood. These involved a complete loss of reason or the existence of a delusion which temporarily impaired intellectual capacity. Children who had not yet reached intellectual maturity were unable to suffer from these forms of insanity. The insanity met with in children was partial in nature and often affected moral sense rather than the child’s ability to reason. As a result the criminal responsibility of children suffering from mental illness was not recognised in criminal law. It was not until after medical men had fashioned a form of moral insanity better suited to homicide law in the late nineteenth century that the legal irresponsibility of children suffering from forms of monomania was accepted. So how did newspapers present these difficulties to their readers? If it was so readily accepted that an idiotic or imbecilic child was not accountable for their actions how was it explained in the press that the same rule did not apply to every child suffering from insanity?

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<sup>375</sup> NA, PCOM 1/147, Old Bailey Sessions Papers, 1895.

<sup>376</sup> Ibid.

Evidence provided by medical witnesses was printed in considerable detail in newspaper reports covering murder trials of children where a plea of insanity had been argued. Just as newspapermen printed clear explanations of the legal presumption of *doli incapax* for their readers they also sought to explain the types of mental illness that medical professionals believed children could suffer from. For example *The Times* described the form of moral insanity Dr Duesbury argued in defence of William Allnut in 1847: ‘Dr. Duesbury’s evidence was to the effect that the boy Allnut was in an early stage of insanity, which affected his moral sentiments, but not his intellect. He might have been aware that he was poisoning some one, but not yet able to control his actions.’<sup>377</sup> Similarly in 1866 an article in the *Leeds Times* explained the plea of moral insanity characterised by homicidal impulse presented at the trial of sixteen-year-old Henry Gabbites, a boy who murdered his fellow apprentice without any provocation. The article wrote, ‘doctors tell us of “homicidal monomaniacs,” that is of men liable to be carried away by an insane impulse to kill, which they are unable to resist, even though conscious of the wickedness of the crime they are impelled to perpetrate, and of the legal consequences attached to it.’<sup>378</sup> Marie-Christine Leps has argued that Victorian newspapers utilised the authoritative voices of legal and medical professionals to convey to their readers how the criminal justice process worked and to encourage them that justice had been achieved.<sup>379</sup> Arguments made by lawyers and the testimonies provided by medical experts were used in the nineteenth-century press to explain why a criminal was legally responsible or not.

Whether or not these forms of insanity reduced legal responsibility according to criminal law was also explained in newspapers through near verbatim reports of judges’

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<sup>377</sup> ‘The Charge of Mr. Baron Rolfe’, *The Times*, Friday 17 December 1847.

<sup>378</sup> ‘The Boy-Murderer’, *Leeds Times*, Saturday 22 December 1866.

<sup>379</sup> M. Leps, *Apprehending the Criminal: The Production of Deviance in Nineteenth-Century Discourse* (Durham: Duke University Press, 1992), p. 8.

summaries made to members of the jury. It was in these summaries that the principal legal questions of a case were presented. When a plea of partial or moral insanity was raised judges were careful to remind jury members that the legal definition of insanity required a loss of reason or evidence of delusion. The summary made by Mr Justice Lush at the trial of Henry Gabbites in 1866 was printed in full in the *Lincolnshire Chronicle* quoting that, ‘he ought to warn them [the jury] to be very cautious indeed how they admitted Dr Williams’s doctrine as to the justification of an atrocious murder, he said that they afforded no justification in point of law.’<sup>380</sup> The paper further explained why the boy’s strange behaviour and motiveless crime could not reduce his legal responsibility by including an exchange between the judge and Dr Caleb Williams, a visiting physician of the York Retreat who argued that Gabbites was suffering from a homicidal form of moral insanity:

The Judge: When he told you of the murder, and then said his mother had always told him he would come to the gallows, did not that indicate a knowledge of right and wrong? – Dr. Williams: Persons like him now and then commit murder in order that they may be hung. – The Judge: What would you say in this instance? – Dr. Williams: I should call him insane.<sup>381</sup>

It was made clear to those who read this article that although the child might suffer from a form of mental illness this was not sufficient to reduce his criminal responsibility because he was still able to understand right from wrong. Gabbites killed his room-mate because he wanted to die and knew that if he was found guilty of wilful murder he would be sentenced to death.

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<sup>380</sup> ‘The Sheffield Murder. Trial and Conviction of Gabbites’, *Lincolnshire Chronicle*, Friday 21 December 1866.

<sup>381</sup> *Ibid.*

Almost all newspaper reports covering murder trials of children thought to be insane provided both sides of the moral insanity argument. The primary purpose of newspapers was to convey information to their readers. However this does not mean that newspapers failed to offer opinion in their coverage. Some made it very clear whether they supported legal or medical professionals in their approach to the criminal responsibility of the insane. For instance in 1847 *The Times* quoted the summary made by Judge Baron Rolfe at the trial of William Allnutt in full. The paper made it clear that moral insanity should not reduce the responsibility of murderers, even if the offender was a child: ‘such evidence ought to be scanned by juries with very great jealousy and suspicion, because it might tend to the perfect justification of every crime that was committed. What was the meaning of not being able to resist moral influence? Every crime was committed under an influence of such a description, and the object of the law was to compel persons to control these.’<sup>382</sup> The influential paper continued to express its outrage at the plea of moral insanity stating that, ‘the most horrible murders and attempts at murder have escaped without their appropriate punishment. We have long and earnestly endeavoured to enforce upon the public the position that this should not be so’, and in response to the guilty verdict remarked, ‘to that learned judge we feel that the unqualified thanks of the public are due for protecting their lives from violence and assassination.’<sup>383</sup>

Other papers, however, were more sympathetic to pleas of partial and moral insanity in cases where the offender was a child. Though it was not fully recognised outside of the medical profession that the only forms of insanity children suffered from were of a partial and moral nature, some papers considered that the evidence of insanity in general should be enough to reduce legal responsibility. An article in the *Leeds Times* discussing the guilty

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<sup>382</sup> ‘The Charge of Mr. Baron Rolfe’, *The Times*, Friday 17 December 1847.

<sup>383</sup> Ibid.

verdict passed on Henry Gabbites reflected that, ‘the danger of accepting too readily a theory like this, in explanation and exculpation of great crimes, is too evident to need enforcing; yet we cannot but feel in the case before us, the unripe years of the prisoner, his physical imperfections, suggesting, although they may not prove, the presence of some corresponding mental infirmities...and the inexplicable nature of the crime itself, furnish amply sufficient reason for not carrying out the extreme penalty of the law.’<sup>384</sup> This article was written in 1866, predating the gradual acceptance of homicidal monomania in children as a viable defence in the criminal justice system by some thirty years. Newspapers, not bound by the rules of legal process, were able to recognise that youth and partial insanity in children should be regarded as mitigating factors in relation to their legal responsibility and criminal liability.

Opinion outside of the criminal justice process realised that the knowledge test of determining criminal responsibility was outdated and unsatisfactory. It was not just an understanding of right and wrong that determined action but also an ability to utilise this knowledge to control the will. In 1854 J. C. Bucknill wrote in his *Unsoundness of Mind in Relation to Criminal Insanity* that, ‘responsibility depends upon power, not upon knowledge, still less upon feeling. A man is responsible to do that which he can do, not that which he feels or knows is right to do. If a man is reduced under thralldom to passion by disease of the brain, he loses moral freedom and responsibility, although his knowledge of right and wrong may remain intact.’<sup>385</sup> There was also a growing concern that the knowledge test used to determine whether a sane child was *doli capax* or not failed to recognise that an ability to know the difference of right and wrong did not necessarily provide children with the power to act on this knowledge. The criminologist W. D. Morrison wrote in 1896 that, ‘a child acquires the knowledge of right and wrong before it acquires the corresponding power of

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<sup>384</sup> ‘The Boy-Murderer’, *Leeds Times*, Saturday 22 December 1866.

<sup>385</sup> Bucknill, *Unsoundness of Mind in Relation to Criminal Insanity*, p. 60.

moral restraint... a mere knowledge of the difference between right and wrong is not in itself a sufficient test of criminal responsibility in the case of the young.<sup>386</sup> According to Morrison the presumption of *doli incapax* was founded on mistaken principles. Though a child over the age of seven might have achieved the mental capacity to understand that a certain act is bad, the ability to act on this knowledge was not developed until much later. Morrison included youths as old as twenty in his research. It was clear to him that children should not be treated like responsible adults in the criminal justice process.

However the youth of children in regard to their reduced moral responsibility was not formally recognised in criminal law until the Children's Act of 1908. The criminal responsibility of children, and of offenders who suffered from forms of insanity, was measured according to their ability to know right from wrong. It was assumed that children under the age of seven were unable to do this, and were therefore deemed necessarily irresponsible for their actions. Those children brought to trial between the ages of seven and fourteen were considered to have reached a sufficient level of intellectual maturity to know that committing crime was wrong. A child of that age who was unable to do so was considered abnormal. This might suggest that these children were then found to be incapable of voluntarily committing a crime, that their inability to know right from wrong made them *doli incapax*. Yet the presumption of innocence based on youth was rarely applied in legal practice. Rather, children over the age of seven who did not know right from wrong were considered to be insane and the insanity plea was argued in their defence. Even then it was unusual for these children to be acquitted on the grounds of reduced responsibility. The legal definition of insanity did not cover the partial and moral forms of insanity suffered in childhood until the close of the nineteenth century. Children who killed proved problematic cases for the criminal justice system. Homicide law did not allow exceptions to be made for

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<sup>386</sup> Morrison, *Juvenile Offenders*, p. 249.



children over the age of seven. They were treated like other murderers in courts of law. It was not until the process of sentencing that youth was officially recognised as a mitigating factor.

## Chapter Four

### Punishing Children Who Killed

In 1850 a Select Committee on Prison Discipline argued that, ‘the corrective treatment of children and very young persons should naturally and justly be different to that inflicted on adult and fully-responsible offenders.’<sup>387</sup> Harsh penal practices associated with the so-called ‘Bloody Code’ of the Hanoverian regime had been imposed on criminals regardless of age. However it was increasingly recognised during the nineteenth century that children were less morally responsible than adults; that children were less able to make a calculated choice to commit a right or a wrong act. Children were, therefore, not as liable for their actions as adult offenders and required different forms of punitive treatment. The Society for the Improvement of Prison Discipline and the Reformation of Juvenile Offenders condemned the penal treatment of juvenile delinquents in 1818. They were horrified that young children convicted of petty offences could receive long prison sentences or even be sentenced to death. Punishments should reflect the nature of a crime and the character of a criminal. The Society believed that imprisonment was an overly severe punishment to inflict on juvenile offenders. In prisons children were contaminated by hardened adult criminals and effectively sentenced to a life of crime: ‘a prisoner enters a boy in years, and a boy in vice but he departs with the knowledge of the ways of wickedness.’<sup>388</sup> Concerns about the existence of children serving time alongside adult criminals in gaols and prisons were regularly debated in parliament during the first half of the nineteenth century, culminating in a number of Acts that provided special penal policies for youthful offenders. In 1847 the Juvenile Offenders

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<sup>387</sup> Anon, ‘Report from the Select Committee on Prison Discipline: Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index’, *PP*, 1850, p. xix.

<sup>388</sup> Anon, ‘Report of the Committee of the Society for the Improvement of Prison Discipline and for the Reformation of Juvenile Offenders’, *PP*, 1818, p. 18.

Act stipulated that any child under the age of fourteen charged with petty offences could be either whipped or discharged by a magistrate without any other punishment.<sup>389</sup> Then in 1854 the Reformatory Schools Act provided children with separate penal institutions. Any child between the ages of ten and sixteen found guilty of a felonious offence could now be sentenced to fourteen days' imprisonment followed by two to five years in a reformatory school. Children found guilty of crimes were no longer to be punished like adult criminals but were, instead, to be treated like children.

However, children found guilty of felonious killing offences posed a problem for the criminal justice system. They might have been children in age but the crimes they had been convicted of were not the petty offences usually discussed by those who wished to reform juvenile penal policy. Offences against the person were some of the most serious crimes that could be committed according to criminal law. Samuel Phillips Day maintained, in his 1858 study of youth offending, that children found guilty of wilful murder should not be sentenced to serve between two to five years in a reformatory school like other juvenile delinquents. He worried that exercising leniency on account of a murderer's tender years might mean that, 'a human creature could be slaughtered with impunity.'<sup>390</sup> This chapter considers how children who killed were punished in the nineteenth century. Were they treated like other criminal children? Was their youth recognised in the sentencing process and in the execution of their punishments? I will first discuss how children found guilty of wilful murder were punished; the sentences they received and whether their youth mitigated these. Then I will consider the penal treatment of children found guilty of manslaughter. Here I will show that many degrees of manslaughter existed in nineteenth-century homicide law and that the extent to which the youth of an offender was recognised as a mitigating circumstance depended on the severity of

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<sup>389</sup> The age limit was increased to sixteen in 1850.

<sup>390</sup> S. Phillips Day, *Juvenile Crime: Its Causes, Character, and Cure* (London: J. F. Hope, 1858), p. 312.

the crime. I will then consider how very young children convicted of felonious killing offences were punished in the criminal justice system. Children under the age of ten convicted of murder posed particular problems for judges and juries. There was a reluctance to find such young children guilty of capital crimes. The final part of this chapter will focus on the role newspapers played in trying to understand how children convicted of felonious killing offences should be treated in the criminal justice system. Not only did newspapers offer their readers reasons to explain a judge's decision, but they provided the public with an arena to express their opinions and to further public debate on how children who killed should be punished.

## **Wilful Murder**

### The Sentencing Process: Life or Death?

According to nineteenth-century criminal law, 'whoever shall be convicted of murder shall suffer death as a felon.'<sup>391</sup> This penalty carried with it a sense of certainty. A judge could not make any exceptions if a jury had found a defendant guilty of wilful murder. The youth of an offender convicted of murder, therefore, mattered little in legal process. If the defendant was over the age of seven and it had been sufficiently proven that he was criminally responsible for his actions then that defendant could be sentenced to death. The notion of hanging a child appalled an increasingly sentimental and civilised society in the nineteenth century.<sup>392</sup> Newspapers often expressed horror at the news that a child had been

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<sup>391</sup> Offences Against the Person Act (1861) printed in E. W. Cox and T. W. Saunders, *The Criminal Law Consolidation Acts; Notes of the Cases Decided On Their Construction* (London: Law Times Office, 1870), p. 198.

<sup>392</sup> Sociologist Norbert Elias famously argued that the nineteenth century witnessed the birth of a civilising process where attitudes to violence, sexual behaviour, and forms of social etiquette shifted from those associated with Early Modern Europe towards more refined and self-restrained standards of living: N. Elias, *The Civilising Process: The History of Manners* (Oxford: Blackwell, 1969). According to Randall McGowen the increasing sense of horror felt by those witnessing public hangings in the Victorian era was just one of the symptoms of this process of civilisation. Public violence, and the popular culture surrounding the gallows, was considered

found guilty of murder and sentenced to death. When sixteen-year-old domestic servant Hannah Holmes was convicted of murdering her master in 1860 the *Leicester Chronicle* observed how, ‘the instincts of humanity struggle in the human heart with the instincts of justice’, and maintained that, in their opinion, ‘the execution of the girl would be revolting to the humanity of the entire community.’<sup>393</sup> Legal professionals also found the conviction of youthful murderers difficult. It was not uncommon for newspapers to report that a judge had been overcome by emotion when he donned the black cap and sentenced a child to death.<sup>394</sup> In 1890 two brothers, one aged sixteen and the other eighteen, were found guilty of murdering their father. An article printed in *Lloyd’s Weekly Newspaper* reported how Mr Justice Wills addressed the condemned, ‘in a voice broken by uncontrollable emotion.’<sup>395</sup> When sixteen-year-old Henry Gabbites was found guilty of wilful murder in 1866 the judge presiding at the Leeds Assizes, ‘having assumed the black cap, said, with visible emotion, that he could not trust himself to comment upon the awfulness of passing sentence of death upon a boy so young.’<sup>396</sup>

Concerns about the punishment of children found guilty of capital offences were raised throughout the nineteenth century. In 1836 a Report of Inspectors of Prisons in Great Britain stated that although, ‘it may be said that the mode of punishment should be regulated by the substance of the offence rather than by the age of an offender, in a moral sense age

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distasteful in the nineteenth century: R. McGowen, ‘Civilising Punishment: The End of the Public Execution in England’, *Journal of British Studies*, Vol. 33, No. 3 (1994), pp. 257-282.

<sup>393</sup> ‘The Murder at Seagrave’, *Leicester Chronicle*, Saturday 21 July 1860.

<sup>394</sup> Thomas Dixon has analysed the public show of emotion that was expressed by a judge at the murder trial of Constance Kent in 1865. Mr Justice Willes cried when he sentenced the young lady to death for killing her infant step-brother in 1860, when she was only sixteen years old, and made little attempt to conceal his tears from those present in court: T. Dixon, ‘The Tears of Mr. Justice Willes’, *Journal of Victorian Culture*, Vol. 17, No. 1 (2012), pp. 1-23.

<sup>395</sup> ‘The Crewe Murder. Sensational Evidence’, *Lloyd’s Weekly Newspaper*, Sunday 30 March 1890.

<sup>396</sup> ‘Charge of Murder Against a Youth – Affecting Scene’, *Newcastle Courant*, Friday 21 December 1866.

ought surely to be regarded in fixing the measure of turpitude.<sup>397</sup> The Recorder of Ipswich, David Power, who had a particular interest in juvenile crime, concurred with this opinion in his answers to the questions posed to him by a Select Committee on Criminal and Destitute Children in 1852. He argued that the youth of children found guilty of murder should be recognised in criminal law and should serve as a mitigating factor. Children who killed ought not to be sentenced to death as murderers, but placed in reformatories as juvenile delinquents. When the Committee asked, 'I put to you now the case of a child guilty of a malignant offence, such as arson or murder... would you, instead of proceeding criminally against those children, have them sent to a reformatory school, by the magistrate before whom the case might be brought, upon mere proof that they were of that age, without further inquiry?', Power simply replied, 'of course.'<sup>398</sup> However, criminal law did not permit the consideration of youth as a mitigating factor in the sentencing of children found guilty of murder. All convicted murderers were sentenced to death. It was not until 1908 that a law was passed preventing the execution of youthful offenders who were under the age of sixteen.<sup>399</sup>

Even so, a number of historians have argued that the sentences of death passed on criminal children during the nineteenth century were never actually carried out. B. E. F. Knell, for example, conducted a study of all children under the age of fourteen who were convicted of capital offences at the Old Bailey between 1801 and 1836.<sup>400</sup> Of the 103 children who had been sentenced to death not a single child was hanged. A lack of correlation between the number of children sentenced to death and those who were executed was also

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<sup>397</sup> Anon, 'Report of Inspectors of Prisons in Great Britain', *PP*, 1836, p. 92.

<sup>398</sup> D. Power in, 'Report from the Select Committee on Criminal and Destitute Juveniles; Together with the Proceedings of the Committees, Minutes of Evidence, Appendix and Index', *PP*, 1852, p. 164.

<sup>399</sup> The Children's Act (1908) established separate judicial and penal treatment of all juvenile offenders and prohibited the execution of youthful murderers.

<sup>400</sup> B. E. F. Knell, 'Capital Punishment: Its Administration in Relation to Juvenile Offenders in the Nineteenth Century and its Possible Administration in the Eighteenth', *British Journal of Criminology, Delinquency and Deviant Behaviour*, Vol. 5 (1965), p. 199.

highlighted by early nineteenth-century penal reformer Edward Gibbon Wakefield in 1831. Describing the inhabitants of Newgate Gaol he explained how, ‘boys under fourteen years of age, who are sentenced to death, generally remain in the school [the juvenile ward] and are treated like all other prisoners of their own age. These form an exception to the ordinary practice as to convicts under sentence of death. They and the officers of the prison know that they will not be executed; and the sentence passed on them, being a mere formal lie.’<sup>401</sup> According to these studies, one historical and the other contemporary, it would appear that children found guilty of capital offences were not hanged for their crimes.

However, many crimes were capital in the early nineteenth century, including those associated with juvenile offenders, like picking pockets. The number of capital crimes was gradually reduced in the 1830s and after 1861 just two crimes were punishable by death: wilful murder and treason.<sup>402</sup> Neither Knell nor Wakefield specified the number of children found guilty of felonious killing offences in their research groups. It is likely that the majority, if not all, of the children who resided in Newgate Gaol during Wakefield’s visit had been convicted of various degrees of theft. Were juvenile offenders found guilty of more serious capital offences like wilful murder also reprieved?

In 1831, fourteen-year-old John Any Bird Bell, whose famous case we have already encountered several times, was convicted of murdering a boy named Robert Taylor. He slashed the boy’s throat with a knife in order to steal a purse of coins. Bell was sentenced to death and on the 1<sup>st</sup> of August he was hanged outside Maidstone Gaol.<sup>403</sup> The case of John

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<sup>401</sup> E. Gibbon Wakefield, *Facts Relating to the Punishment of Death in the Metropolis* (London, 1831), p. 140.

<sup>402</sup> The Offences Against the Person Act (1861) abolished the death penalty for all crimes except wilful murder, treason, piracy, and arson in the royal dockyards.

<sup>403</sup> The execution of John Bell for wilful murder was the first public hanging to be held outside Maidstone Gaol, condemned criminals previously travelling to the gallows on Penenden Heath. Bell’s execution was also the first to trial a new method of hanging: the ‘long drop’. A favoured technique of the famed hangman William Calcraft, the ‘long drop’ allowed for a more efficient death, the criminal snapping his neck before he died from strangulation. Condemned criminals were carefully weighed and measured so that a length of rope could be

Bell, however, proved unusual in the nineteenth century. Though children convicted of wilful murder were sentenced to death according to homicide law until 1908, my research has uncovered only two children (aged sixteen and under) who were actually hanged.<sup>404</sup> Youth was recognised as a mitigating factor, not in the sentencing process, but after a sentence of death had been passed. Nineteenth-century legal writer and Recorder of Portsmouth, Edward Cox, explained that, ‘where the jury finds a verdict of wilful murder, the Judge has no option but to pronounce the sentence imposed by the law. Any mitigation of it must come from the Crown.’<sup>405</sup> Juries had the power to recommend a defendant to mercy if they thought that a crime had been committed under circumstances that reduced the moral responsibility of the criminal. Wives who killed their abusive husbands were found guilty of murder but could be recommended to mercy on account of provocation or self-defence.<sup>406</sup> Similarly children found guilty of maliciously killing another human being could be recommended to mercy on account of their tender years. A judge was then obliged to forward the recommendation to the Home Secretary and it was up to him to decide whether the plea of mercy would be successful. Every child I have located who was convicted of wilful murder in the years 1816 to 1908 received a plea of mercy on account of their ‘extreme youth’. In Bell’s case the recommendation to mercy was ignored because the presiding judge, Mr Justice Gaselee, refused to relay the plea with his personal support to the Home Secretary. He told Bell at the

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fashioned to suit their individual requirements. When Bell was hanged in 1831 the ties of the beam failed to loosen and the fall was momentarily suspended. The boy, however, ‘was almost instantly deprived of his life.’ His body was cut down and then sent to be dissected and anatomised at St. Thomas’s Hospital in London: Anon, *A Narrative of Facts Relative to the Murder of R. F. Taylor, Together With the Trial of John Any Bird Bell for the Murder, Including the Confession of the Prisoner* (Rochester, 1831), p. 40.

<sup>404</sup> John Bell and Hannah Bocking, a sixteen-year-old domestic servant, who was hanged outside Derby Gaol in 1819 after she was convicted of murdering a young woman who had been offered a job that Bocking had also applied for.

<sup>405</sup> E. W. Cox, *The Principles of Punishment: As Applied in the Administration of the Criminal Law By Judges and Magistrates* (London: Law Times Office, 1877), p. 78.

<sup>406</sup> V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994), p. 334.



end of the trial, ‘the sentence I have to pronounce, and which I will leave no hope that the execution will be stayed, is, that you be taken to the place from whence you came, and on Monday next to the place of execution; that you be hanged by the neck till you are dead.’<sup>407</sup>

The majority of children convicted of wilful murder in nineteenth-century England and Wales had their capital sentences commuted on account of their youth. Members of the public were spared the, ‘revolting’, image of a child at the end of a noose. However the question still remained: if not by death, how should children found guilty of the most serious criminal offence be punished?

According to criminal law a capital convict who had been spared the death sentence served a life term of imprisonment. Penal policy in the nineteenth century moved away from the painful punishments associated with the Hanoverian regime which sought to satisfy the need for revenge. In his *Introduction to the Principles of Morals and Legislation*, first published in 1789, Jeremy Bentham maintained that punishment for punishment’s sake was unjust. He claimed that all punishment ought to punish whilst also bringing about something good, that punishment, ‘ought only to be admitted in as far as it promises to exclude some greater evil.’<sup>408</sup> During the nineteenth century the primary purpose of state-inflicted punishments sought to deter the commission of crimes by morally reforming criminals: to teach them to choose right from wrong and to instil in them good habits of hard work and self-restraint. Between 1842 and 1877 over ninety prisons were newly built or improved to best achieve this goal.<sup>409</sup> In 1842 Pentonville Prison was completed. Its design was based on the layout of Jeremy Bentham’s Panopticon: an idealised prison preventing the contamination

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<sup>407</sup> Anon, *A Narrative of Facts Relative to the Murder of Richard Faulkner Taylor With the Trial of John Any Bird Bell for the Murder, Including the Confession of the Prisoner* (Rochester, 1831), p. 31.

<sup>408</sup> J. Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907), p. 170.

<sup>409</sup> N. R. Storey, *Prisons and Prisoners in Victorian Britain* (Gloucestershire: The History Press, 2010), p. 12.

of prisoners by enforcing separate confinement and encouraging each prisoner to reflect upon the wrongs they had committed. These prisons were developed to morally reform an adult mind and a number of penal reformers recognised that such institutions were unsuitable to punish and reform young offenders. Mary Carpenter noted, in *Reformatory Schools For the Children of the Perishing and Dangerous Classes and For Juvenile Offenders* (1851), that in convict prisons, ‘the child is then placed in a condition perfectly discordant with his nature.’<sup>410</sup> In 1896 W. D. Morrison explained that, ‘one of the difficulties of dealing successfully with juveniles committed to prison is that prisons are primarily constructed for the detention of adults. Prison regulations, prison labour, the prison staff, prison buildings, are all intended in the first instance for grown-up people.’<sup>411</sup> Both Carpenter and Morrison contended that all criminal children should be segregated from adult offenders and placed in special institutions adapted to the peculiar needs of childhood.

Children convicted of wilful murder, however, were no ordinary juvenile offenders. In 1852 the Reverend Micaiah Hill, who wrote a considerable amount of literature promoting the separation of adult and young criminals, noted that children found guilty of felonious killing offences were exceptional cases. He suggested that it was, ‘necessary for a judge not to send such a juvenile prisoner among others, but to keep him for a more penal infliction’, noting, ‘what a malign influence that young person might exercise upon other juvenile offenders.’<sup>412</sup> This opinion reflected those of legal officials in the early nineteenth century. A Report of Inspectors of Prisons in Great Britain wrote in 1836 that, ‘with regard to boys charged with the higher offences, and who must take their trial at the assizes, we fear there is

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<sup>410</sup> M. Carpenter, *Reformatory Schools For the Children of the Perishing and Dangerous Classes and For Juvenile Offenders* (London: G. Gilpin, 1851), p. 298.

<sup>411</sup> W. D. Morrison, *Juvenile Offenders* (London: T. Fisher Unwin, 1896), p. 261.

<sup>412</sup> M. Hill in, ‘Report from the Select Committee on Criminal and Destitute Juveniles’, *PP*, 1852, p. 64.

no alternative but to commit them to county prisons.<sup>413</sup> Then in 1881, almost thirty years after the first state-assisted reformatory schools were established, a Report to the Secretary of State clarified the laws relating to the punishment of child criminals. It stated that, 'juvenile offenders should not be remanded in gaols alongside adults, except for murder.'<sup>414</sup> Children convicted of wilful murder in nineteenth-century England and Wales therefore served life sentences in convict prisons.<sup>415</sup> They were considered too dangerous to be placed with other juvenile criminals in reformatory schools.

In 1876 eleven-year-old William Gilbert Harrod was found guilty of murdering a young boy by drowning him in a village pond. He was sentenced to death but this was commuted to penal servitude for life. The assize returns and criminal register fail to mention where the boy was sent immediately after his conviction, however the 1881 Census lists him as a convict in Dartmoor Prison (Figure Eleven). This was a public works prison where prisoners performed productive forms of hard labour such as working in quarries or picking oakum. According to the Census Harrod was the youngest convict serving a sentence at Dartmoor Prison by six years.<sup>416</sup> There is no evidence to suggest that he resided in a separate wing designed for youthful offenders. Few convict prisons contained segregated accommodation for juvenile convicts. With the establishment of reformatory and industrial schools in the mid nineteenth century fewer children were being sent to prison and the numbers detained in convict prisons did not justify the expense of creating separate wards.

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<sup>413</sup> 'Report of Inspectors of Prisons in Great Britain', *PP*, 1836, p. 94.

<sup>414</sup> Anon, 'Reports to the Secretary of State for the Home Department on the State of the Law Relating to the Treatment and Punishment of Juvenile Offenders', *PP*, 1881, p. 89.

<sup>415</sup> These life sentences varied from ten to fifteen years, depending on good behaviour. Children convicted of wilful murder in the nineteenth century, who were spared the noose and sentenced to life penal servitude, were therefore released from prison when they were still in their twenties.

<sup>416</sup> Though the age of Harrod is listed as '18' in the 1881 Census he was actually only 16 years old.

Figure Eleven

Dartmoor Convict Prison: Census Returns of England and Wales (1881)

NAME and SURNAME		(1) RELATION to Head of Family - or (2) Position in the Institution.	CONDITION as to Marriage	AGE Last Birthday	RADE, PROFESSION, or OCCUPATION	WHERE BORN	119
				Males	Females		
1	Michael Cummings	Prisoner	Married	45	Agricultural Labourer	Wiltshire, England	
2	John Lomas	do	Married	28	Shoemaker	Manchester, Lancashire	
3	John Ashford	do	Married	27	Labourer	Leeds, Yorkshire	
4	Samuel Ward	do	Married	27	Butcher	Wiltshire, England	
5	William Parker	do	Married	27	Labourer	Wiltshire, England	
6	John William (Beatty)	do	Married	27	Shoemaker	London, Middlesex	
7	James Pith	do	Married	27	Labourer in Iron Works	Wiltshire, England	
8	Edward John Thomas	do	Married	27	Blacksmith	Leeds, Yorkshire	
9	James Jones	do	Married	26	Shoemaker	Wiltshire, England	
10	William Hamilton	do	Married	26	Labourer	Wiltshire, England	
11	Thomas Ashford	do	Married	26	Agricultural Labourer	Wiltshire, England	
12	Edward Wells	do	Married	27	Shoemaker	Leeds, Yorkshire	
13	Edward Thomas	do	Married	26	Hawker	Wiltshire, England	
14	John Jackson	do	Married	26	Blacksmith	Wiltshire, England	
15	George Ashford	do	Married	27	Shoemaker	Wiltshire, England	
16	John Ashford	do	Married	27	Shoemaker	Wiltshire, England	
17	John Ashford	do	Married	27	Shoemaker	Wiltshire, England	
18	William Thomas	do	Married	27	Shoemaker	Wiltshire, England	
19	William Ashford	do	Married	27	Shoemaker	Wiltshire, England	
20	Thomas Ashford	do	Married	27	Shoemaker	Wiltshire, England	
21	George Smith	do	Married	27	Shoemaker	Wiltshire, England	
22	Thomas Ashford	do	Married	27	Shoemaker	Wiltshire, England	
23	William Ashford	do	Married	27	Shoemaker	Wiltshire, England	
24	William Ashford	do	Married	27	Shoemaker	Wiltshire, England	
25	John Ashford	do	Married	27	Shoemaker	Wiltshire, England	
Total of Males and Females				25			

Harrod served his sentence in a ward housing adult criminals. These included forty-five-year-old thief Michael Cummings and thirty-three-year-old hawker Edward Thomas. Children convicted of wilful murder were not treated like juvenile offenders in the second half of the nineteenth century. The opportunity to serve the maximum of five years in a reformatory school was not afforded to these children and, instead, they served life sentences in convict prisons alongside adult offenders.

Penal Treatment

Before the closure of the penal colonies in 1867 children convicted of wilful murder received the commuted sentence of transportation for life. These youthful offenders were held in local gaols alongside adult criminals and then transferred to hulks. Here they waited

until they were shipped to Australia or Van Diemen's Land (Tasmania) where they served out their sentence. There was a growing concern in the early nineteenth century that boys should be separated from adult convicts in the transportation process. A hulk named the *Euryalus* was reserved for criminals sentenced to various periods of transportation who were under the age of sixteen. Between 1825 and 1845 2,500 boys were held on the hulk awaiting transportation. These figures included cases of children who had been convicted of wilful murder.<sup>417</sup> In 1834 fifteen-year-old Charles Shaw was found guilty of murdering a child by strangulation to steal from him gambled money. He was sentenced to death and recommended to mercy on account of his youth. His sentence was reduced to transportation for life and he was held on the *Euryalus* among other juvenile offenders for ten months until he turned sixteen. He was then shipped to Van Diemen's Land on a vessel called the *Norfolk*.<sup>418</sup>

The separation of juvenile and adult convicts continued throughout the process of transportation. In 1837 a ship called the *Frances Charlotte* sailed to Van Diemen's Land carrying 140 boys.<sup>419</sup> This was the first convict ship dedicated to the transportation of youthful offenders. On their arrival at Van Diemen's Land convicts under the age of sixteen were sent to a separate penal settlement, in the vicinity of Port Arthur, called Point Puer. The juvenile prison received its first youthful convicts in 1834 and by 1843 almost 800 boys were housed there under the command of Captain O'Hara Booth.<sup>420</sup> The daily routine was strict but was fashioned to meet the needs of juvenile convicts, saving them from the heavy manual labour expected of able-bodied men. Boys were taught trades such as tailoring,

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<sup>417</sup> L. Radzinowicz and R. Hood, *A History of English Criminal Law and Its Administration From 1750: The Emergence of Penal Policy* (London: Stevens & Sons, 1986), p. 143.

<sup>418</sup> NA, HO 9/2, Convict Hulks Moored at Chatham: *Fortitude, Euryalus*: Register of Prisoners, 1825-1836.

<sup>419</sup> Radzinowicz and Hood, *A History of the English Criminal Law and Its Administration From 1750*, p. 76.

<sup>420</sup> P. Horn, *Young Offenders: Juvenile Delinquency, 1700-2000* (Gloucestershire: Amberley Publishing, 2010), p. 82.

blacksmithing, carpentry, and stone masonry and they received up to two hours of schooling a day.<sup>421</sup> Bad behaviour was severely dealt with. In 1836 sixteen-year-old William Wild arrived at Point Puer. He had been convicted of murdering the children of his master. According to surviving prisoner conduct records Wild's behaviour at Point Puer was abominable.<sup>422</sup> He refused to work, misbehaved during religious services, and incited trouble amongst the other boys at the settlement. Soon after his arrival he was placed in solitary confinement for two days with a diet of bread and water and in 1837 Wild was moved to Port Arthur and placed in a chain gang with adult offenders.<sup>423</sup> The infliction of adult penal treatments on juvenile convicts was unusual, however. By the mid nineteenth century the majority of boys transported for wilful murder were treated like other youthful criminals and remained segregated from adult offenders until they reached adulthood themselves.<sup>424</sup>

Attempts were also made in the early nineteenth century to provide penal institutions at home for the sole purpose of incarcerating criminals who were under the age of discretion. In 1838 Parkhurst Prison, on the Isle of Wight, received its first prisoners: 102 boys who had been waiting in hulks and Millbank Prison to be transported to Van Diemen's Land.<sup>425</sup> The daily routine was harsh. Boys were subjected to the silent system, where it was a punishable offence to speak or interact with the other prisoners, and had to wear leg irons when they were out of their cells. Nonetheless, children detained in Parkhurst were treated as juvenile offenders. The prison regime had been designed to meet the needs of its youthful inhabitants, providing academic and moral education, and offering labour tasks that were possible for

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<sup>421</sup> Horn, *Juvenile Offenders*, p. 83.

<sup>422</sup> L. Loach, *The Devil's Children: A History of Childhood and Murder* (London: Icon Books Ltd, 2009), p. 91.

<sup>423</sup> *Ibid*, pp. 92-93.

<sup>424</sup> I refer to boys here because girls were not separated from women convicts in hulks, on convict ships, or in penal settlements.

<sup>425</sup> J. Duckworth, *Fagin's Children: Criminal Children in Victorian England* (London: Hambledon, 2002), p. 93.

children to perform.<sup>426</sup> Children found guilty of felonious killing offences were also sent to Parkhurst in the final years of transportation. William Newton Allnut, the twelve-year-old boy who had poisoned and killed his grandfather in 1847, spent a few years at Parkhurst before he was transported to Western Australia in 1851.<sup>427</sup>

With transportation falling into disuse by the 1850s, it became more likely for children convicted of wilful murder in the second half of the nineteenth century to receive a life sentence of penal servitude. This innovative form of punishment was developed in the nineteenth century to best achieve the principal aim of penal policy: to reform criminals whilst also punishing them for their crimes. Prison administrator Edmund Du Cane pronounced that those sentenced to penal servitude would experience, ‘hard labour, hard fare, and hard board.’<sup>428</sup> Criminals who had been sentenced to more than five years’ imprisonment were subjected to penal servitude in convict prisons. According to the 1865 Prison Act they had to sleep on wooden beds with wooden pillows for the first 30 days of their sentence.<sup>429</sup> Penal servitude also carried a nine-month sentence of solitary confinement with hard labour where prisoners had to perform menial, often back-breaking, tasks such as turning a crank or working a treadwheel. Varying degrees of the silent system were also enforced throughout the duration of a prisoner’s sentence. During the first stage of penal servitude prisoners had to remain completely silent, separated from other inmates and placed in their cells for 23 hours of the day. Once prisoners progressed through the different stages, depending on their good behaviour, they were gradually allowed more personal interaction, working silently in groups

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<sup>426</sup> Mary Carpenter condemned the treatment of boys at Parkhurst. She thought that the strict daily regime and the use of the silent system damaged youthful offenders. In 1851 she wrote that Parkhurst, ‘attempts to fashion children into machines instead of self-acting beings, to make them obedient prisoners within certain iron limits, not men who have been taught how to use their liberty without abusing it.’ Carpenter, *Reformatory Schools*, p. 321. In 1863 Parkhurst Prison closed its doors to juvenile offenders and became a prison for women.

<sup>427</sup> NA, HO 24/5, Parkhurst Registers, 1838-63.

<sup>428</sup> E. Du Cane cited in Storey, *Prisons and Prisoners in Victorian Britain*, p. 15.

<sup>429</sup> *Ibid*, p. 63.

or in communal spaces. Enforced silence and a nine-month period of solitary confinement with hard labour sought to force prisoners to contemplate the wrongs they had committed. According to Du Cane, ‘during this time [a prisoner] becomes open to lessons of admonition and warning; religious influences have full opportunity of obtaining to him; he is put in that condition when he is likely to feel sorrow for the past and to welcome the words of those who show him to avoid evil.’<sup>430</sup>

Du Cane promoted the uniformity of penal servitude. He stated that, ‘the previous career and character of the prisoner makes no difference in the punishment to which he is subjected, because it is rightly considered that it is for the Courts of Law, who have a full knowledge on these points, to consider them in awarding the sentence.’<sup>431</sup> As a result, age, in theory, mattered little in the management of penal institutions. Children convicted of wilful murder suffered the nine-month period of solitary confinement and were expected to perform tasks of hard labour.

Concerns were raised about the suitability of placing children convicted of serious offences in convict prisons to serve lengthy sentences of penal servitude. It was thought that solitary confinement and hard labour were inappropriate forms of punishment for juvenile offenders. Oscar Wilde, writing about his time in Wandsworth Prison, recalled the horror he felt witnessing children who had been placed in solitary confinement. He exclaimed that, ‘to shut up a child in a dimly-lit cell for twenty-three hours out of twenty four is an example of the cruelty of stupidity. If an individual, parent or guardian, did this to a child, he would be severely punished.’<sup>432</sup> The Reverend William Fox, remarked that, ‘there is a certain maturity of mind necessary to enable them to bear continuous separate imprisonment so as to be

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<sup>430</sup> E. Du Cane, *The Punishment and Prevention of Crime* (London: Macmillan and Co, 1885), p. 157.

<sup>431</sup> *Ibid*, p. 155.

<sup>432</sup> O. Wilde, ‘The Case of Warder Martin’, *London Daily Chronicle*, Friday 28 May 1897.



benefited by it.<sup>433</sup> From his experiences as chaplain at Millbank Prison, Fox noted that, ‘mere boys are not able to bear it.’<sup>434</sup> He discussed 38 cases of insanity diagnosed in youthful offenders at Millbank Prison that he directly attributed to solitary confinement and the silent system. These included ten cases of violent mania, ten of dementia, ‘where the powers of the mind seem to be lost’, and melancholia both with and without delusions.<sup>435</sup> However prison warders interviewed by a Select Committee on Prison Discipline in 1850 maintained that children benefited from solitary confinement. H. Holdsworth and E. Sheppard testified that the silent system enforced at Wakefield Prison, ‘has not been detrimental to the health of body or mind of the boys.’<sup>436</sup> In spite of the concerns surrounding the suitability of solitary confinement for juvenile offenders, penal policy remained unchanged in the nineteenth century. Children sentenced to penal servitude served a period of solitary confinement like any other convict.

Concerns were also expressed throughout the nineteenth century about the potential dangers of forcing children to perform tasks of hard labour. In 1843 the Prison Inspector’s General Survey concluded that the treadwheel was, ‘an improper punishment for females and boys under fourteen years of age.’<sup>437</sup> This form of hard labour required a group of prisoners to manoeuvre a large revolving machine by treading on wooden slats (Figure Twelve). They had to perform a certain number of revolutions until they could retire back to their cells. If a boy could not keep up with the other prisoners on the wheel he might trip and injure himself. Prison warden Captain W. J. Williams explained to the Select Committee on Prison

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<sup>433</sup> W. Fox in, ‘Report from the Select Committee on Prison Discipline’, *PP*, 1850, p. 280.

<sup>434</sup> *Ibid.*

<sup>435</sup> Fox in, ‘Report from the Select Committee on Prison Discipline’, *PP*, 1850, p. 280.

<sup>436</sup> H. Holdsworth and E. Sheppard in, ‘Report from the Select Committee on Prison Discipline’, *PP*, 1850, p. 158.

<sup>437</sup> Horn, *Young Offenders*, p. 53.

Discipline in 1850 that, 'I would not put them [boys] to the treadwheel...but the treatment of boys is a very difficult question; there is this great difficulty, that if you treat them otherwise than penally, you are giving a premium for the commission of crime.'<sup>438</sup> Other forms of hard labour like the crank and performing repetitive tasks such as picking oakum were practiced by juvenile offenders. The penal reformer, Joseph Allday, described in 1853 how boys were employed in working a crank at Birmingham Prison.<sup>439</sup> They were required to turn a weighted lever a prescribed number of revolutions each day. If this target was not achieved

### Figure Twelve

#### The Treadwheel at Pentonville Prison.<sup>440</sup>



<sup>438</sup> W. J. Williams in, 'Report from the Select Committee on Prison Discipline', *PP*, 1850, p. 53.

<sup>439</sup> J. Allday, *True Account of the Proceedings Leading to, and a Full and Authentic Report of, the Searching Inquiry, by Her Majesty's Commissioners, into the Horrible System of Discipline Practised at the Borough Gaol of Birmingham* (Birmingham, 1853).

<sup>440</sup> NA, COPY 1/420/176, Photograph of the Interior of Pentonville Prison Treadmill, Charles Fletcher Peck, 22 April 1895.

youthful prisoners would receive only bread and water at meal times. Allday recorded the case of fourteen-year-old Edward Andrews who had been sentenced to two months of hard labour for stealing four pounds of beef. The youth committed suicide after having subsisted on a diet of bread and water for consistently failing to reach his target of 10,000 revolutions a day.<sup>441</sup> In the second half of the nineteenth century, however, attempts were made to adjust the crank so it was better suited to juvenile offenders by reducing the weight according to a child's physical stature. Engineer, Mr George Heaton, explained that, 'the cranks were weighted at 5lbs [for juveniles] though it required a force equal to 14 ½ or 15 lbs to work them.'<sup>442</sup>

Labour tasks performed by children serving lengthy sentences of penal servitude in public works prisons were also tailored to better suit the capabilities of a child. Christopher Hindle, a fifteen-year-old apprentice who stabbed his master's wife to death in 1896, served the majority of his life sentence of penal servitude in Portland Prison. Rather than joining able-bodied adult prisoners in the quarries or carrying heavy lumps of stone in the yard Hindle was placed under the supervision of the Carpenter Warder. Here Hindle participated in productive labour, making furniture for the prison, whilst also developing a trade. According to a progress report sent to the Home Secretary in 1904 Hindle had become, 'a first-class carpenter, capable of high class work and of easily earning a good living.'<sup>443</sup> Though boys sentenced to penal servitude served time alongside adult convicts, attempts were made to adapt the strict rules of penal regime to better suit boyhood.

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<sup>441</sup> Allday, *True Account of the Proceedings Leading to, and a Full and Authentic Report of, the Searching Inquiry, by Her Majesty's Commissioners, into the Horrible System of Discipline Practised at the Borough Gaol of Birmingham*.

<sup>442</sup> Ibid.

<sup>443</sup> NA, HO 144/551/A58051, Criminal – List of Criminal Cases, Including Extradition Cases: Christopher Hindle: Lancaster. Offence: Murder. Sentence: Death – P.S. for Life, 1896.

Fewer attempts were made, however, to alter the penal treatment received by girls convicted of murder and sentenced to penal servitude for life. They were placed in adult convict prisons, like boys serving time for murder, but participated in the same forms of hard labour as adult female prisoners. These were not as physically demanding as those enforced on men. Female convicts were tasked with picking oakum, working in the laundry, mending clothes, and cleaning. In 1862 thirteen-year-old Elizabeth Vamplew was found guilty of wilfully poisoning and killing a young child. She served the first stage of her life sentence in Millbank Prison where she worked as a knitter in solitary confinement and attended school. She was then moved to Parkhurst Prison where she worked as a needlewoman.<sup>444</sup>

Vamplew also served several months of her sentence at Aylesbury Prison and was incarcerated in the same ward as many adult offenders. These included the celebrity murderess Florence Maybrick who had been convicted of murdering her husband. Maybrick maintained her innocence and wrote about her time in prison in *Mrs Maybrick's Own Story: My Lost Fifteen Years* which was published in 1904. It is possible to understand what girls convicted of murder and sentenced to penal servitude in the nineteenth century might have experienced in their everyday lives from reading her autobiography:

Here is one day's routine: It is six o'clock; I arise and dress in the dark; I put up my hammock and wait for breakfast. I hear the ward officer in the gallery outside. I take a tin plate and a tin mug in my hands and stand before the cell door. Presently the door opens; a brown, whole-meal, six-ounce loaf is placed upon the plate; the tin mug is taken, and three-quarters of a pint of gruel is measured in my presence, when the mug is handed back in silence, and the door is closed and locked. After I have taken a few mouthfuls of

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<sup>444</sup> NA, PCOM 4/32/32, Home Office and Prison Commission: Female Licences: Elizabeth Vamplew.

bread I begin to scrub my cell. A bell rings and my door is again unlocked. No word is spoken, because I know exactly what to do. I leave my cell and fall into single file, three paces in the rear of my nearest fellow convict. All of us are alike in knowing what we have to do, and we march away silently to Divine Service...Chapel over, I returned directly to my cell, for I was in solitary confinement, and might not enjoy the privilege of working in company with my prison companions. Work I must, but I must work alone. Needlework and knitting fall to my lot. My task for the day is handed to me, and I sit in my cell plying my needle, with the consciousness that I must not indulge in any idle moment, for an unaccomplished task means loss of marks, and loss of marks means loss of letters and visits...the requirement is that I shall make one shirt a day – certainly not less than five shirts a week. If I am obstinate or indolent, I shall be reported by the ward officer, and be brought to book with punishment – perhaps reduced to a diet of bread and water and total confinement in my cell for twenty-four hours. I work automatically, closely, and with persistence. Then comes ten o'clock, and with it the governor with his escort. He inspects each cell, and if all is not as it should be, the prisoner will hear of it. There is no friendly greeting of “Good-morning” nor parting “Good-night” within those gloomy walls.<sup>445</sup>

Describing what life was like living according to the ‘silent system’ in Woking Prison Maybrick wrote that, ‘the routine of my daily life was the same as during “solitary confinement”. The cell door may be open, but its outer covering or gate is locked, and, although I knew there was a human creature separated from me only by a cell and another

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<sup>445</sup> F. Maybrick, *Mrs Maybrick's Own Story: My Lost Fifteen Years* (London: Funk & Wagnalls Company, 1904), pp. 68-70.

gate, not a whisper might I breathe.<sup>446</sup> Prisoners who spoke during the enforced period of silence were severely punished. Maybrick recorded that, ‘an offender may be consigned to solitary confinement, put for three days on bread and water, or suffer the loss of a week’s remission, which means a week added to her term of imprisonment – and all this for incautiously uttering a word.’<sup>447</sup> Constance Kent, who murdered her brother in 1860 when she was sixteen, was continuously punished for bad behaviour during her incarceration at Millbank, Parkhurst, Brixton, and Fulham prisons. She was confined in her cell without food and drink for a day when she insisted that her gas and candle were lighted at the same time and, ‘severely admonished’, when she boasted to a woman in the laundry that she could escape from the prison if she wanted to.<sup>448</sup> Both Kent and Vamplew were treated like the adult prisoners they served their sentences with in convict prisons.

The youth of children convicted of wilful murder in the nineteenth century, however, was acknowledged in the sentencing process and penal treatment to a certain extent. It was recognised that children were not as morally responsible as adults and had the potential to be reformed. They were therefore spared the noose. It was also recognised that juvenile criminals required different forms of penal treatment; separate institutions and forms of punishment that were suited to the mental and physical capabilities of children. In the early nineteenth century children found guilty of murder were treated like other juvenile offenders. They awaited transportation in hulks built for young criminals and were sent to different penal settlements from adult convicts. However with the closure of penal colonies in the mid nineteenth century, and the establishment of reformatory and industrial schools, children convicted of capital offences were no longer provided for as children. They were excluded

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<sup>446</sup> Maybrick, *Mrs Maybrick’s Own Story*, p. 78.

<sup>447</sup> *Ibid*, p. 79.

<sup>448</sup> NA, PCOM 4/62/23, Home Office and Prison Commission: Female Licences: Constance Emile Kent; Convicted of Murder, 19 July 1865.

from the institutions established for the reformation of young offenders and therefore served their time alongside adults in convict prisons. Though allowances were made for their youth whilst serving their time in prison, children convicted of murder in the nineteenth century were subjected to nine months' solitary confinement, performed tasks of hard labour, and belonged to a population of adult offenders.

### **Manslaughter**

According to the 1861 Offences Against the Person Act, 'whosoever shall be convicted of manslaughter shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any other term not less than three years, - or to be imprisoned for any term not exceeding two years.'<sup>449</sup> There were many degrees of manslaughter in the nineteenth century and not all were considered serious enough to warrant a lengthy stay in prison. The responsibility to decide whether a person convicted of manslaughter should receive a life sentence of penal servitude in a convict prison or merely a few days' imprisonment in a local gaol rested with judges presiding at the assizes. Though there was a general guideline dictating how to punish those convicted of manslaughter there were many other factors not written in criminal law that could sway a judge's decision.

Edward Cox, in some suggestions he made to judges on passing sentences for manslaughter, wrote in 1870 that, 'the first matter for deliberation in considering the measure of punishment is the *character of the crime*; the second the *character of the criminal*.'<sup>450</sup> The most severe sentence received by a child found guilty of manslaughter in the nineteenth century, among the cases I have identified, was fifteen years of penal servitude. William

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<sup>449</sup> Offences Against the Person Act (1861) printed in E. W. Cox and T. W. Saunders, *The Criminal Law Consolidation Acts; Notes of the Cases Decided On Their Construction* (London: Law Times Office, 1870), p. 199.

<sup>450</sup> E. W. Cox, 'Some Suggestions to Judges and Magistrates for Better Defining the Principles of Punishment', in E. W. Cox and T. W. Saunders, *The Criminal Law Consolidation Acts; Notes of the Cases Decided On Their Construction* (London: Law Times Office, 1870), p. ix.

Charles Vaughan, aged fifteen, belonged to a gang in Liverpool and kicked a fourteen-year-old boy from a rival faction to death in 1883. He was indicted for wilful murder but found guilty of manslaughter.<sup>451</sup> The severity of the sentence reflected the serious nature of the crime. Whereas some felonious killing offences might be accidental, amounting to involuntary manslaughter, the killing committed by Vaughan had been the result of a deliberate act of violence. He had wanted to cause harm to the deceased and escaped a conviction for murder because it could not be sufficiently proven in court that the boy had intended to kill his victim.

Another reason that can explain the severity of the sentence suffered by Vaughan was the nature of the fight in which the fourteen-year-old boy was killed. In her study of judicial proceedings in nineteenth-century Kent, Carolyn Conley has argued that the notion of a fair fight carried with it considerable authority in determining the degree of a sentence.<sup>452</sup> If a fight had occurred between two consenting parties of similar build and involved blows without weapons it could be considered a trifling offence. Edward Cox stated in 1877 that, ‘a blow with the fist is often to be excused.’<sup>453</sup> Vaughan, however, had kicked the boy to death and according to Cox, ‘in no case is kicking ever to be forgiven.’<sup>454</sup> Similarly prisoners found guilty of manslaughter after participating in fatal fights involving the use of weapons could also expect to receive a harsh sentence. In 1875 sixteen-year-old Francis Dempsey stabbed and killed a youth in a scuffle between two rival East London gangs. He was charged with murder, convicted of manslaughter and sentenced to penal servitude for ten years.<sup>455</sup> If this

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<sup>451</sup> ‘A Boy Kicked to Death’, *Lloyd’s Weekly Newspaper*, Sunday 30 December 1883.

<sup>452</sup> C. A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford: Oxford University Press, 1991), p. 44.

<sup>453</sup> E. W. Cox cited in Conley, *The Unwritten Law*, p. 55.

<sup>454</sup> *Ibid.*

<sup>455</sup> ‘Fatal Fight Between Two Boys’, *Bradford Observer*, Friday 27 June 1873; ‘A Child Killed in a Fight’, *Cheshire Observer*, Saturday 28 June 1873.



case is compared to that of sixteen-year-old Benjamin Payne, who was convicted of manslaughter in 1871, it is clear that the nature of a crime was important in determining the degree of a sentence. Payne killed a boy in a fight on Mile-End Waste in London. His defence argued that the fifteen-year-old victim had died in a fair fight; he was of a similar age and build to the defendant, they had fought only with their hands, and the fight had taken place at an agreed time and location. A witness to the fight stated, 'it was a regular fight. It was a fair fight', and claimed that, 'the blow was not struck unexpectedly; Ridley [the deceased] was on his guard.'<sup>456</sup> Payne was sentenced to just four days' imprisonment.

The character of a person convicted of manslaughter could also act to mitigate a sentence. It was common practice at the close of criminal trials for witnesses to be called forward to testify as to the good character of a defendant. These character witnesses in trials of children charged with felonious killing offences were often the masters of apprentices or domestic servants. When sixteen-year-old William James was tried for manslaughter in 1828 his master explained that James had been in his service for many years and that, 'he behaved quite as well as I could wish.'<sup>457</sup> William James had killed a man by throwing a chisel at him in anger. He was found guilty of manslaughter and received three months' confinement. In 1846 sixteen-year-old Robert Thorpe was sentenced to a similar duration of confinement for killing a friend in a fight. His master was keen to express his support for the boy and stated that, 'a better apprentice than the prisoner could not be tied to a master; a more humane feeling I never witnessed in a boy of his age.'<sup>458</sup> Good character suggested that a prisoner did not require the same degree of moral reformation as a hardened criminal. Proof of good character did not reduce the seriousness of a crime but shifted the onus of punishment away

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<sup>456</sup> 'Benjamin Payne', *OBP*, 3 April 1871.

<sup>457</sup> 'William James', *OBP*, 21 February 1828.

<sup>458</sup> 'Robert Thorpe', *OBP*, 23 February 1846.

from the reformation of an offender. The penal emphasis of the short sentences served by children convicted of manslaughter who received a good character was considered enough to punish them for their crimes. Longer sentences would have placed them alongside other criminals in convict prisons where they would enter into a strict regime of moral reformation.

To what extent, then, did youth mitigate a sentence for manslaughter? It has already been shown in this chapter that judges were unable to reduce the punishment received by children found guilty of wilful murder. This was the responsibility of the Home Secretary. Judges, however, had more power when it came to passing sentences on non-capital offences and youth was an important consideration. A number of judges were uneasy about sending children to prisons, reflecting contemporary fears that children could be contaminated by adult offenders. According to Cox, ‘every humane judge or magistrate must feel extreme reluctance to send a young boy or girl to a prison.’<sup>459</sup> However homicide law was clear: if a person was found guilty of manslaughter they received a prison sentence. When especially young children were convicted of manslaughter it was not unusual for judges to sentence them to very short periods of imprisonment. In 1858, for example, twelve-year-old William Henry Selles served three days for killing another child in a fight and eleven-year-old James Whittaker was sentenced to be imprisoned for just one hour after he threw a stone at his sister and killed her in 1831.<sup>460</sup> These punishments would have been served in local gaols and were brief enough to avoid contamination from adult offenders.

There were other ways that judges sought to punish children for committing felonious killing offences whilst protecting them from hardened criminals in prisons. If it could be proven that a child had a stable home environment, and that the crime had not been of a

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<sup>459</sup> Cox, ‘Some Suggestions to Judges and Magistrates for Better Defining the Principles of Punishment’, p. xxxviii.

<sup>460</sup> ‘A Child Killed By a Playmate’, *Birmingham Daily Post*, Wednesday 22 September 1858; ‘Singular Case of Manslaughter By a Boy of Eleven Years of Age’, *Freeman’s Journal*, Friday 23 September 1831.

serious nature, children convicted of manslaughter were sent home with their parents to ‘receive judgement if they were called upon’. Edwin Hughes, aged fifteen, was bound over to the care of his father after he was convicted of manslaughter in 1878 and in 1865 fifteen-year-old Richard Beechcroft served just one week in Newgate Gaol because his employer agreed to give him a home.<sup>461</sup>

For those who did not have a stable home environment to return to there was no alternative but to send them to prison. However, in 1854 the Reformatory Schools Act led to the establishment of separate penal institutions for children convicted of felonies. Children found guilty of manslaughter whose crimes were not serious enough to justify penal servitude could now be sentenced to be held in reformatory schools for up to five years. John Joyce, a thirteen-year-old convicted of manslaughter in 1874 after he killed a fifteen-year-old boy during a fight in Birmingham, was sentenced to one month of hard labour and five years in a reformatory school. Similar sentences involving a short term of imprisonment followed by five years reformatory training were issued to eight-year-olds Peter Barratt and James Bradley, to eleven-year-olds William Handle and James Henry Stephenson, and to fifteen-year-olds John George M'Donald and Emily Newber, who were all found guilty of committing manslaughter or feloniously killing another human being without intent in the second half of the nineteenth century.<sup>462</sup> David Power, the Recorder of Ipswich, expressed his support for sending children convicted of manslaughter to reformatory schools to the 1852 Select Committee on Criminal and Destitute Juveniles: ‘what better course could we pursue

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<sup>461</sup> ‘Edwin Hughes’, *OBP*, 21 October 1878; ‘Richard Beechcroft’, *OBP*, 12 June 1865.

<sup>462</sup> Peter Barratt and James Bradley were convicted of manslaughter in 1861 and sentenced to one month’s hard labour followed by five years in a reformatory school, William Handle was imprisoned for a year in 1882 and then spent five years at a reformatory school, James Henry Stephenson suffered fourteen days’ imprisonment before he entered a reformatory school in 1877 for five years, and both John George M'Donald (in 1889) and Emily Newber (in 1893) were sentenced to two weeks’ imprisonment followed by five years’ reformatory training as punishment for feloniously killing another human being.

with such children, than to subject them to careful reformatory training for a lengthened period?’<sup>463</sup>

It is clear that there were many different sentences passed on children convicted of manslaughter in the nineteenth century. All of these sentences involved a period of incarceration, the duration dependent upon the severity of the crime and the character of the criminal. Although the youth of offenders was not acknowledged officially in homicide law it was an important consideration for judges whose responsibility it was to find a suitable punishment for children found guilty of felonious killing offences. In the next section of this chapter I will use one particular case to consider how judges treated especially young children who had been convicted of wilful murder.

### **Making Exceptions: The Case of Patrick Knowles**

In 1903 the body of a baby was discovered on the site of an old ironworks on the outskirts of Stockton-on-Tees. The child had been buried alive. One week later an eight-year-old boy was arrested on suspicion of causing the child’s death. He had been apprehended in the process of luring another infant child to the disused ironworks. Patrick Knowles was found guilty of murder but the sentencing process proved less than straight forward. There was no mention of a life sentence, no plea for mercy was made on account of his youth and the Home Secretary was not called upon to commute a capital sentence to a life term of penal servitude. The sentence passed by the judge stated that Knowles should, ‘be detained under Her Majesty’s pleasure’, an open-ended sentence frequently used to punish murderers found to be insane.<sup>464</sup> The only form of insanity diagnosed in the boy was that he had an, ‘unsound

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<sup>463</sup> D. Power in, ‘Report of the Select Committee on Criminal and Destitute Juveniles’, *PP*, 1852, p. 164.

<sup>464</sup> NA, HO 144/11429, Home Office: Registered Papers: Children: Boy Murderer Aged 8: Buried a 2 Year Old Child Alive, 1903-1930.

and unformed mind in consequence of childhood and immaturity of development.<sup>465</sup> This was not surprising considering he was only eight years old. However the judge used this to avoid sentencing Knowles to death and sending him to serve a life sentence of penal servitude in a convict prison. The ‘Stockton Boy Murderer’ was therefore sentenced to serve an undetermined period of time at Broadmoor Criminal Lunatic Asylum. This attempt made by Mr Justice Grantham to avoid sentencing Knowles on a charge of wilful murder is exceptional. The majority of children under the age of ten who were indicted with felonious killing offences were convicted of manslaughter rather than wilful murder.<sup>466</sup> There were no rules written in homicide law to determine how a child convicted of murder and who had only just reached the age of criminal capacity should be punished. Knowles was not actually sent to Broadmoor immediately after sentencing in 1903. The youngest patient admitted to the criminal lunatic asylum during the nineteenth century was thirteen years old.<sup>467</sup> So what happened to Patrick Knowles? How was he punished?

For the first few weeks after his arrest Knowles was detained in Durham Gaol. He was then transferred to Carrington Industrial School but was soon moved to St. Thomas’s Industrial School for Catholic Boys in Preston because his identity had been leaked and his safety could no longer be guaranteed in Carrington.<sup>468</sup> The decision to place Patrick Knowles

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<sup>465</sup> NA, HO 144/11429, Home Office: Registered Papers: Children: Boy Murderer Aged 8: Buried a 2 Year Old Child Alive, 1903-1930.

<sup>466</sup> As discussed in Chapter One.

<sup>467</sup> Jade Shepherd has consulted a wide range of documents, including patient admission registers and case files, in her thesis titled ‘Victorian Madmen’, where she uncovers the names, ages, crimes, and mental conditions of every male patient admitted to Broadmoor Criminal Lunatic Asylum in the nineteenth century. According to her figures just 4 children (3 males and one female) aged sixteen and under resided at the criminal lunatic asylum between 1863 and 1900. Robert Allen Coombes was the youngest patient, admitted to the asylum when he was thirteen after he had been found to be ‘guilty but insane’ of murdering his mother in 1895. He spent almost twenty years at Broadmoor until he was released on a conditional discharge: J. V. Shepherd, *Victorian Madmen: Broadmoor, Masculinity and the Experiences of the Criminally Insane, 1863-1900* (Unpublished Doctoral Thesis: Queen Mary University of London, 2013).

<sup>468</sup> On his way to Carrington Industrial School for Boys Patrick Knowles was recognised by a Sergeant of the Army Hospital Corps who boarded the train travelling from Bristol. The man said, ‘Hallo my boy, where are

in an industrial school seems surprising. Industrial schools were established in the mid nineteenth century to house destitute children in the hope of preventing them from starting a career of crime. They were not designed to hold juveniles convicted of serious offences. Concerns were raised. An Inspector of Reformatories wrote in 1906 that, ‘this was a most exceptional case. This was a boy murderer and an Industrial School was invited to introduce him amongst children, many of them very young children.’<sup>469</sup> He noted that, ‘the experiment was a hazardous one’, but, ‘fully justified in the circumstances.’<sup>470</sup> Reformatory schools only admitted juvenile delinquents who were over the age of ten (the minimum age increasing to twelve in 1897). Knowles was too young to be admitted to reformatory schools that were designed to punish and reform children guilty of felonious offences. An industrial school was, therefore, the most appropriate place to hold Knowles until he came of age.

When Knowles turned sixteen he was sent to complete his sentence at Broadmoor Criminal Lunatic Asylum. A report to the Home Office argued that, ‘this is an altogether exceptional case but on the whole it seems that Broadmoor is for the present the best place for him. He is too young to shift for himself and apparently there is no-one to give him a home.’<sup>471</sup> His stay at Broadmoor was brief. He was found not to be suffering from any form of mental illness. He then returned to St. Thomas’s Industrial School and remained there under the guidance of the monks who ran the institution. Mr Justice Grantham’s refusal to

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you from?’ The warder accompanying Knowles tried to prevent him from replying but the boy answered, ‘From Stockton Sir.’ The man’s suspicions of the boy’s identity were proven – he was ‘The Stockton Boy Murderer’. The Sergeant followed the warder and his little prisoner to the industrial school, publicising the arrival of the youthful murderer to members of the local community. Patrick Knowles was moved to St. Thomas’s for his own safety and assistant warder Thomas Gouldsbrough was suspended, having inadvertently disclosed the boy’s identity: NA, HO 144/11429, Home Office: Registered Papers: Children: Boy Murderer Aged 8: Buried a 2 Year Old Child Alive, 1903-1930.

<sup>469</sup> NA, HO 144/11429, Home Office: Registered Papers: Children: Boy Murderer Aged 8: Buried a 2 Year Old Child Alive, 1903-1930.

<sup>470</sup> Ibid.

<sup>471</sup> NA, HO 144/11429, Home Office: Registered Papers: Children: Boy Murderer Aged 8: Buried a 2 Year Old Child Alive, 1903-1930.

sentence an eight-year-old boy to death or a long term in prison meant that Patrick Knowles served just eight years for wilful murder.

### Newspaper Comment

Edward Cox noted in his *Principles of Punishment* that, ‘the province of the Judge and Magistrates is so little understood by the public that complaints are sometimes made of the severity of a Judge.’<sup>472</sup> Many nineteenth-century newspapers attempted to remedy this. It was common for judges presiding at the assizes to explain the sentences they passed on convicted criminals. Newspapers often dedicated a lot of print-space to a judge’s discussion of a case, informing their readers of the outcome of a trial and explaining why a certain sentence had been passed. For example in 1866 a sixteen-year-old boy was found guilty of manslaughter after he accidentally shot his father’s apprentice in the face. He was sentenced to be imprisoned for one year. At the completion of the trial the mother of the deceased exclaimed, ‘is that all for wilful murder?!’<sup>473</sup> An article in a local paper, the *Birmingham Gazette*, reminded its readers that the boy had been found guilty of manslaughter, not murder, and explained the purpose of the apparently lenient punishment by quoting the summary made by the judge: ‘the sentence he would pass would be to afford him time for reflection, with the hope that when the period of imprisonment was ended he would come out of gaol with a determination to abstain from the use of dangerous weapons.’<sup>474</sup> The newspaper made it clear that the boy’s sentence would both correct him for the crime and reform his character to prevent similar accidental shootings occurring in the future.

It was not unusual for newspapers to focus on the purpose of punishments received by children convicted of felonious killing offences. In 1855 the *Liverpool Daily Post* quoted an

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<sup>472</sup> Cox, *The Principles of Punishment*, p. 17.

<sup>473</sup> ‘Alleged Murder in St. Mark’s Street’, *Birmingham Gazette*, Saturday 14 July 1866.

<sup>474</sup> *Ibid.*

exchange that took place between Mr Baron Platt and the governor of Walton Prison during the murder trial of two young boys:

His Lordship, addressing the governor of the prison, said: If these boys are sent to the house of correction, how will they be treated?

Governor. – They will be instructed by a schoolmaster, a chaplain, and kept in separate confinement, and taught to read and write.

His Lordship. – Will they be set to work?

Governor. – Only a little, my Lord, just an amusement.

Mr. Baron Platt then saying that he would send them for such a time that they might learn to read and write.<sup>475</sup>

The judge was concerned that passing a prison sentence on the two boys, who had been convicted of manslaughter, would prove deleterious. He feared they would become contaminated by the adult population of Walton Prison. The newspaper article explained to its readers by quoting the words of the judge that the moral safety of the youthful offenders was not at risk and that their time in prison would be beneficial for both the boys and society.

Crime historian Peter King has argued that newspapers played an important role in the criminal justice process.<sup>476</sup> They served to promote the idea that justice was being fulfilled and used the authoritative voices of judges to explain the workings of the criminal law to the reading public. Newspaper articles reporting the outcome of criminal trials were also used to police members of society. According to Michel Foucault the, ‘spectacle of the scaffold’, had a dual judicial-political function in societies: to punish a convicted criminal whilst also

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<sup>475</sup> ‘Extraordinary Case of a Boy Killed By a Boy’, *Liverpool Daily Post*, Saturday 21 July 1855.

<sup>476</sup> P. King, ‘Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth and Early-Nineteenth-Century London’, *Continuity and Change*, Vol. 22, No. 1 (2007), pp. 73-112.



warning spectators away from crime.<sup>477</sup> Newspapers fulfilled a similar role long after public executions were abolished in 1868. Publicising punishments inflicted on offenders reminded the reading public that criminal actions were followed by severe consequences. The hope was that they would be deterred from committing crimes. In 1888 an article printed in the *Birmingham Daily Post* explained the sentence of death passed on a youth convicted of murder. It reported that his, ‘fate was deserved there can be no doubt. It is urged by the most distinguished of our dispensers of the law that this display of severity had become a necessity – that an example has become needful.’<sup>478</sup> George Galletly belonged in a London gang. The murder was the result of ongoing tensions between two factions of youths. The capital sentence served as a warning to juvenile gang members in the City and this message was relayed across the country through the use of the newspaper press.

Not only did newspapers serve to fulfil the goals of penal policy makers, deterring people from committing crimes, but they were used as instruments by defence lawyers in the process of making appeals. It was in newspapers that lawyers printed advertisements gathering support from members of the public to extend mercy towards capitally convicted criminals. Signatures and letters would be sent to a newspaper office. These were then collected together and forwarded to the Home Secretary to assist him in making the decision to hang a criminal or commute the sentence to penal servitude for life. In 1890 a petition signed by 150,000 people, 1,000 letters and 2,000 telegrams were sent to the Conservative Home Secretary, Henry Matthews, Viscount Llandaff, after two boys were sentenced to death for murdering their father.<sup>479</sup> The nineteenth-century press was not just a receptacle of information. It served as an arena for public activity. Through reading and writing in to

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<sup>477</sup> M. Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin Books, 1977), p. 47.

<sup>478</sup> ‘London Gossip’, *Birmingham Daily Post*, Friday 18 January 1889.

<sup>479</sup> The sentence passed on the younger boy was commuted to a life of penal servitude but Richard Davies, aged eighteen, was hanged at Knutsford Gaol on Tuesday 8 April 1890.

newspapers, members of the public could participate in the criminal justice process and they could express their individual opinions on the outcomes of criminal trials.

The most common issue discussed in newspapers relating to the trials of youthful offenders convicted of wilful murder was the problematic notion of hanging a child. Some letters sent to newspaper editors expressed a reader's satisfaction that a child found guilty of murder had been sentenced to death. In their opinion youth should not reduce the penalty awarded to convicted murderers. When fifteen-year-old apprentice Samuel Kirkby was sentenced to death in 1838 for poisoning his master a letter appeared in the periodical *Figaro* stating, 'we object to the twaddle of getting up a case of sympathy for such a diabolical young hell-dog as the boy Kirkby...if ever a wretch in human frame deserves to be hanged, it is the boy.'<sup>480</sup>

However the majority of letters sent to editors concerning capital sentences passed on children expressed their horror at the idea of hanging so young an offender and pleaded for the Home Secretary to be merciful. James FitzJames Stephen attributed the general distaste for hanging capital convicts to a growing sentimentality in nineteenth-century society. He noted, 'that anybody should be in pain, and not be immediately relieved – that sharp pain should ever be inflicted on any one under any circumstance...shocks and scandalises people in these days.'<sup>481</sup> The idea of hanging a child proved all the more shocking. Letters written to newspaper editors expressed the opinion that children should be considered to be less liable for their crimes because they were unable to control their actions to the same extent as an adult. A letter signed 'By a Mother' was printed in the *Liverpool Mercury* in 1886 discussing the sentence of death passed on sixteen-year-old Michael Lavelle. It wrote, 'I am surprised he

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<sup>480</sup> 'The Boy Kirkby', *Figaro in London*, Saturday 18 August 1838.

<sup>481</sup> J. FitzJames Stephen cited in M. J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990), p. 178.

[the Judge] made no more comment on the extreme youth of the prisoner Lavelle. A boy of 16 years has after all but just emerged from the irresponsibility of childhood; and many of us, indeed, at that age were the merest of children in thought and action.’<sup>482</sup> The letter concluded, ‘I am not defending the crime, but simply protesting against this child being legally strangled.’<sup>483</sup>

When youthful murderers were hanged for their crimes letters of outrage were printed in the press. In 1890 eighteen-year-old Richard Davies was executed for the murder of his father. His younger brother, who had also been convicted of the crime, was reprieved, his sentence commuted to penal servitude for life. Although Richard was eighteen, four years older than the age of discretion, many members of the public thought he should have been spared with his brother. A letter printed in *Reynolds’s Weekly Newspaper* condemned the, ‘harsh, cruel, and vindictive conduct’, of the Home Secretary in sending Richard Davies to the gallows.<sup>484</sup> It wrote, ‘that while there is no excuse for the commission of the crime, the extreme youth of the prisoners should rightly be considered in deciding upon their punishment.’<sup>485</sup> The *Illustrated Police News* issued a full-page woodcut depicting the events leading to the execution of the youthful murderer (Figure Thirteen). In the central image, above an inscription reading, ‘squint eyed justice!’, a noose is placed around the neck of Richard Davies. The figure of Justice stands beside the gallows, ignored by those surrounding the boy. Her eyes are covered and she conceals petitions pleading for mercy behind her back.

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<sup>482</sup> ‘A Plea for Mercy. To the Editors of the *Liverpool Mercury*, by a Mother’, *Liverpool Mercury*, Friday 19 February 1886.

<sup>483</sup> *Ibid.* The sentence of death against Michael Lavelle in 1886 was not carried out. He was, instead, sentenced to penal servitude for life. Lavelle was then transferred to the Broadmoor Criminal Lunatic Asylum in 1893, at the age of twenty-nine, after he was diagnosed as suffering from a form of mania commonly suffered by long-term prisoners. He later died at the Asylum in 1913.

<sup>484</sup> ‘From the Radical Benches’, *Reynolds’s Weekly Newspaper*, Sunday 20 April 1890.

<sup>485</sup> *Ibid.*

### Figure Thirteen

*Illustrated Police News*, Saturday 19 April 1890



The message of the image was clear, that the criminal justice system was mistaken in hanging so young an offender and that justice had not been done.

Legal professionals considered such opinions printed in the press to be fanciful and overly sympathetic. Edward Cox expressed his indignation towards sensationalist press treatment of capital sentences: ‘the tenderness for crime which has grown up of late years has become extraordinary. The common working man, who pays his way, and struggles with difficulty to keep himself and family out of the workhouse, excites comparatively little interest. But, let an atrocious murder be committed, and the whole country is roused to rescue the criminal from the gallows.’<sup>486</sup> Criminal law did not allow for sentiment. There were strict rules that determined how offenders convicted of felonious killing offences should be

<sup>486</sup> Cox, ‘Some Suggestions to Judges and Magistrates for Better Defining the Principles of Punishment’, p. xxxvi.

punished and these rules made no allowances for the youth of an offender. Children found guilty of wilful murder were sentenced to death like any other convicted murderer. Children found guilty of manslaughter were subject to the same rules concerning the nature of the crime and the character of an offender as adults convicted of the same offence. It was left to the Home Secretary, and the sympathy of the public, to determine whether a child would be reprieved because of his youth. This chapter has shown that children found guilty of felonious killing offences did not enjoy the benefits of reforms made in juvenile penal policy during the mid-nineteenth century. They suffered penal servitude, separate confinement, and hard labour alongside adult offenders. It was not until 1908 that the youth of children found guilty of murder and manslaughter was officially recognised. The Children's Charter abolished the execution of convicted murderers who were under the age of sixteen and established separate institutions for dangerous young offenders. The severity of the punishments inflicted on children convicted of felonious killing offences was deemed necessary by nineteenth-century legal professionals. These children had committed serious crimes. They deserved to be punished and were placed in convict prisons alongside adults because no other penal institutions were able to take them. Newspapers sought to explain the punishment of children convicted of felonious killing offences to their readers. They utilised the authoritative voices of judges to understand why one child had been sentenced to death, another to a long term of penal servitude, and others to shorter periods of incarceration. However the majority of newspapers were more sympathetic to the needs of a child than legal professionals and prison warders could be. Homicide law might have treated children convicted of murder like any other murderer but newspapers called for these criminals to be treated as children.

## Chapter Five

### Explaining Why Children Killed

‘Juvenile delinquents! The very term is an anomaly, and should startle us as something monstrous and fearful; something which should lead us to think, “How can this be?”’<sup>487</sup> In 1853 Mary Carpenter, a leading advocate of juvenile penal reform and the founder of the Red Lodge Reformatory School in Bristol, expressed her concerns regarding the growing number of children being brought before criminal courts charged with a variety of felonious offences. She understood children to be, ‘young beings but recently from the hands of their Maker’, and maintained that it was difficult to comprehend how these, ‘lambs’, were capable of becoming, ‘positively dangerous to society.’<sup>488</sup> To better understand how children could wilfully commit criminal acts she focused her attention on the potential causes of juvenile delinquency, maintaining that children were not born, ‘naturally vicious’, but were corrupted by the society and environment in which they lived.<sup>489</sup>

Many investigations into the causes of juvenile crime were conducted in the first half of the nineteenth century. Studies by social commentators, such as Edward Rushton’s *Juvenile Delinquency* (1842) and Samuel Phillips Day’s *Juvenile Crime; Its Causes, Character, and Cure* (1858), argued that criminal behaviour in working-class children was an inevitable consequence of industrialisation and urbanisation.<sup>490</sup> Families who flocked to urban centres during the early nineteenth century in the hope of securing regular employment

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<sup>487</sup> M. Carpenter, *Juvenile Delinquents; Their Condition and Treatment* (London: W. and F. G. Cash, 1853), p. 15.

<sup>488</sup> *Ibid.*, pp. 15-16.

<sup>489</sup> Carpenter, *Juvenile Delinquents*, p. 384.

<sup>490</sup> E. Rushton, *Juvenile Delinquency* (London: Simpkin, Marshall, and Co, 1842); S. Phillips Day, *Juvenile Crime; Its Causes, Character, and Cure* (London: J. F. Hope, 1858).

in manufacturing industries, found themselves living in overcrowded and insanitary conditions. Both Rushton and Phillips Day believed that children were corrupted by the urban poverty caused by industrialisation. Children were left to fend for themselves, their parents at work for long hours in factories and mills, and these children survived by any means necessary in the face of adversity.<sup>491</sup> In locating a reason to explain why children committed crimes, social commentators attempted to find juvenile delinquents a place within society. By depicting criminal children as the victims of economic and urban expansion they reduced the moral responsibility of juvenile delinquents and, therefore, reduced the horror associated with the idea that children were capable of committing felonious offences.

If the notion that children could commit crime was a worrying concept for Mary Carpenter and other social commentators, the news that a child had committed wilful murder must have been horrifying. Although it was recognised in the nineteenth century that not all children were the little innocent lambs of Romantic ideology and that children could be bad, this badness did not often extend to wilful murder. Murderers in the popular imagination were almost always adult men.<sup>492</sup> They were hardened individuals who had reached the pinnacle of their criminal career. Murders committed by children presented members of Victorian society with an horrific reality: children who were capable of killing fellow human

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<sup>491</sup> Much secondary literature has been written on the impact industrialisation and urbanisation had on crime rates in the early nineteenth century, and on the incidence of juvenile crime in particular: J. Duckworth, *Fagin's Children: Criminal Children in Victorian England* (London: Hambledon, 2002), p. 1; H. Hendrick, 'Constructions and Reconstructions of British Childhood: An Interpretive Survey, 1800 to the Present', in A. James and A. Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (London: Routledge, 1997), pp. 34-35; P. Horn, *Young Offenders: Juvenile Delinquency, 1700-2000* (Gloucestershire: Amberley Publishing, 2010), p. 30; L. Radzinowicz and R. Hood, *A History of English Criminal Law and Its Administration From 1750: The Emergence of Penal Policy* (London: Stevens & Sons, 1986), p. 3, p. 165; H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Suffolk: The Boydell Press, 1999), pp. 19-20, p. 34; J. J. Tobias, *Crime and Industrial Society in the 19<sup>th</sup> Century* (London: B. T. Batsford Ltd, 1967), pp. 244-246; M. J. Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990), pp. 17-20.

<sup>492</sup> The majority of fictional murderers in nineteenth-century literature were adult males - Bill Sikes, Abel Magwitch, Sweeney Todd - and it was this stereotypical murderer that captured the Victorian popular imagination. More will be discussed on this in Chapter Six.

beings. Children convicted of felonious killing offences were rarely mentioned in nineteenth-century studies on the causes of juvenile delinquency.<sup>493</sup> These tended to focus on children found guilty of property offences and misdemeanours serving sentences in houses of correction or in reformatory schools. How, then, were murders committed by children explained in the nineteenth century?

Just as social commentators investigated the causes of juvenile delinquency to better understand deviant behaviour in children, newspapers provided their readers with reasons to explain how children were capable of committing murder. In this chapter I will analyse the different explanations provided in the newspaper coverage, and other published sources, on murders committed by children in nineteenth-century England and Wales. First I will show how newspapers utilised the voices of the youthful murderers themselves to understand the immediate reason for a crime. Confessions presented as evidence in murder trials were often printed in detail by the press, informing their readers of the motives behind a crime and why a child had been inspired to kill. Newspapers also drew on popular and professional notions of criminality to understand why children committed felonious killing offences. Nineteenth-century criminologist Havelock Ellis argued that there were two primary causes of criminality: social and biological.<sup>494</sup> Irresponsible parents, the effects of industrialisation, and the expansion of a penny printing press were all presented by newspapers as social factors that contributed to the existence of youthful murderers. Then, in the second half of the nineteenth century an influx of scientific studies conducted into human and criminal nature inspired newspapers to suggest biological reasons to explain murders committed by children. These included theories of criminal heredity and the causal relationship between insanity and

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<sup>493</sup> The only nineteenth-century study of juvenile delinquency I have found that discusses children convicted of felonious killing offences is Samuel Phillips Day's *Juvenile Crime; Its Causes, Character, and Cure* (London: J. F. Hope, 1858), p. 309; pp. 311-312.

<sup>494</sup> H. Ellis, *The Criminal* (London: Walter Scott, 1901), p. 24.



crime. There was no one answer provided in nineteenth-century newspapers to explain why children committed murder. Multiple explanations were combined to assist their readers in understanding how children were capable of wilfully committing felonious killing offences.

### Understanding Motives

According to the eighteenth-century philosopher Jeremy Bentham, whose theories on moral and criminal responsibility influenced criminal process in the nineteenth century, motives, ‘by influencing the will of a sensitive being...serve as a means of determining him to act, or voluntarily to forbear to act.’<sup>495</sup> Establishing motive, then, was an essential element of a prosecution’s case in a murder trial. Any lack of motive opened the floor for the defence to argue reduced criminal responsibility or to diminish a charge of wilful murder to manslaughter (where death had not been intended). Understanding the motives behind a crime, however, served another function for newspapers covering murder trials in the nineteenth century. Motives helped to explain why a murder had been committed. In printing the motives of defendants on trial for murder newspapers provided their readers with reasons to understand one of the most deviant forms of behaviour that could exist in contemporary society.

Newspaper reporters compiled, analysed, and paraphrased evidence that had been given in court, providing their own conclusions to explain why a murder had taken place. In 1834, for instance, the *Morning Chronicle* argued that the primary motive behind the murder of a young boy by fifteen-year-old Charles Shaw was monetary gain. It wrote, ‘the only assignable motive of the prisoner for the commission of the crime, was the acquisition of 18d which the deceased possessed.’<sup>496</sup> Historian Richard Altick noted in his *Victorian Studies in*

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<sup>495</sup> J. Bentham, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907), p. 94.

<sup>496</sup> ‘Assize Intelligence. Murder by Strangling’, *Morning Chronicle*, Friday 21 March 1834.

*Scarlet* that one of the most common forms of murder in the nineteenth century were those committed in the process of robberies.<sup>497</sup> By categorising the murder as a type of violent crime that was widely recognised in society the newspaper provided its readers with a means to understand why a fifteen-year-old boy was inspired to kill.

Newspaper reports also searched for possible evidence of revenge as a motive for murder. Had the deceased and the defendant argued prior to the murder? Had the defendant acted out of hatred or anger, provoked by something the deceased had said or done? Maria Kaspersson has argued that revenge was one of the most common motives for murders committed by adult men in, and before, the nineteenth century.<sup>498</sup> In applying this socially recognised motive for murder to murders committed by children, newspapers were able to reduce the immediate horror of the crime. A child had not just randomly killed another human being. There was a clear and recognisable reason behind the child's actions. In 1838 the *Lincolnshire Chronicle* printed a detailed report on the murder trial of fifteen-year-old Samuel Kirkby. The young apprentice poisoned his master by placing arsenic in the man's tea-kettle. A few days before the murder Kirkby had been scolded by his master, John Bruce, because a lamb he had been asked to care for had died in a state of neglect. The newspaper report speculated, drawing on evidence provided in court, that revenge had inspired the boy to commit murder: 'his master often gave him a thump on his head and pulled his ears; that he beat him last Sunday, because the lamb was dead, and that when he went in his master got up, flew at him like a madman, and would not let him go out and play.'<sup>499</sup>

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<sup>497</sup> R. D. Altick, *Victorian Studies in Scarlet: Murders and Manners in the Age of Victoria* (New York: W. W. Norton & Company, 1970), p. 287.

<sup>498</sup> M. Kaspersson, "'The Great Murder Mystery', or Explaining Declining Homicide Rates', in B. S. Godfrey, C. Emsley and G. Dunstall, *Comparative Histories of Crime* (Devon: Willan Publishing, 2003), pp. 75-76.

<sup>499</sup> 'City Court', *Lincolnshire Chronicle*, Friday 27 July 1838.

Motives for murder were often established in court by reading aloud written confessions made by defendants whilst they were in police custody. Newspapers printed these confessions in considerable detail. Headlines such as ‘The Confession of the Boy Kirkby’, ‘The Boy Murderer. Remarkable Confession’ and ‘Boy’s Sensational Confession to Murder’ introduced articles to readers that quoted verbatim first-person accounts of youthful defendants on trial for wilful murder.<sup>500</sup> In 1838 the *Stamford Mercury* printed the full confession of Samuel Kirkby:

“I, Samuel Kirkby, now in the city gaol of Lincoln, and under sentence of death for the murder of my master, Mr. John Bruce, by poison, do hereby acknowledge and confess that I am guilty of the offence; - that I obtained from Mr. Battle’s boy, Wm Hicks, nearly a pound of arsenic, and, not having the fear of God before my eyes, did put part of it into the cream jug, which was then standing on the kitchen table, part into the kettle from which the water was supplied for the breakfast of Mr. Bruce’s family, and threw away a great portion into the privy. I am now heartily sorry that Mr. Bruce’s death was the consequence of my misdeeds, and I pray to God that he would pardon me for this and all other offences. At the same time I would wish to caution all persons, but more especially my late companions, against indulging those feelings of revenge which have brought me into my present miserable state and condition.”<sup>501</sup>

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<sup>500</sup> ‘The Confession of the Boy Kirkby’, *Stamford Mercury*, Friday 17 August 1838; ‘The Boy Murderer. Remarkable Confession’, *Lincolnshire Chronicle*, Friday 12 June 1903; ‘Boy’s Sensational Confession to Murder’, *Western Times*, Friday 12 June 1903.

<sup>501</sup> ‘The Confession of the Boy Kirkby’, *Stamford Mercury*, Friday 17 August 1838. It is difficult to know the extent that the confession of Samuel Kirkby printed in the *Stamford Mercury* reflected the actual words of the youthful murderer. Confessions were often printed in the press, especially in the early nineteenth century, to warn readers of the consequences of committing crime. Lamentations of convicted murderers served as moral messages, warning those who read them away from following in the footsteps of criminals. More will be

Not only did the newspaper provide its readers with the facts of the case, helping to establish a clear narrative, but they explained why a fifteen-year-old apprentice had chosen to murder his master.

## **Social Causes**

### Poor Parenting

It was not just the immediate cause of a particular murder, however, that interested newspapermen. Though it was important to offer their readers with ways to understand why a child had committed a felonious killing offence, newspaper editors were also keen to print theories to explain how children, in general, were capable of committing wilful murder.

In 1846 the Reverend J. C. Ryle wrote that, ‘there is nothing more powerful than education. Early habits are everything with us, under God. We are made what we are by training.’<sup>502</sup> In his sermon directed at parents Ryle emphasised the important role parents had in the future lives of their children. It was their duty to provide their offspring with sound moral guidance so that they would develop into fully functioning adults and useful members of society. Ryle warned that the consequences of failing to, ‘train up a child in the way he should go’, were dire.<sup>503</sup> A child brought up without a moral education would be unable to refrain from sin. He would grow up with, ‘a corrupt and sinful heart.’<sup>504</sup>

Nineteenth-century newspapers attempting to understand how children could commit felonious killing offences similarly turned their attention to the parents of youthful murderers.

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discussed on the extent that murders committed by children were used as tools of moral education by social and penal reformers in the conclusion of this thesis.

<sup>502</sup> J. C. Ryle, “*Train Up a Child in the Way He Should Go: A Sermon for Parents Preached in Helmingham Church, August 20, 1845* (London: Seeley & Co, 1846), p. 12.

<sup>503</sup> Ibid, p. 12.

<sup>504</sup> Ryle, “*Train Up a Child in the Way He Should Go*”, p. 6.

They argued that these parents had failed in their duty to bring up good Christian children and that through moral neglect they fashioned children who had the potential to commit serious crimes. In 1861 an article in the *Manchester Courier* explained why two eight-year-old boys killed an infant child by beating him and drowning him in a brook.<sup>505</sup> It argued that these boys were the products of negligent parents who had failed to teach their children the difference between right and wrong. The children's inability to realise that their behaviour had been sinful stemmed from, 'the unchecked habits of cruelty in which they had been allowed, if not encouraged, to indulge.'<sup>506</sup> Their parents had failed to admonish them in the past and as a result the two eight-year-old boys found themselves on trial for murder. Similarly in 1831 the mother of John Any Bird Bell was blamed by the press for inadvertently driving her fourteen-year-old son to rob and stab another boy to death. Though she had no direct involvement in the crime itself she had failed to check the previous bad behaviour of her child. To make matters worse her children had been born out of wedlock whilst their father had been married to another woman. The *London Standard* reported that, 'the profligate lessons he was taught by his depraved parents were too deeply rooted in his mind to make Bell acutely aware of the dreadful situation in which his crime had placed him', and maintained that as the child lay in the condemned cell at Maidstone Gaol, 'he accused her [his mother] of being the cause of bringing him to his present scrape.'<sup>507</sup>

The provision of a moral education was not the only responsibility required of parents in the correct rearing of their children. Parents were also expected to act as role models, to behave like good Christians and to illustrate to their children how to choose right from wrong. Ryle reminded parents in his 1846 sermon that, 'children learn more by the eye than

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<sup>505</sup> 'The Late Diabolical Murder in Hempshaw Lane', *Manchester Courier and Lancashire General Advertiser*, Saturday 6 July 1861.

<sup>506</sup> *Ibid.*

<sup>507</sup> 'Execution of John Any Bird Bell, for Murder', *London Standard*, Tuesday 2 August 1831.

they do by the ear. Take care then what you do before a child for it is a true proverb, “Who sins before a child sins double.”<sup>508</sup> The article printed in the *Manchester Courier* in 1861, discussing the murder of an infant by two boys, maintained that the parents of these two children had been engaged in numerous acts of cruelty and that this behaviour drove their children to commit such a serious crime. Though the article did not mention whether this cruelty was directed towards the children themselves it did suggest that the boys witnessed, and were encouraged to engage in, the beating and torture of animals.<sup>509</sup> As a result of this early education provided by their parents the children were unable to, ‘sufficiently discriminate between the value of the life of a fellow-creature, and that of any of the animals they had seen killed.’<sup>510</sup>

Cruel and violent character traits in parents were often used by the press to explain why children committed serious crimes. In a chapter of her 1818 parental advice book headed ‘On Some Mistakes in Education, and the Correction of Them’, Ann Taylor argued that vicious parents created vicious children. Quoting Galatians she wrote, ‘whatsoever a man soweth, that shall he also reap.’<sup>511</sup> When two boys under the age of ten were tried for murdering another boy in 1855 the *Liverpool Daily Post* ascribed their violent tendencies to those frequently practiced by their parents. The newspaper described how, ‘the father...became very violent, and threatened to stab Inspector Thompson’, when one of the boys was arrested on suspicion of the crime.<sup>512</sup> This little detail was not an essential element in the narrative of murder constructed by the prosecution in court. Rather it was printed in the

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<sup>508</sup> Ryle, “*Train Up a Child in the Way He Should Go*”, p. 52.

<sup>509</sup> For more discussion on the relation between the cruelty of animals committed in childhood and criminal behaviour committed in later life see Chapter Six.

<sup>510</sup> ‘The Late Diabolical Murder in Hempshaw Lane’, *Manchester Courier*, Saturday 6 July 1861.

<sup>511</sup> A. Taylor, *Reciprocal Duties of Parents and Children* (London: Taylor and Hessey, 1818), p. 51.

<sup>512</sup> ‘Extraordinary Case of a Boy Killed By a Boy’, *Liverpool Daily Post*, Saturday 21 July 1855.

*Liverpool Daily Post* in an attempt to provide readers with an explanation for how two boys under ten could commit a felonious killing offence. A violent father had reared a violent son.

Though it was not until the mid-twentieth century that scientific studies were conducted into the effects of physical and verbal abuse on children there was an awareness in the nineteenth century that children who had been abused did not mature into fully-functioning adults.<sup>513</sup> Criminologist Arthur MacDonald wrote in his 1893 study, *Abnormal Man: Being Essays on Education and Crime*, that, ‘persons who are loved and esteemed are those whose very nature is to do good – that is, they would not and could not see a fellow-being suffer.’<sup>514</sup> It followed that people who had not been loved and esteemed were therefore unable to be naturally good. If a child had not experienced parental affection in his formative years MacDonald believed it was likely that the child would naturally veer towards committing wrong. Henry Gabbites, a sixteen-year-old draper’s apprentice, brutally stabbed his fellow apprentice to death with a dagger and a kitchen-knife in 1866. The majority of newspapers covering the crime suggested that his step-mother was to blame. After her marriage to his father in 1851 Gabbites’ step-mother inflicted verbal and physical abuse on him and his younger sister. An article in the *Leeds Times* reported that, ‘they were ill-clad, ill-fed, severely beaten on the most trivial pretext, and punished in a variety of ways, the most common method being to make the boy scour the floor and do all the drudgery of a female

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<sup>513</sup> I refer here to the experimental studies conducted by John Bowlby in 1944. He studied a group of 44 juvenile thieves and concluded that there was a correlation between maternal deprivation and juvenile delinquency. J. Bowlby, ‘Forty-Four Juvenile Thieves: Their Characters and Home Life’, *International Journal of Psychoanalysis*, Vol. 25 (1944), pp. 107-127. Sigmund Freud also argued that experiences in early life might affect the behaviour of children as they matured into adults. He maintained that if children did not experience the super ego and ego stages of childhood development, or if these stages were marred by traumatic events, they would likely become juvenile delinquents. C. Chapple and T. Calhoun, *Readings in Juvenile Delinquency and Juvenile Justice* (New Jersey: Prentice Hall, 2003), p. 236; G. Sheldon, *Controlling the Dangerous Classes: A History of Criminal Justice in America* (New Jersey: Prentice Hall, 2007), p. 453.

<sup>514</sup> A. MacDonald, *Abnormal Man; Being Essays on Education and Crime and Related Subjects, With Digests of Literature and a Bibliography* (Washington: Government Printing Office, 1893), p. 38.

menial.’<sup>515</sup> The newspaper then quoted evidence that had been given in court to support its claims that physical abuse had encouraged the boy to commit murder: ‘Mrs. Shields frequently examined the bodies of the two children, and always found upon them marks of severe chastisement. This treatment was pursued until at length poor little dwarfed and terror-stricken Harry escaped from the clutches of his mother-in-law and entered into service.’<sup>516</sup> In addition to generating sympathy for the youthful murderer the *Leeds Times* provided its readers with reasons to explain why the boy had committed an unprovoked attack against his friend. The paper concluded that, ‘from his early days [his step-mother] had haunted and darkened his life until it culminated in the horrible thing’, the act of murder.<sup>517</sup>

In 1890 Mr Davies, a respected draper, was bludgeoned to death by two of his sons on the outskirts of Crewe. Initially the press reported the shocking incident with sympathy directed towards the murdered man. However, after evidence of the circumstances surrounding the murder was provided before magistrates at a police court hearing many newspapers changed their story. They presented the two Davies boys, one eighteen and the other sixteen, as the victims of a bad and cruel father. Though well-regarded by his neighbours, behind closed doors Mr Davies inflicted a series of moral and physical abuses against his wife and children. He refused to allow them to attend Sunday School and Church, thus restricting their moral education, fed them only a meagre diet, provided them with sub-standard clothing, and asserted his authority with violence. Mr Glascodine, the lawyer who defended Richard Davies, the older boy, claimed that on one occasion the man had attempted to set fire to his wife’s bed whilst she slept and that Richard often stood between them to save his mother from the man’s blows. An article printed in *The Star* offered no sympathy for Mr

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<sup>515</sup> ‘The Sheffield Boy Murderer and His Stepmother’, *Leeds Times*, Saturday 8 December 1866.

<sup>516</sup> Ibid. The term ‘mother-in-law’ here refers to Gabbites’ step-mother. This phrase was often used in the nineteenth century to describe parents who were the legal guardians of children but not their parents by birth.

<sup>517</sup> ‘The Sheffield Boy Murderer and His Stepmother’, *Leeds Times*, Saturday 8 December 1866.



Davies. It wrote, ‘here is a man of wealth and respectable position, who treats his children like beasts – refuses them schooling and moral education, sets them an example of vile passions, starves them, beats their mother in their sight, in fact urges them to crime by the very impulse of their nature. He reaped what he had carefully sown.’<sup>518</sup> The man had been the author of his own end, whittling the weapons with which he was murdered in the form of his two sons.

### Poor Environment

It was widely recognised in the nineteenth-century press that the corrupting effects of a depraved home environment stunted the moral maturation of a child. However, it was not only parents who were to blame. Newspapers and social commentators also turned their gaze to society in general. Poverty, overcrowding, and poor ventilation were all considered to be contributing factors in the production of child criminality. Social commentator William Beaver Neale argued in 1840 that crime was the result of, ‘the vicious constitution of the present state of society.’<sup>519</sup> In his study of juvenile offending in Manchester he maintained that children were criminalised by the environmental conditions in which they lived. The population of Manchester, and other industrialised cities and towns, exploded during the early nineteenth century, reflecting a pattern of migration where agricultural labourers moved to urban centres in the hope of profiting from the rise of new industries. According to historian Jeannie Duckworth the number of people living in Liverpool, Manchester, Birmingham and Leeds increased by 40% between 1821 and 1831.<sup>520</sup> As a result already overcrowded tenements and streets were overcome with residents. Beaver Neale was disgusted by the living conditions he had witnessed in the working-class areas of Manchester. He believed that

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<sup>518</sup> ‘The Crewe Murder’, *The Star*, Tuesday 25 March 1890.

<sup>519</sup> W. Beaver Neale, *Juvenile Delinquency in Manchester: Its Causes and History, Its Consequences and Some Suggestions Concerning Its Cure* (Manchester: Gavin Hamilton, 1840), p. 7.

<sup>520</sup> J. Duckworth, *Fagin’s Children: Criminal Children in Victorian England* (London: Hambledon, 2002), p. 1.

criminal children were moulded and formed in the, 'narrow, ill-ventilated, and filthy streets, in their stunted and dirty hovels.'<sup>521</sup>

The influence industrialisation and urbanisation actually had on the production of crime in the nineteenth century has been questioned in recent historiography. Manuel Eisner has argued that the number of violent crimes committed in Europe declined during the late eighteenth and nineteenth centuries, and that northern European countries that benefited from the modernisation of the industrial revolution had lower crime rates than those situated in the rural south.<sup>522</sup> He has also maintained that within the industrialised countries crime rates were higher in non-urbanised areas where progress towards modernisation was slow and traditional customs continued to be practiced. In Italy, for instance, the homicide rate was higher in the south than in the wealthier, more urbanised north.<sup>523</sup> Peter King, however, has shown that Eisner's model of the impact of industrialisation on crime rates in the late eighteenth and early nineteenth centuries cannot be applied to England and Wales.<sup>524</sup> Between 1780 and 1850 the number of violent crimes and homicides committed in England and Wales were significantly higher in urban areas than in the countryside. As a county became increasingly urbanised murder rates rose. In Essex, for instance, the highest number of murders and incidences of violent crime occurred in Becontree, the nearest hundred to London. Here the murder rate was more than twice that for the rest of the county.<sup>525</sup> Similarly between 1801

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<sup>521</sup> Beaver Neale, *Juvenile Delinquency in Manchester*, p. 8.

<sup>522</sup> M. Eisner, 'Long-Term Historical Trends in Violent Crime', *Crime and Justice. A Review of Research*, Vol. 30 (2003), pp. 83-142.

<sup>523</sup> *Ibid*, p. 102.

<sup>524</sup> P. King, 'The Impact of Urbanization on Murder Rates and on the Geography of Homicide in England and Wales, 1780-1850', *The Historical Journal*, Vol. 53, No. 3 (2010), pp. 671-698.

<sup>525</sup> *Ibid*, p. 680.

and 1805 Manchester had a homicide rate three times more than that of the rest of Lancashire, and Leeds more than double that of Yorkshire.<sup>526</sup>

Nineteenth-century commentators certainly recognised that there was a higher incidence of crime in towns and cities and, according to the Victorian criminal sociologist Edgar James Swift, children were especially susceptible to the criminal influences of the city environment. He noted in an article printed in *The Pedagogical Seminary* in 1904 that, ‘the child, even more than the adult, must accommodate himself to his surroundings; he must adapt himself to the social environment in which he lives. He has not the developed will to enable him to act independently of his surroundings.’<sup>527</sup> Children of the urban poor were especially susceptible to corrupting influences lurking in cities. They were frequently left to fend for themselves when their parents went to work in factories and workshops and were expected to contribute to the family income, enjoying a freedom to roam the streets that the cossetted children of wealthier families only dreamed of. However, without the constant presence and moral guidance of their parents, poor children living in cities were left unprotected against the many temptations to sin that were present in urban environments. They could be easily corrupted and encouraged in the commission of crimes. A poem published in 1887 called ‘The Departure of the Innocents’ bemoaned in Blakean fashion the effect that the living conditions of working-class city dwellers had on children. The first two stanzas read:

Take them away! Take them away!

Out of the gutter, the ooze, and slime,

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<sup>526</sup> King, ‘The Impact of Urbanization on Murder Rates and on the Geography of Homicide in England and Wales, 1780-1850’, p. 681.

<sup>527</sup> E. J. Swift, ‘Some Criminal Tendencies of Boyhood: A Study in Adolescence’, *The Pedagogical Seminary; An International Record of Educational Literature, Institutions and Progress*, Vol. 8 (1904), p. 91.

Where the little vermin paddle and crawl,

Till they grow and ripen into crime.

Take them away from the jaws of death,

And the coils of evil that swaddle them round,

And stifle their souls in every breath,

They draw on the foul and fetid ground.<sup>528</sup>

Concerns that an increasingly urban society was having a deleterious effect on the youthful populations of cities were frequently raised in newspaper coverage surrounding murders committed by children. When eight-year-olds James Barratt and Peter Bradley were tried for the murder of an infant boy in 1861 the *London Standard* maintained that their depraved home environment ought to be considered as contributing to their commission of the crime. It described how, ‘their home was in the streets’, and that they spent their time, ‘in the streets in corrupt conversation and practicing mischief.’<sup>529</sup> The article concluded that the two boys on trial for wilful murder were exaggerated examples of juvenile depravity, illustrating the moral dangers facing all city children. It wrote:

A trial so remarkable is well worthy of note for its rarity and for the light which it throws on many of the ills attendant on the neglect and abandonment of poor children...the whole affair shows a very neglected state of the childish population there [Liverpool], and the want of some

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<sup>528</sup> Anon, ‘The Departure of the Innocents’, *Waifs and Strays* (1887) cited in P. Horn, *The Victorian Town Child* (Gloucestershire: Sutton Publishing Limited, 1997), p. 1.

<sup>529</sup> ‘London, Monday, August 12’, *London Standard*, Monday 12 August 1861.

remedy to meet the bad effects of our manufacturing system in taking away the parents from the home and family and transferring them to the mill.<sup>530</sup>

Bradley and Barratt were able to commit a homicide at such a young age because they had not been provided with adequate moral training by social authorities. The article concluded, ‘had they had proper religious training or a regular induction into habits of discipline in a day or evening school, we should not have found them systematically doing murder.’<sup>531</sup> It was not the boys’ parents this newspaper blamed but society itself. Children who committed felonious killing offences did so because a modern society had allowed them to grow up in unsuitable, unstable, and immoral surroundings.<sup>532</sup>

### Popular Culture

Street literature and other forms of popular culture were also blamed for the increasing rates of juvenile delinquency in cities and towns. Marianne Farningham warned the youthful readers of her advice book in 1870 of the moral danger they were in: ‘Oh! Boys, be careful. It is in the town that the most nets are spread for unwary feet. You are in danger! You do not know how much it may be, but everywhere Satan has his agents.’<sup>533</sup> She taught that children were more open to sin than adults. They had yet to develop a mature sense of moral responsibility and were therefore often misguided into committing wrong rather than

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<sup>530</sup> ‘London, Monday, August 12’, *London Standard*, Monday 12 August 1861.

<sup>531</sup> *Ibid.*

<sup>532</sup> The deleterious effects city living had on the physical, moral, and mental development of children were also discussed by psychiatrists and criminal anthropologists in the late nineteenth century. Cities were considered to be centres of decay, their poverty-stricken populations the potential victims of degeneration (a process spanning several generations where degenerate traits such as alcoholism and sloth were passed down through families, generating and transforming into criminality, idiocy and insanity). According to Gareth Steadman Jones the late-Victorian urban poor were othered from society as belonging to a separate and dangerous race of people, the middle classes distancing themselves from the supposed threats posed by degeneration. G. Steadman Jones, *Outcast London: A Study in the Relationship Between Classes in Victorian Society* (Oxford: Oxford University Press, 1971), p. 336.

<sup>533</sup> M. Farningham, *Boyhood* (London: James Clarke and Co, 1870), p. 120.

good. She warned that what may seem like innocent participation in comic songs or the attendance of cheap theatrical performances, ‘all is done here that can be to lead you astray.’<sup>534</sup>

The forms of popular culture that concerned Farningham and other social commentators were those directed towards a working-class and youthful audience. Entertainments provided in ‘penny gaffs’ and music halls offered those who paid entry a riotous array of sensational drama, bawdy songs, and theatrical performances depicting love, murder, and deceit. Melodramas and Newgate Novels, like Edward Bulwer-Lytton’s *Eugene Aram* (1831), William Ainsworth’s *Jack Sheppard* (1840) and William Makepeace Thackeray’s *Catherine* (1840), depicted the lives of infamous criminals, both real and fictitious, and proved particularly popular in the early nineteenth century.<sup>535</sup> Similar themes were to be found in inexpensive periodicals known as ‘penny dreadfuls’. Targeting a new market that had been formed as a result of rising literacy rates and educational opportunities for working-class children, publishers like the Newsagent’s Publishing Company printed cheap copy of eight or sixteen pages filled with daring adventures of youthful heroes at the price of just one penny. Titles such as *The Wild Boys of London*, *The Boy Detective* and *The Dance of Death* (all published in 1866) attracted the attention of youthful readers.<sup>536</sup> At the

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<sup>534</sup> Farningham, *Boyhood*, p. 120.

<sup>535</sup> Ironically Thackeray wrote *Catherine* intending to attack, the glorification of criminality in Newgate Novels. The story focuses on the life and crimes of Catherine Hayes, a real-life criminal who was burned at the stake in the eighteenth century. Despite his efforts to avoid the celebration of criminal behaviour associated with other early nineteenth-century novels, Thackeray presented Catherine as the hero of his story, not a villain, and *Catherine* is regarded by many literary scholars as a prime example of a Newgate Novel. B. Kalikoff, *Murder and Moral Decay in Victorian Popular Literature* (Michigan: UMI Research Press, 1986), p. 35.

<sup>536</sup> In 1874 the journalist James Greenwood bought twelve penny dreadfuls from a newsagent for a shilling and analysed their content, damning the dangerous influence such stories of misadventure had on a youthful audience. The titles he read included, “The Boy King of the Highwaymen”, “The Skeleton Crew”, “Roving Jack, the Pirate Hunter”, “Tyburn Dick”, “Spring Heeled Jack”, “Admiral Tom, the King of the Boy Buccaneers”, “Starlight Nell”, “Hounslow Heath, or the Moonlight Riders”, “Red Wolf, the Pirate”, “The Knight of the Road”, “The Adventures of an Actress”, and “The Pretty Girls of London”. J. Greenwood cited in P. Haining, *The Penny Dreadful; Or, Strange, Horrid & Sensational Tales!* (London: Victor Gollancz Ltd, 1975), p. 358.

height of their popularity in the 1860s as many as 40,000 copies of the most successful publications were sold each week.<sup>537</sup>

Concerns were raised that the dramatic misadventures of the young heroes in these stories had the potential to encourage children who read them into crime. A child's mind was particularly susceptible to suggestion and was less able to differentiate between reality and fiction. According to the American psychologist Granville Stanley Hall puberty was, 'the birthday of the imagination.'<sup>538</sup> He explained that, 'this has its morning twilight in reveries, and if brilliant and vivid, supplements every limitation, makes the feeble athletic, the beggar rich and knows no limitations of time or place.'<sup>539</sup> Elizabeth Blackwell, one of the first women to be awarded a medical degree, maintained that cheap sensational literature, 'is storing the susceptible mind of youth with words, images, and suggestions of vice, which remain permanently in the mind; springing up day and night in unguarded moments; weakening the power of resistance; and accustoming the thoughts to an atmosphere of vice.'<sup>540</sup> These concerns were widespread. The satirical periodical *Punch* printed a cartoon in 1849 headed 'Useful Sunday Literature for the Masses; or, Murder Made Familiar' (Figure Fourteen). A father is surrounded by his growing family as he reads the news of a murder. His young sons lean forward, captivated by the sensation, whilst a Bible and instruments of work lie discarded on the floor. The moral of the cartoon was clear: a fascination with murder news proved detrimental to spiritual and industrious habits. In 1852 a causal relationship between crude forms of popular culture and child criminality was also asserted in a Select

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<sup>537</sup> G. Sutter, 'Penny Dreadfuls and Perverse Domains: Victorian and Modern Moral Panics', in J. Rowbotham and K. Stevenson, *Behaving Badly: Social Panic and Moral Outrage – Victorian and Modern Parallels* (Hampshire: Ashgate, 2003), p. 163.

<sup>538</sup> G. Stanley Hall, *Adolescence: Its Psychology and Its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion, and Education* (New York: Appleton and Company, 1904), p. 313.

<sup>539</sup> *Ibid.*

<sup>540</sup> E. Blackwell, *Counsel to Parents on the Moral Education of Their Children* (London: Hirst Smyth and Son, 1878), p. 68.

**Figure Fourteen**

**‘Useful Sunday Literature for the Masses; or, Murder Made Familiar’, *Punch* (1849)**



Committee on Criminal and Destitute Children. The report of the Committee included in its evidence a statement provided by seventeen-year-old H. J. Killerby who was in prison for attempting to poison a letter. He maintained that cheap sensationalist theatre and literature acted, ‘on the minds of ignorant, vicious, and excited lads’, and, ‘caused them to become more reckless and hardened.’<sup>541</sup>

Newspapers covering murder trials of children often turned to this supposed cause of juvenile delinquency in their attempts to understand how children were capable of committing murder. In 1895 thirteen-year-old Robert Allen Coombes stabbed his mother to

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<sup>541</sup> Anon, ‘Report of the Select Committee on Criminal and Destitute Juveniles; Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index’, *PP*, 1852, p. 468.



death while she slept. He then concealed her body for three weeks after the murder, locking the bedroom door and telling neighbours that his mother had gone to the countryside to visit friends. During that time Robert wrote letters to the Thames Iron Ship-Building Company requesting an advance of his father's wages (Mr Coombes was working in New York at the time). He wrote, 'will you please advance the sum of four pounds as my mother is very ill with heart disease and will have to pay a heavy doctors bill.'<sup>542</sup> He then forwarded a forged doctor's note to the Company as evidence for his claim (Appendices One and Two). Robert's brother testified that this charade had been done with the intention of raising enough money to escape to a deserted island. The plan had been to dose his mother's body in quicklime and then disappear.<sup>543</sup>

This strange behaviour exhibited by the boy intrigued the press. Though it had been explained why Robert killed his mother, his confession read out in court stated he committed the murder as revenge for admonishment, this did not explain how a thirteen-year-old boy was capable of such a calculated and violent crime. Newspapers turned their attention to the collection of penny dreadfuls found beside Robert's bed. An article printed in the *Saturday Review* reflected on the similarities of the murder committed by Robert and plots found in what journalist James Greenwood termed, 'penny packets of poison.'<sup>544</sup> It wrote, 'Robert Allen Coombes made real a poor plagiarism of this fiction. The details hung loosely together, joined by conflicting fancies; but each of them was borrowed from the stock-in-trade not only of "penny dreadfuls" but of all the literature of boy's adventures.'<sup>545</sup> The article described the island imagined by Coombes with, 'rocks, no doubt, covering hidden treasure, its shores

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<sup>542</sup> 'Robert Allen Coombes', *OBP*, 9 September 1895.

<sup>543</sup> *Ibid.*

<sup>544</sup> J. Greenwood, 'Penny Packets of Poison', cited in P. Haining, *The Penny Dreadful; or, Strange, Horrid & Sensational Tales!* (London: Victor Gollancz Limited, 1975), p. 357.

<sup>545</sup> 'The Plaistow Case – Dramatist, Madman, or Criminal?', *Saturday Review*, Saturday 21 September 1895.

littered with attractive wrecks.<sup>546</sup> It was clear to the *Saturday Review* what caused Robert Coombes to murder his mother: he had read too many stories of boyish misadventures and wanted to emulate them. In the months following Robert's trial the press was littered with articles condemning the publication of cheap adventure literature directed at boys. As discussed in Chapter Two, historian John Springhall argues that this media attention amounted to a moral panic.<sup>547</sup> Journalists, such as Hugh Chisholm, called for tighter regulations on the publishing industry. They sought to prevent, 'the foulest crimes', being, 'discussed and described in a purposely seductive and exciting manner.'<sup>548</sup>

Robert Coombes was not the only child convicted of a felonious killing offence in nineteenth-century England and Wales whose criminal behaviour was explained in the press to be the result of reading pernicious literature. An article printed in the *Kentish Chronicle* in 1866 introduced readers to 'The Amateur Dashing Young Highwayman'.<sup>549</sup> John Bridgen, a thirteen-year-old chorister from Whitechapel, killed his school friend when they were playing at being highwaymen. The newspaper explained how Bridgen, taking on the persona of Dick Turpin, pointed a pistol at his friend and ordered him to, 'stand and deliver', demanding that he hand over the orange the deceased held in his hand.<sup>550</sup> Both boys had previously played this game with wooden pistols and, forgetting he held a loaded gun, Bridgen fired and killed his friend. The story of Dick Turpin, published in many forms throughout the nineteenth century, was also blamed for encouraging two boys to shoot a man named Pensley Cyrus

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<sup>546</sup> 'The Plaistow Case – Dramatist, Madman, or Criminal?', *Saturday Review*, Saturday 21 September 1895.

<sup>547</sup> J. Springhall, *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-Rap, 1830-1996* (Hampshire: Macmillan Press, 1998), p. 90.

<sup>548</sup> H. Chisholm, 'How to Counteract the "Penny Dreadful"', *Fortnightly Review*, 9 November 1895, p. 765.

<sup>549</sup> 'The Amateur Dashing Young Highwayman', *Kentish Chronicle*, Saturday 22 December 1866.

<sup>550</sup> *Ibid.*

Lawrence in Tunbridge Wells in 1888.<sup>551</sup> Mr Channing, a representative of Flintshire in Parliament, brought up the murder committed by the two boys before the House of Commons. He maintained that, ‘the two boys, who are now waiting their trial for murder in Maidstone Gaol, had been addicted, by their own confession, to the reading of such books as *Dick Turpin*, *Varney the Vampire: or, the Feast of Blood*, and *Sweeney Todd*’, and that, ‘these stories, attractively written, are widely circulated, and read by enormous numbers of children, and instigate them to the commission of crime.’<sup>552</sup> Just as newspapers called for parliamentary action to be taken against the publication of cheap sensational literature for children when Robert Coombes was found guilty of murder in 1895, Mr Channing asked members of the House of Commons, ‘whether any check can be put upon the circulation of these pernicious works; and, whether a record could be kept of the class of books or papers found on the persons of youthful criminals when arrested, as a guide to future legislation on the subject?’<sup>553</sup>

Concerns were also raised about the practice of allowing children to attend police court hearings. Members of the public were permitted to watch police court proceedings in the nineteenth century. No age restrictions were imposed. They were considered a form of entertainment by a sensation-hungry society and it was hoped by the authorities that once an audience had witnessed justice in action they would choose not to commit crime. An article printed in the *Daily News* explained that Robert Coombes had been inspired to commit murder after attending the trial of a murderer named Read.<sup>554</sup> Similar claims were also made

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<sup>551</sup> ‘The Boy Murderers of Tunbridge Wells’, *London Daily News*, Saturday 15 December 1888; ‘The Terrible Tragedy at Tunbridge Wells. Boy Murderers at Work’, *Daily Gazette for Middlesbrough*, Thursday 18 October 1888.

<sup>552</sup> Mr Channing, ‘Law and Police – Demoralizing and Indecent Literature’, House of Commons Debate, *Hansard*, 13 November 1888.

<sup>553</sup> *Ibid.*

<sup>554</sup> Mr Channing, ‘Law and Police – Demoralizing and Indecent Literature’, House of Commons Debate, *Hansard*, 13 November 1888.

in the House of Commons. In 1896 MP John Burns called the attention of the Home Secretary to, ‘the extent to which young boys and girls were allowed into the police courts while the details of revolting and indecent cases were being heard by magistrates.’<sup>555</sup> He referred to the murder committed by Robert Coombes as evidence to support the claim that such forms of popular entertainment were injurious to society, corrupting the susceptible minds of children. He concluded that there was, ‘no more fruitful source of manufacture of youthful criminals [that] could be found than freely permitting them to listen to the unsavoury and revolting details of the police courts.’<sup>556</sup>

Little was done to counteract the dangerous effects of penny dreadfuls in the nineteenth century by regulating the publication of sensational literature written for children. Periodicals offering young readers tales of horror and misadventure continued to be printed long into the twentieth century. Even so, it was clear to many newspapermen that these works of literature, and other forms of popular entertainment, played a key role in generating juvenile delinquency and that these delinquencies included murder. A report following the trial of Robert Coombes printed in the *Daily News* concluded that, ‘he read the “Penny Dreadfuls,” and other abominations were found in his house. What more is to be said?’<sup>557</sup>

### **Biological Causes**

Not all newspapers, however, were convinced that social factors alone could be blamed for encouraging children to kill. In 1895 an article discussing the murder trial of Robert Coombes was printed in the *Pall Mall Gazette*. It read:

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<sup>555</sup> J. Burns, ‘Class III’, House of Commons Debate, *Hansard*, 5 June 1896.

<sup>556</sup> *Ibid.*

<sup>557</sup> ‘The Plaistow Murder’, *Daily News*, Wednesday 18 September 1895.

Well, we have all read penny dreadfuls, but we have not murdered our mothers. We have all read the account of this trial, which is worse than most penny dreadfuls, but we are able to publish our report without dreading a fresh crop of matricide to-morrow. We do not suggest that the penny dreadful is an elevating form of art; far from it. But we do suggest that a great deal of illogic is talked about it, and that those who extract practical murder from a penny dreadful are only those who import a murderous disposition into it. They are attracted to stories of murder because they are nature's murderers.<sup>558</sup>

According to this article social factors had the potential to influence a person to commit murder but only if that person had an innate predisposition to kill. Therefore, in order to understand how some children were capable of committing felonious killing offences the inherent nature of the child was just as important as the environment in which he was nurtured.

The notion that children could be born bad long predated the nineteenth century. According to Christian teaching, children were born in original sin. They carried within them the sins committed by Adam and Eve. Children required both the cleansing effects of baptism and the energies of Christian parents to guide them away from an inherent desire to do wrong. However, a natural inclination to commit sin could not be trained out of some children. A child with good, Christian and law-abiding parents might still commit crime, even murder, with no assignable social cause. How, then, were these deviant children understood? How could their crimes be explained?

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<sup>558</sup> 'Merciless Mercy', *Pall Mall Gazette*, Wednesday 18 September 1895.

## Heredity

It was considered throughout the nineteenth century that criminal behaviour could be hereditary.<sup>559</sup> Studies on juvenile delinquency traced family histories of youthful offenders highlighting the extent to which criminality was present in siblings, parents, and other distant relatives. Hugh Barclay noted in his 1848 study, *Juvenile Delinquency: Its Causes and Cure*, that, ‘in the Report of the Inspector of Prisons, a case is mentioned under the head of Hoddington, where seven children out of a family of nine had been in prison, some of them several times.’<sup>560</sup> He concluded, ‘that crime is hereditary, and that for generations the same names are familiar as household words in our district criminal courts.’<sup>561</sup> According to Barclay’s definition of heredity, criminal behaviour was passed along family lines through education and training. Children born to criminal parents were taught how to commit crimes from an early age and, in turn, reared their children to do the same.

However in the second half of the nineteenth century heredity acquired a new meaning. Children born into criminal families not only became criminals themselves because of an early education in criminality but because they inherited a criminal trait from their parents. They were born with a natural inclination to commit crime. Italian psychologist and asylum doctor Cesare Lombroso argued in his 1870 study *L’uomo delinquente* (Criminal

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<sup>559</sup> Again, much has been written by scholars on theories concerning the hereditary nature of crime that developed throughout Europe and America in the mid and late nineteenth century. Criminology emerged as a professional field, an independent social science, and many studies were carried out, researching the character of criminals and tracing a wide range of factors that had the potential to cause criminal behaviour. Martin Wiener provides an extensive and detailed analysis of the gradual scientific turn to understanding crime in his, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914* (Cambridge: Cambridge University Press, 1990). He maintains that criminality was increasingly understood in terms of heredity as the nineteenth century progressed. Criminals behaved like criminals because their parents had behaved like criminals; because they had inherited from them a criminal trait. Wiener highlights how the biological approach to understanding criminal behaviour reflected wider cultural changes, notably the rise of psychology as a profession in the late nineteenth century and the belief that human beings were subject to patterns of evolution and degeneration following the publication of Charles Darwin’s *On the Origin of Species* (1859) and *The Descent of Man* (1871).

<sup>560</sup> H. Barclay, *Juvenile Delinquency: Its Causes and Cure* (Edinburgh, 1848), p. 6.

<sup>561</sup> *Ibid*, p. 7.

Man) that criminals formed a race apart from normal human beings. According to Lombroso criminals looked, thought, and behaved like prehistoric man. Whereas mankind had evolved over time, forming an ability to know right from wrong, criminals had regressed. They did not possess the same moral sense characteristic of human nature. As a result criminals were born unable to do anything in their future lives but commit crime; it was a natural form of behaviour for them.<sup>562</sup> Newspapers attempting to explain how children were capable of committing murder turned to Lombroso's theory of born criminals. In 1892 the *Daily News* reported that a boy had been found guilty of murder at the Paris Assizes after he mutilated and drowned an infant child. The newspaper exclaimed how, 'juries have seldom found themselves in the presence of a case of such precocious criminality', and asked its readers, 'whether this is one of the cases in which, as Professor Lombroso suggests, crime is the result of a fatal disposition.'<sup>563</sup>

The notion that criminals were predisposed to commit crimes because of evil ancestry influenced many studies of criminality and human nature in the late nineteenth century. Henry Maudsley, in his second edition of *The Physiology and Pathology of the Mind*, maintained that evidence of criminality and mental illness in previous generations could account for criminality and mental illness in the present. He explained how, 'the degeneration in the individual who becomes insane [or criminal]...may observably become the inherent defect or taint of the nervous element of his progeny, so that the acquired or, as it were, accidental irregularity of the parent determines a natural predisposition to irregular, perverse, and discordant acts in the offspring.'<sup>564</sup> A history of arrested development in families meant that children could be born with an inability to learn the difference between right and wrong.

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<sup>562</sup> C. Lombroso, *Criminal Man* (London: Duke University Press, 2006). Translated by M. Gibson and N. Hahn Rafter.

<sup>563</sup> 'A French Boy Murderer', *Daily News*, Friday 26 August 1892.

<sup>564</sup> H. Maudsley, *The Physiology and Pathology of the Mind* (London: Macmillan and Co, 1868), p. 330.

Maudsley referred to these children as moral imbeciles. Just as those diagnosed as imbecilic were unable to reason to the same extent as normal human beings moral imbeciles could not exercise moral sense. He described a, 'class of boys who cause great trouble and anxiety to their parents and to all who have to do with them. Afflicted with a positive moral imbecility, they are inherently vicious; they are instinctive liars and thieves, stealing and deceiving with a cunning and a skill which could never be acquired; they display no trace of affection for their parents, or feeling for others.'<sup>565</sup>

Newspapers frequently turned to family histories of children charged with wilful murder, searching for evidence of criminality and mental illness. In Birmingham in 1866 sixteen-year-old George Warwick was indicted for the murder of his father's apprentice. Warwick had shot the young man in the face after they had argued in the previous week. Initial press coverage presented the murder as horrific and cold-blooded, a premeditated attack at point blank range. Warwick was later found guilty of manslaughter, not murder. His lawyer, James FitzJames Stephen, argued that the gun had fired accidentally and there had been no malicious intent determining the actions of his client. However, before the outcome of the trial was known local newspapers sought to understand how a sixteen-year-old boy, the son of a respectable businessman, was able to commit such a brutal crime. The *Birmingham Gazette* reported that although the child's parents were respectable members of society the family's heritage was tainted. An article explained that, 'the first cousin of the prisoner had been confined five years in Winson Green Lunatic Asylum, and two first cousins on the father's side were also insane; one of them having been frequently confined at Stafford, but had formerly recovered, and was now living with the family. There had also been an aunt of Warwick's who had lived and died in a state of insanity. Besides these the lad's grandmother

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<sup>565</sup> Maudsley, *The Physiology and Pathology of the Mind*, p. 129.



had had a brother who had become insane.<sup>566</sup> The newspaper concluded, ‘it would appear that insanity was in the family both on the mother’s and father’s side, and the result of their marriage appeared to be the sad spectacle of the lad in the dock who was charged with this murder.’<sup>567</sup> Warwick shot a young man in the head because he was predisposed, through mental illness in his family, towards committing acts of criminality. He was just another family member affected by an hereditary taint.<sup>568</sup>

### Insanity

Throughout the nineteenth century medical professionals increasingly understood that children could suffer from various forms of insanity.<sup>569</sup> Case books for Colney Hatch Lunatic Asylum in Middlesex listed patients under the age of sixteen diagnosed with idiocy, imbecility, melancholia, and mania. Many had been admitted after exhibiting violent behaviour at home as a result of their affliction and parents turned to medical professionals in the hope that their children might be prevented from committing immoral, even criminal, acts.<sup>570</sup>

Criminality was associated with insanity in the nineteenth century. J. B. Thompson, resident surgeon at the General Prison for Scotland in Perth, remarked in 1870 that, ‘on the

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<sup>566</sup> ‘The Murder in St. Mark’s Street. Committal of the Prisoner’, *Birmingham Gazette*, Saturday 12 May 1866.

<sup>567</sup> *Ibid.*

<sup>568</sup> In 1857 French alienist Bénédict Augustin Morel maintained that future generations might suffer from a predisposition to criminality if their ancestors had been tainted by alcoholism, hysteria, and other forms of insanity. He claimed that the reverse process was also possible: that the children of criminal parents and grandparents were more likely to suffer from idiocy, imbecility, and cretinism than other children. Criminality did not have to exhibit itself in the family history of criminals as proof of an hereditary predisposition to crime. According to Morel family histories of mental illness were just as illuminating. For an in-depth discussion of Morel’s 1857 *Treatise*, and the impact his theory of *dégénérescence* had on nineteenth-century criminal anthropology, see D. Pick, *Faces of Degeneration: A European Disorder, 1848-1918* (Cambridge: Cambridge University Press, 1989), pp. 44-59.

<sup>569</sup> For more detailed discussion on nineteenth-century debates concerning the insanity met with in children see Chapter Three.

<sup>570</sup> A closer analysis of patients under sixteen years of age who were admitted to Colney Hatch Lunatic Asylum can be found in Chapter Three.

border-land of Lunacy lie the criminal populations. It is a debatable region; and no more vexed problem comes before the medical psychologist than this: where badness ends and madness begins.<sup>571</sup> In his third edition of *Criminal Man* (1884) Lombroso listed forms of mental illness that he believed led to the commission of crime. He wrote that an idiot, ‘is given to explosions of rage, assault, murder, rape, and arson for the mere pleasure of seeing flames’, and that a melancholic, ‘is driven by his overwhelming misery or by hallucinatory impulses to commit suicide. He often kills to provoke punishment and will even kill his own children to save them from a destiny like his.’<sup>572</sup> Medical professionals discussed cases of children who killed in their studies on the relationship between criminality and insanity. For example in 1885 M. G. Echeverria analysed a murder committed by a youth in Boston, Massachusetts, in an article printed in the *Journal of Mental Science*. In order to explain the correlation between epilepsy and uncontrollable violence he described how the boy, ‘under the influences of a fit, ran after his sweetheart into the street and took her life with a breadknife he carried home.’<sup>573</sup> The youth had been, ‘subject to nocturnal fits’, of epilepsy and Echeverria maintained that this mental affliction caused the boy to commit a felonious killing offence.<sup>574</sup>

The most common form of insanity put forward by medical professionals to explain murders committed by children was homicidal monomania.<sup>575</sup> Defined in an 1848 article

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<sup>571</sup> J. B. Thompson, *The Hereditary Nature of Crime* (London, 1870), p. 1.

<sup>572</sup> Lombroso, *Criminal Man*, pp. 275-276.

<sup>573</sup> M. G. Echeverria, ‘On Epileptic Violence’, *Journal of Mental Science*, Vol. 31 (1885), p. 26. Towards the close of the nineteenth century, epilepsy was considered within the medical profession to be a common cause of criminality. Dr John Baker, deputy medical superintendent at Broadmoor Criminal Lunatic Asylum, noted in 1901 that almost 10% of the male patients admitted to the institution between 1863 and 1900 committed crimes as a direct result of their suffering from epilepsy. The same was true for just under 5% of female patients. J. V. Shepherd, *Victorian Madmen: Broadmoor, Masculinity and the Experiences of the Criminally Insane, 1863-1900* (Unpublished Doctoral Thesis: Queen Mary University of London, 2013), p. 171.

<sup>574</sup> Echeverria, ‘On Epileptic Violence’, p. 26.

<sup>575</sup> I have discussed this in more detail in Chapter Three.

published in the *Journal of Psychological Medicine and Mental Pathology* as a, ‘peculiar condition of a man in which, without derangement of the intellect, he is hurried away by an irresistible inclination, driven, *impelled* by a blind instinct that cannot be accounted for’, homicidal monomaniacs were either born with, or developed, a predisposition to kill.<sup>576</sup> Henry Maudsley attributed a murder committed by an eighteen-year-old boy in 1863 to homicidal monomania. He explained that the boy, ‘said that he had felt “an impulse to kill someone”’, and traced evidence of an hereditary form of homicidal monomania in the youthful murderer’s family.<sup>577</sup> He wrote that, ‘his mother had been twice in a lunatic asylum, having been desponding, and having attempted suicide; his brother was of weak intellect’, and that, ‘the person to whom he was apprenticed and others gave evidence that he was always strange and not like other boys.’<sup>578</sup>

French alienist Jean-Étienne Dominique Esquirol also believed that children could suffer from homicidal monomania and explained that those who had not been born with an hereditary taint towards insanity could develop a mania to commit murder from accidents at birth or in early childhood. In 1838 he described how, ‘mucous, bilious, and depraved masses in the stomach’, as well as, ‘worms in the intestinal canal’, were common causes of insanity in children.<sup>579</sup> The most frequently cited reason for the development of homicidal monomania in childhood, however, were falls on the head. Esquirol explained how, ‘a child of three years of age, falls upon his head. He complains from that time of headaches. At puberty, the pain in

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<sup>576</sup> Anon, ‘Homicidal Insanity’, *Journal of Psychological Medicine and Mental Pathology*, Vol. 1 (1848), p. 330.

<sup>577</sup> H. Maudsley, *Responsibility in Mental Disease* (New York: D. Appleton and Company, 1876), p. 157.

<sup>578</sup> *Ibid.*

<sup>579</sup> E. Esquirol, *Mental Maladies; A Treatise on Insanity* (Philadelphia: Lea and Blanchard, 1845), p. 53. *Mental Maladies* was first published in France in 1838. It was later translated into English by E. K. Hunt in 1845 and widely published throughout Europe and America.

the head increases, and mania manifests itself.’<sup>580</sup> Expert medical witnesses who testified at the murder trial of thirteen-year-old Robert Coombes in 1895 provided evidence of headaches in the boy’s past to suggest that Robert was insane at the time he killed his mother. They explained that the boy had experienced a fall on his head when he was three, that he had suffered from debilitating headaches since then, and that these were complicated by enduring cerebral damage caused by the use of forceps during his birth.<sup>581</sup> Medical professionals and criminologists were aware that criminality could be caused by various forms of insanity and they argued that murders committed by children were evidence of this.

An article printed in the *Daily News* stated that, ‘Robert, the murderer, is certainly insane. It is a matter of an accident of birth complicated by heredity.’<sup>582</sup> Newspapers adopted the opinions of medical professionals that criminality and insanity were related. Press coverage surrounding the murder trial of Robert Coombes printed the testimonies provided by expert medical witnesses in considerable detail. In doing so they offered their readers evidence to support the belief that the boy murderer suffered from homicidal monomania and, therefore, an explanation for his crime. Over one third of an article covering the trial of Robert Coombes printed in *The Times* focused on the expert testimony of Dr Walker, medical officer of Newgate and Holloway Prison. He explained how, ‘the brain was always compressed when instruments [forceps] were used, more or less, and it would occasionally affect the brain of a lad’, and maintained that the fact the marks from the forceps remained on Robert’s temple proved, ‘there must have been considerable pressure on the brain.’<sup>583</sup> The expert testimony printed in *The Times* then provided evidence to suggest that Robert

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<sup>580</sup> Esquirol, *Mental Maladies*, p. 51.

<sup>581</sup> ‘Robert Allen Coombes’, *OBP*, 9 September 1895.

<sup>582</sup> ‘The Plaistow Murder’, *Daily News*, Wednesday 18 September 1895.

<sup>583</sup> ‘Central Criminal Court’, *The Times*, Wednesday 18 September 1895.

murdered his mother because he suffered from a form of homicidal monomania where he heard voices encouraging him to commit the crime:

The pupils of his eyes were at times unequal, and from that witness had come to the conclusion that the fact of the variability of the pupils showed that the mischief was not in the eye itself but was probably due to cerebral irritation. Witness was instructed by the Treasury to examine him, and he asked him whether he heard voices. He replied that on several occasions at night he had heard voices saying, "Kill her, kill her, and run away." Witness questioned him closely as to those voices, and how they seemed to speak to him, and he said they seemed to whisper in his ear. He said that he had an irresistible impulse to kill her.<sup>584</sup>

Readers of this article were provided with a reason for why a thirteen-year-old boy was capable of stabbing his mother to death as she slept. The newspaper offered them the opinions of medical experts and presented evidence to show that Robert committed murder because he was mentally unsound.

However, it was only in the last decades of the nineteenth century that forms of homicidal monomania and moral insanity were accepted as mitigating factors in murder trials involving children.<sup>585</sup> Before then legal professionals questioned the extent to which an irresistible impulse to kill without a defect of reason affected criminal responsibility. Even so, newspapers argued that children capable of committing murder must be insane. Without the testimonies of medical experts to rely upon, newspapers provided their readers with evidence of insanity based on their own observations, usually of the behaviour exhibited by these

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<sup>584</sup> 'Central Criminal Court', *The Times*, Wednesday 18 September 1895.

<sup>585</sup> Again, for more detail on the success of the insanity plea in nineteenth-century criminal trials see Chapter Three.

children as they stood in the dock. For instance in 1872 the *Oxford Journal* explained how a fourteen-year-old boy named Elias Hunt was able to beat and drown a younger boy who was a confirmed idiot. The newspaper described the strange behaviour exhibited by Hunt in court: ‘the boy is a rather strange-looking lad, and his behaviour in the dock indicated rather a singular precocity or aberration of intellect. He was constantly fidgeting and looking about the court, smiling and occasionally laughing.’<sup>586</sup> This was not the behaviour expected of a defendant on trial for wilful murder. The *Oxford Journal* thought this suggested some form of insanity on the part of the prisoner and relayed this observation to their readers.

Newspapers frequently attempted to predict the outcome of murder trials involving children, often pre-empting evidence of insanity and suggesting a verdict of guilty but insane. In 1892 an article in *The Times* concluded that sixteen-year-old John Wise must have been suffering from some form of mental illness to have deliberately thrown his friend over the side of a cliff. The evidence it used to suggest this was a family history of mental health problems and strange behaviour exhibited by Wise both before and after the murder. *The Times* explained to its readers that, ‘his father and other ancestors had died in lunatic asylums, and that the prisoner himself had been most eccentric ever since he was eight years old...and he had tried to commit suicide by swallowing oxalic acid.’<sup>587</sup> An article printed in the *Western Gazette* also thought Wise suffered from some form of insanity. It observed that, ‘at the time the prisoner made his confession he looked strange, there being a strange look in his eyes.’<sup>588</sup> John Wise was found to be ‘guilty but insane’ at the Dorset Assizes and served an indefinite sentence at Broadmoor Criminal Lunatic Asylum. In their attempts to diagnose

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<sup>586</sup> ‘Murder By a Boy’, *Oxford Journal*, Saturday 24 August 1872.

<sup>587</sup> ‘The Portland Murder’, *The Times*, Tuesday 8 March 1892.

<sup>588</sup> ‘The Murder of a Ship Lad at Portland. Magisterial Investigation, Written Statement of the Prisoner’, *Western Gazette*, Friday 18 December 1891.

insanity in youthful murderers who had yet to stand trial newspapers provided their readers with reasons to explain how children were capable of committing murder.

### **Finding Excuses**

The preoccupation with finding explanations for murders committed by children in the nineteenth-century press did not just reflect a desire of newspapermen to provide their readers with ways to understand horrific crimes. In attributing a number of causes ranging from poor parenting to pernicious literature, from criminal ancestry to mental aberration, newspapers offered the reading public with excuses to palliate the horror of murders committed by children. Shani D’Cruze, Sandra Walklate and Samantha Pegg have argued, in their historical study of murder, that newspapers played an important role in the public perception of crime and other forms of deviant behaviour. They maintain that when deviant children became the focus of media attention in the nineteenth century attempts were made to excuse or to justify their crimes. In doing so the press reduced the moral responsibility of criminal children, retaining the sense of innocence that characterised childhood in the popular imagination.<sup>589</sup>

A similar process to that observed by D’Cruze can be seen in newspaper coverage surrounding trials of children indicted with wilful murder in nineteenth-century England and Wales. Newspapers blamed poor parenting and an unstable home environment when eight-year-old Robert Shearon and nine-year-old Samuel Crawford were charged with murder in 1891. The two boys were not aberrations of childhood, monsters who at such a young age were inspired to kill a young child; rather they were the victims of circumstances beyond their control. According to the *Pall Mall Gazette*, ‘these boys had lived in houses infested with women of ill-fame and thieves, and amid scenes of vice, and they had been brought up,

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<sup>589</sup> S. D’ Cruze, S. Walklate, and S. Pegg, *Murder: Social and Historical Approaches to Understanding Murder and Murderers* (Oxford: Routledge, 2011), p. 97.

no doubt, as their counsel urged, without any knowledge of moral principles, of religion, or any of the teachings which are given to boys in other spheres of life.’<sup>590</sup> The newspaper reduced the moral accountability of the two children, highlighting the childlike nature of the youthful murderers, excusing them the full responsibility for their crime. It maintained that, ‘steeped in vice and misery, they developed into criminals. Society failed to rescue them from their environment, and what they were in their social conditions made them what they are.’<sup>591</sup>

Insanity was also a popular excuse. If there was no evidence to suggest that a child had been fashioned to commit murder by factors beyond their control it came as a relief that the child suffered from some form of mental illness. This sentiment was expressed in the press. In 1895 the *York Herald* wrote, ‘we are pleased to be able to believe that Robert Coombes was insane with lucid intervals. It reduces his act from a horrible, unnatural murder done of malice prepense, to a deed horrible indeed, but in another and milder sense, and for quite different reasons.’<sup>592</sup> The *Manchester Times* also expressed its relief in 1891 when John Wise was found to be guilty but insane, remarking that, ‘a boy murderer is such an awful creature that one is glad to be able to attribute the Weymouth tragedy to mental aberration.’<sup>593</sup>

A wide range of factors were provided in the nineteenth-century press to explain why and how children were capable of committing murder. Printing the confessions of children charged with felonious killing offences offered those reading a newspaper with an immediate reason for a crime, whether it was committed for revenge, out of anger, or in the process of a robbery. However in order to provide their readers with ways to understand how children were able to commit the most serious criminal offence, wilful murder, newspapers turned to

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<sup>590</sup> ‘What Shall We Do With Them?’, *Pall Mall Gazette*, Thursday 10 December 1891.

<sup>591</sup> *Ibid.*

<sup>592</sup> ‘London Press Opinions. The Plaistow Murder. The Question of Lunacy and Crime’, *York Herald*, Thursday 19 September 1895.

<sup>593</sup> ‘The Boy Wise’, *Manchester Times*, Friday 20 November 1891.



recognised social and biological causes of crime. It was widely noted in the nineteenth century that children who killed often came from unstable and poverty-stricken backgrounds. Their parents failed to provide them with adequate moral training and, instead, acted only as role models of immorality and vice. Boys from poor backgrounds who grew up in tough urban environments were vulnerable to the corrupting influences of their neighbours and the numerous forms of popular culture deemed seditious by middle-class social reformers. As a result the innocence idealised in children was fashioned out of them and they grew up to commit murder. With the development of scientific research on human and criminal nature during the late nineteenth century badness in children was increasingly explained in biological terms. Children committed crimes because it was in their blood to commit crime; they were born to be bad. Newspapers turned to the theories of medical professionals and criminologists to explain how children were able to commit murder tracing criminality and insanity in the family histories of youthful murderers and diagnosing insanity before a verdict of 'guilty but insane' had been found in court. There was no one cause identified in the nineteenth century to understand how children were capable of committing wilful murder. Newspapers often applied two or three theories in their attempts to explain such crimes. In doing so they provided their readers with a coping strategy, palliating crimes of murder committed by children by presenting these children to be victims of circumstances beyond their control.

## Chapter Six

### Finding a Place for Children Who Killed

“He’ll murder me!” blubbered Noah. “Charlotte! Missis! Here’s the new boy a-murdering of me! Help! Help!”<sup>594</sup> In the opening chapters of Charles Dickens’ popular serialisation, *Oliver Twist; or, The Parish Boy’s Progress* (1837-1839), a young workhouse child is accused of attempting to murder three members of a respectable family. Noah Claypole, apprentice to undertaker Mr Sowerberry, reports to a beadle that Oliver Twist, “tried to murder me, sir, and then he tried to murder Charlotte; and then the Missis! Oh! What a dreadful pain it is! Such agony!”<sup>595</sup> This scene, however, was not presented by Dickens in a sombre or a sensational tone. Rather he scoffed at the idea that a child could be capable of committing such a serious offence. Claypole’s exaggeration of the attack made against him by an infuriated boy seems ridiculous. Dickens characterised the apprentice as a fool whilst Oliver is presented to be the victim of the young man’s lies. According to Dickens children were, ‘idols of heart and of household. They are angels of God in disguise.’<sup>596</sup> He did not entertain the belief, in *Oliver Twist*, that a mere child might be capable of wilfully taking the life of another human being. When a murder is committed in the popular serialisation it is committed by an adult man: by Bill Sikes, a proficient burglar who had progressed through a career in crime and matured to become a murderer.

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<sup>594</sup> C. Dickens, *Oliver Twist; or, A Parish Boy’s Progress* (Hertfordshire: Wordsworth Classics, 1992), p. 38.

<sup>595</sup> *Ibid.*, p. 41.

<sup>596</sup> C. Dickens, ‘The Innocent Child’, cited in G. Avery, *Nineteenth-Century Children: Heroes and Heroines in English Children’s Stories, 1780-1900* (London: Hodder and Stoughton, 1965), p. 170.

When children were found guilty of committing felonious killing offences in the nineteenth century such preconceived notions about childhood and criminality were placed under threat. In 1861 an article in *The Times* explained that:

Even crime has its regular habits and respectabilities, so to speak, its laws and etiquette, its proper times and sessions, which it must keep to on peril of being deprived of its official and statistical reputation. There is a proper and expected age for different kinds of misbehaviour; lying has its age, unhappily often a very early one; theft begins later, and brutality later still. There is so far a principle of respectability even in the brutal propensities of our nature as that they keep to certain eras and stages of life, and have their regular ways and habits of growth and development, their rules, customs, ordinances, and traditions.<sup>597</sup>

Discussing the murder trial of two eight-year-old boys, the newspaper wrote that criminal precocity, ‘alarms us. We do not like those irregularities; they disturb us.’<sup>598</sup> The newspaper attempted to maintain the illusion of order and regularity in crime by finding a reason to explain how two children were capable of committing wilful murder, hoping that, ‘keeping to the order of things’, will, ‘provide some explanation and account’, of the crime.<sup>599</sup>

In this final chapter I consider how nineteenth-century newspapers offered their readers ways to understand the existence of children who killed by providing these children with a recognisable place in society and in the popular imagination. The role of newspapers in the process of understanding deviant behaviour has long been recognised by scholars.

Stanley Cohen, in *Folk Devils and Moral Panics*, argued that newspapers constructed a new

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<sup>597</sup> ‘Untitled’, *The Times*, Monday 12 August 1861.

<sup>598</sup> Ibid.

<sup>599</sup> ‘Untitled’, *The Times*, Monday 12 August 1861.

type of deviant child in response to the violent clashes between the Mods and Rockers in 1960s Brighton.<sup>600</sup> Youths involved in the fights were labelled as classless urbanites who travelled to the coast with the intention of causing trouble.<sup>601</sup> Newspapers categorised these rule-breakers as belonging to a certain type of deviant group so that members of society were able to make sense of the threatening behaviour. Similar strategies were employed in the nineteenth-century press when children were convicted of felonious killing offences. I will first discuss how newspapers constructed children who killed as deviant others; as a phenomenon that did not belong in a modern, civilised world. This was achieved in a number of ways including distancing the reality of children who killed by presenting them as a foreign type of criminal child, by categorising them as members of a criminal class separate from the rest of society, and representing children convicted of wilful murder as monstrous and inhuman. I will then turn to the attempts made by newspapers to find a place for children who killed in Victorian society. Rather than simply expelling children convicted of manslaughter and murder as monstrous aberrations of childhood, newspapers often turned to narratives of childhood and crime that already existed in social discourse, forming a place for children who killed within the popular imagination. Their readers were therefore provided with a recognisable language and imagery to draw upon in order to understand the existence of children convicted of felonious killing offences.

### **Othering Children Who Killed**

The process of actively othering those who were considered deviants from society was practiced long before the dawn of the newspaper age. Illuminations in medieval manuscripts depicted deviant characters with distorted facial and physical features, dressed in

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<sup>600</sup> S. Cohen, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers* (New York: St. Martin's Press, 1980), p. 16.

<sup>601</sup> *Ibid*, pp. 34-37.

garish clothing and positioned outside of city walls.<sup>602</sup> The ritual othering of deviants was a common feature found in literature and other forms of popular culture in the nineteenth century. Villainous characters were often easily distinguishable, portrayed with monstrous and distorted features. In his 1896 novel, *A Child of the Jago: A Novel Set in the London Slums in the 1890s*, Arthur Morrison depicted his hero's rival with a humped back noting that, 'the hump physical only too often denotes the hump moral.'<sup>603</sup> Criminologists Leon Radzinowicz and Roger Hood have argued that othering those considered to be social deviants provided an, 'inarticulate, subconscious, and yet very real, sense of relief', to members of nineteenth-century society.<sup>604</sup> They suggest that there was an instinctive response on the part of those who were not criminals or deviants to look upon those who were as being different. Individuals were, therefore, able to confirm their own sense of identity and their legitimate place within society whilst offering reasons to explain the existence of deviant forms of behaviour.

In the nineteenth century the concept of wilful murder offended Victorian sensibilities. Not only was it the most serious criminal offence punishable by law but it disturbed one of the principal elements involved in the construction of a collective national identity: that the reign of Queen Victoria epitomised civilised modernity.<sup>605</sup> Samuel Phillips

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<sup>602</sup> Deborah Strickland has argued that the body of the imagined Other was used in medieval art to signify deviance and sin. Saracens and Jews, for instance, were often depicted with large hooked noses, bulbous eyes, and grimacing expressions. Their distorted facial features signifying a monstrous nature and presenting them as enemies of Christendom. D. H. Strickland, *Saracens, Demons and Jews: Making Monsters in Medieval Art* (Princeton: Princeton University Press, 2003), p. 96.

<sup>603</sup> A. Morrison cited in T. Holmes, 'The Making of the Hooligan', *The Contemporary Review* (1901), p. 563.

<sup>604</sup> L. Radzinowicz and R. Hood, *A History of English Criminal Law and Its Administration From 1750: The Emergence of Penal Policy* (London: Stevens & Sons, 1986), p. 3.

<sup>605</sup> In the 1960s many studies were produced investigating Victorian ideas, and ideals, of progress. With the rise of science and rational thought, the invention of agricultural and industrial machines, the establishment of a national printing press, the ever-expanding Empire, and the abolition of slavery and public executions, many Victorians considered themselves to belong to a truly modern, civilised world marching towards progress. Some key works on the Victorian sense of self in relation to the world in which they lived include: J. H. Buckley, *The Triumph of Time: A Study of the Victorian Concepts of Time, Progress, and Decadence* (Harvard: Belknap

Day noted in his 1858 study of juvenile crime that, ‘modern civilisation is outraged’, by acts of wilful murder, ‘and the public mind appalled.’<sup>606</sup> Barbaric crimes did not belong in a civilised society. They were animalistic and beastly in nature. Newspapers reporting cases of children convicted of felonious killing offences often diverted the attention of readers away from the crime in question towards more serious instances of murders committed by children outside of the British Empire. In March 1876, as we have seen above, an eleven-year-old boy named William Gilbert Harrod was indicted on multiple counts of murder having drowned two young boys a few months apart in a small town near Boston in Lincolnshire. Many newspapers covered the crime. The *Birmingham Daily Post*, however, directed the attention of its readers away from the murders in Lincolnshire towards similar occurrences that had taken place in America and France.<sup>607</sup> It informed readers that, ‘boy murderers are not confined to America. In the Loire Inférieure a youth named Jolly has just been convicted of the murder of a labourer named Cueff.’<sup>608</sup> In 1874, two years before Harrod was found guilty of murder, a particularly sensational and internationally reported murder was committed by a child in Boston, Massachusetts. A fourteen-year-old boy named Jesse Pomeroy was found

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Press, 1967); W. E. Houghton, *The Victorian Frame of Mind, 1830-1870* (New Haven: Yale University Press, 1957); S. Pollard, *The Idea of Progress: History and Society* (London: C. A. Watts and Co, 1968). More recent studies on Victorian concepts of modernity include: J. De Sapio, *Modernity and Meaning in Victorian London* (Hampshire: Palgrave Macmillan, 2014); P. H. Hansen, ‘Modern Mountains: The Performative Consciousness of Modernity in Britain, 1870-1940’, in M. Daunton and B. Rieger, *Meanings of Modernity: Britain From the Late-Victorian Era to World War II* (Oxford: Berg, 2001), pp. 185-202; P. Mandler, ‘The Consciousness of Modernity? Liberalism and the English “National Character”, 1870-1914’, in M. Daunton and B. Rieger, *Meanings of Modernity: Britain From the Late-Victorian Era to World War II* (Oxford: Berg, 2001), pp. 119-144; M. Thompson, ‘Psychology and the “Consciousness of Modernity”’, in M. Daunton and B. Rieger, *Meanings of Modernity: Britain From the Late-Victorian Era to World War II* (Oxford: Berg, 2001), pp. 97-115; S. A. Webb, ‘The Comfort of Strangers: Social Work, Modernity and Late Victorian England’, *European Journal of Social Work*, Vol. 10, No. 1 (2007), pp. 39-54.

<sup>606</sup> S. Phillips Day, *Juvenile Crime: Its Causes, Character, and Cure* (London: J. F. Hope, 1858), p. 311.

<sup>607</sup> Interestingly there seems to be a particular focus in the British press on France as a place that bred boy murderers. In 1886 the *Birmingham Daily Post* noted that, ‘when a gang of loathsome convicts departed for the coast to embark at Saint Martin de Ré, there were found amongst them no fewer than eighteen boy murderers, whose ages varied from fourteen to twenty’, and explained, ‘there goes the fruit of the horrible literature of the Boulevards.’ ‘London Gossip’, *Birmingham Daily Post*, Friday 5 November 1886.

<sup>608</sup> ‘Gleanings’, *Birmingham Daily Post*, Friday 10 March 1876.

guilty of stabbing to death and mutilating the bodies of several children over the course of three years. Rather than discussing the murder committed by a child in Boston, Lincolnshire, the Birmingham newspaper reminded its readers of the American case and redirected the attention of its readers towards similar cases that had occurred abroad. In doing so the newspaper presented the phenomenon of ‘boy murderers’ as foreign. The case in Lincolnshire was described as an unfortunate parallel of an otherwise distant reality.

Newspapers also appeared keen to emphasise the foreign heritage of children convicted of felonious killing offences, especially if the child came from an Irish background. For instance in 1891 the *Portsmouth Evening News* suggested that there was a direct correlation between a murder committed by two boys, aged eight and nine, and their Irish parentage. The newspaper reported that the younger child was the illegitimate son of Mary O’Brien who lived in absolute poverty.<sup>609</sup> She had failed to bring up her child in a moral environment and therefore contributed to his criminality. A more obvious link made between Irish heritage and murders committed by children was made in 1888 when a group of youths were tried at the Central Criminal Court in London for murdering a young man they believed belonged in a rival gang. An article printed in the *Graphic* explained that, ‘these street factions may be partly due to the Celtic element which had been so largely infused into the population of our great towns of late years. The Irish have strong tribal instincts, and are also very pugnacious.’<sup>610</sup> It concluded that, ‘at all events, three out of five of the prisoners charged at Marylebone on Monday with this species of rioting have unmistakeable Hibernian names.’<sup>611</sup> Historian Roger Swift has argued that Irishness became synonymous with

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<sup>609</sup> ‘Boy Murderers’, *Portsmouth Evening News*, Thursday 24 September 1891.

<sup>610</sup> ‘Street Faction-Fighters’, *Graphic*, Saturday 11 August 1888.

<sup>611</sup> *Ibid.*

criminality in the Victorian popular imagination.<sup>612</sup> There was an influx of Irish immigration into England after the potato famine in the 1840s and 1850s, most families settling in the poorer districts of cities in search of work. Irish settlers could only afford to live in city districts that had become associated with crime and deprivation and as a result they were often blamed for high urban crime rates. The nineteenth-century writer and historian Thomas Carlyle described the Irish as quintessentially different from native members of British society. He wrote that, 'in his squalor and unreason, in his falsity and drunken violence', the Irishman constituted, 'the ready-made nucleus of degradation and disorder.'<sup>613</sup> Newspapers drew on this image of the Irishman when they directed the attention of their readers to the Irish heritage of children convicted of felonious killing offences. These children were part of a race of criminals that belonged outside the boundaries of normal, civilised society.

Literary theorist Edward Said has suggested that the formation of an 'other' group reflects the desires of multiple cultures to co-exist with, 'another different and competing alter ego.'<sup>614</sup> In establishing certain characteristics in the 'other' group as starkly different from those recognised as normal in a society, members of that society are able to confirm their own identity. There develops a scenario of 'us' and 'them'. This process of othering was used to understand criminal behaviour in the nineteenth century with the formation of a distinct criminal class. Those belonging in this imagined group of deviants were professional criminals. They began their criminal careers in childhood, committing petty offences and picking pockets, eventually ascending the criminal ladder until they become prolific housebreakers, and even murderers, in adulthood. Members of the criminal class were

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<sup>612</sup> R. Swift, 'Heroes or Villains? The Irish, Crime, and Disorder in Victorian England', *Albion: A Quarterly Journal Concerned with British Studies*, Vol. 29, No. 3 (1997), p. 399.

<sup>613</sup> T. Carlyle cited in Swift, 'Heroes or Villains? The Irish, Crime, and Disorder in Victorian England', p. 399.

<sup>614</sup> E. Said cited in D. Taylor, 'Beyond the Bounds of Respectable Society: The "Dangerous Classes" in Victorian and Edwardian England', in J. Rowbotham and K. Stevenson, *Criminal Conversations: Victorian Crimes, Social Panic, and Moral Outrage* (Columbus: Ohio State University Press, 2005), p. 4.



thought to share similar physical characteristics. Nineteenth-century historian William Hepworth Dixon described the population of Millbank Prison in 1850: ‘there is a certain monotony and family likeness in the criminal countenance which is at once repulsive and interesting. No person can be long in the habit of seeing masses of criminals together without being struck with the sameness of their appearance.’<sup>615</sup> As the science of criminology gained popularity in the late nineteenth century criminal anthropologists increasingly believed that crimes were committed by certain types of man. Italian criminologist Cesare Lombroso argued in 1870 that those belonging in a criminal race exhibited distinct facial features betraying them as different from other members of society. He wrote that, ‘there is always something strange about their appearance.’<sup>616</sup>

Crime historian Clive Emsley has noted that the construction of a criminal class in the nineteenth century, labelling those who committed crimes as essentially different from other members of society, gave individuals a sense of superiority over criminals and, therefore, alleviated some of the uncertainty and fear about crime.<sup>617</sup> To what extent, then, was this method of othering utilised by newspapers attempting to provide their readers with coping strategies in order to deal with the news that a child had committed murder? Were children who killed separated as deviant types from the rest of society? Were they placed in the imagined criminal class?

Very few newspapers directly argued that children who killed should be included as members of the criminal class. Children belonging in this imagined deviant group were pickpockets, not murderers. However newspapers did employ language associated with the existence of a criminal class in their attempts to understand murders committed by children.

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<sup>615</sup> W. Hepworth Dixon cited in H. Ellis, *The Criminal* (London: Walter Scott, 1901), p. 87.

<sup>616</sup> C. Lombroso, *Criminal Man* (London: Duke University Press, 2006), p. 51.

<sup>617</sup> C. Emsley, *Crime and Society in England, 1750-1900* (Essex: Longman Group UK, 1987), p. 175.

In utilising imagery surrounding criminality that already existed in the popular imagination newspapers subtly placed children who killed as examples of the criminal ‘other’. Presuppositions were frequently used to understand deviancy in the nineteenth-century press.<sup>618</sup> Newspapers were able to avoid making potentially distasteful or libellous statements by drawing on the pre-conceived assumptions of their readers. For example, rather than reporting that a man was drunk newspapers might write that he, ‘staggered red-nosed out of the pub.’<sup>619</sup> The reader presupposes that the man must be drunk, associating staggering movements and flushed skin pigmentation as signs of inebriation, but it is equally possible that he was cold and had just stubbed his toe.<sup>620</sup> In 1888 the *Aberdeen Weekly Journal* described sixteen-year-old George Galletly, who had been found guilty of stabbing a man to death in London’s Regent’s Park, as a member of the, ‘lowest type of humanity.’<sup>621</sup> It then placed the boy firmly within the traditional haunts of the criminal class and labelled him as one of, ‘the denizens of Seven Dials.’<sup>622</sup> Though the newspaper did not directly argue that Galletly belonged as a member of a distinct class of criminals it used language commonly associated with criminality and criminal otherness to suggest that the boy did not belong in a modern, civilised society.

Newspapers often paid special attention to unusual facial and physical characteristics of children on trial for wilful murder. In 1831 *The Times* described the appearance of a fourteen-year-old convicted murderer: ‘he is remarkably short in stature, but thick set and strong built...his features are not good, although not expressive of any degree of ferocity or

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<sup>618</sup> M. Leps, *Apprehending the Criminal: The Production of Deviance in Nineteenth-Century Discourse* (Durham: Duke University Press, 1992), p. 12.

<sup>619</sup> T. Eagleton, *Literary Theory: An Introduction* (Oxford: Blackwell Publishing, 2008), p. 73.

<sup>620</sup> Ibid.

<sup>621</sup> ‘Latest London News’, *Aberdeen Weekly Journal*, Wednesday 15 August 1888.

<sup>622</sup> Ibid.

depravity, there is about the eyes, which are deeply sunk in the head, a strong expression of cunning.’<sup>623</sup> The article did not make any direct correlation between the boy’s physiognomy and his crime. It was assumed that their readers would draw upon stereotypical imagery concerning the peculiar physical features of those belonging in the criminal class, therefore recognising the implied correlation between the child’s bad features and his commission of wilful murder. Phrenology and physiognomy were widely practiced throughout the nineteenth century. Their devotees believed that cranial examinations and in-depth studies of the face could determine the personality and characteristics of an individual. Criminal anthropologists drew on these theories and ascribed certain types of cranium and facial features to particular crimes. For instance Lombroso described murderers as having, ‘a cold, glassy stare and the eyes are sometimes bloodshot and filmy.’<sup>624</sup> He maintained that in murderers, ‘the nose is often hawklike and always large; the jaw strong, the cheekbones broad; and the hair is dark, abundant, and crisply textured.’<sup>625</sup> Woodcut illustrations of children convicted of felonious killing offences printed in the nineteenth-century press often exaggerated the facial features closely associated with murderers and the criminal class. In 1888 the *Penny Illustrated Paper and Times* printed a profile image of George Galletly, the sixteen-year-old Regent’s Park Murderer (Figure Fifteen).<sup>626</sup> When viewed in comparison with Lombroso’s description of the facial characteristics exhibited in a typical murderer the similarities are striking. The boy illustrated has cold, sunken eyes, a sharp nose, high cheekbones, and even thick dark hair. Though the article accompanying the woodcut image

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<sup>623</sup> ‘Summer Assizes. Maidstone, Friday, July 29’, *The Times*, Saturday 30 July 1831.

<sup>624</sup> Lombroso, *Criminal Man*, p. 51.

<sup>625</sup> *Ibid.*

<sup>626</sup> ‘Life in the Courts. The Regent’s Park Murder’, *Penny Illustrated Paper and Times*, Saturday 11 August 1888.

### Figure Fifteen

A Likeness of George Galletly Printed in the *Penny Illustrated Paper and Times*



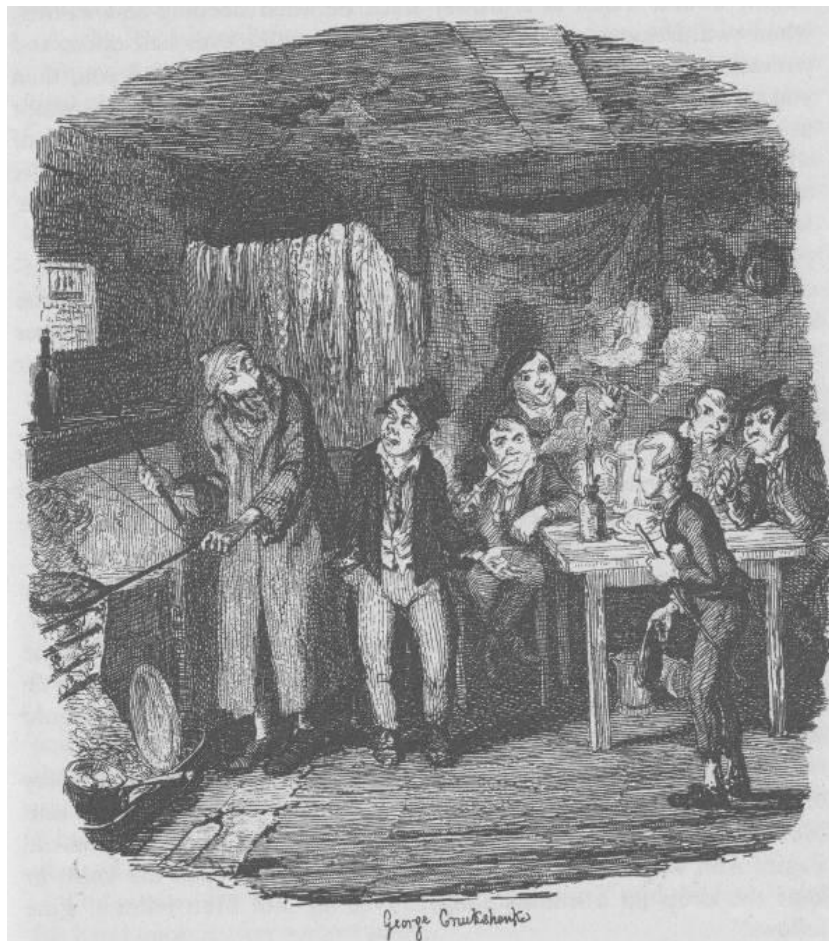
did not directly say that Galletly belonged in a criminal class, the assumption would have been clear for readers who were aware of the stereotypical image of the criminal ‘other’.

Children of the criminal classes were not only othered from society in general but from the very concept of childhood. They were presented as the antithesis of the idealised Victorian child. Far from the pure and innocent beings cherished in the Romantic imagination these children were portrayed as hardened by experience and almost adult-like in their appearance. The character of the Artful Dodger in Dickens’ *Oliver Twist* epitomised the type of child associated with the criminal classes. He was presented in stark contrast to Oliver as an experienced professional in crime who dressed in adult’s clothing and whose youthful features had already withered away. In the scene when Oliver first meets the juvenile delinquent Dickens explained how Dodger was, ‘about his [Oliver’s] own age’, but, ‘one of the queerest-looking boys that Oliver had ever seen...he was a snub-nosed, flat-browed, common-faced boy enough; and as dirty a juvenile as one would wish to see; but he had

about him all the airs and manners of a man.<sup>627</sup> An illustration by George Cruikshank called ‘Oliver Introduced to the Respectable Old Gentleman’, which was printed in the original serialisation of *Oliver Twist*, depicts the pickpocket boys of Fagin’s gang wearing adult clothing, displaying ugly, distorted and un-childlike physiognomies, and participating in the adult past-times of smoking pipes and drinking liquor (Figure Sixteen).<sup>628</sup> Oliver appears small and slight in contrast, his fair features out of place in the Spitalfields den.

### Figure Sixteen

‘Oliver Introduced to the Respectable Old Gentleman’ by George Cruikshank (1837)



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<sup>627</sup> Dickens, *Oliver Twist*, p. 48.

<sup>628</sup> *Ibid*, p. 53.

Nineteenth-century newspapers often depicted very young children who had been convicted of felonious killing offences as haggard and un-childlike in their appearance. In 1903, for instance, the *Edinburgh Evening News* printed an illustration of the Stockton Boy Murderer (Figure Seventeen).<sup>629</sup> Patrick Knowles, an eight-year-old boy, had been found guilty of murdering a baby by burying it alive and attempting to murder another in the same manner. The image depicts the child sitting on a stool during his trial. He appears very small, a child in stature, and yet his gaunt expression and wizened face look as though they should belong to an old man. This illustration made it clear that the Stockton Boy Murderer was no normal child. He was not depicted with the large eyes and rosebud lips traditionally associated with childhood in the Victorian imagination.<sup>630</sup> A passage written by Dickens in

### Figure Seventeen

#### Woodcut of Patrick Knowles Printed in the *Edinburgh Evening News*



<sup>629</sup> 'A Boy Murderer', *Edinburgh Evening News*, Wednesday 17 June 1903.

<sup>630</sup> C. Nelson, 'Growing Up: Childhood', in H. F. Tucker, *A Companion to Victorian Literature & Culture* (Oxford: Blackwell Publishing, 1999), p. 80.

*The Haunted Man and the Ghost's Bargain* (1848) describes a child whose appearance mirrors that of Patrick Knowles printed in the press: 'a child who had never been a child, a creature who might live to take the outward form of a man, but who, within, would live and perish a mere beast.'<sup>631</sup> Dickens referred to this sort of child as, 'a baby savage, a young monster.'<sup>632</sup>

Murderers were frequently depicted as monstrous in nineteenth-century literature. They were presented as inhuman and as dangerous aberrations of normality. One of the most notorious fictional murderers in the nineteenth century was that imagined by author Thomas Pecket Prest in his 1846-1847 serialisation *The String of Pearls: A Romance*. The central character, Sweeney Todd, practised as a professional killer under the cover of his barber shop, polishing off many of his unfortunate customers. His appearance, as described by Prest, was monstrous. The murderer was a, 'long, low-jointed, ill-put together sort of fellow, with an immense mouth, and such huge hands and feet, that he was, in his way, quite a natural curiosity.'<sup>633</sup> An illustration printed in an 1880 edition of the story portrayed Todd as beast-like (Figure Eighteen).<sup>634</sup> His open mouth, wild bulging eyes, and claw-like hands resemble more the features of the growling dog than the youthful apprentice standing behind him. Similar imagery was used in the representation of children who killed in the nineteenth-century press. In 1895 an illustration headlined 'Boys Murder Their Mother' was printed in the *Illustrated Police News* detailing the murder committed by thirteen-year-old Robert Allen Coombes (Figure Nineteen). The appearance of the boy is monstrous as he stabs his mother to death. He shares the fierce bulging eyes and hunched animal-like movements attributed to

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<sup>631</sup> C. Dickens, *The Haunted Man and the Ghost's Bargain* (London: Chapman and Hall, 1848), p. 43.

<sup>632</sup> Ibid.

<sup>633</sup> T. P. Prest, *The String of Pearls: A Romance* (London: Penguin, 2010), p. 2.

<sup>634</sup> M. Anglo, *Penny Dreadfuls and Other Victorian Horrors* (London: Jupiter, 1977), p. 50.

**Figure Eighteen**

**Sweeney Todd in Charles Fox's, *The Demon Barber of Fleet Street* (1880)**



**Figure Nineteen**

**Robert Allen Coombes Murders His Mother, Printed in the *Illustrated Police News***





Sweeney Todd. In representing Coombes as a monster the *Illustrated Police News* presented the boy as essentially different from other children and normal members of society.

In their analysis of the press coverage surrounding the conviction of Jon Venables and Robert Thompson for wilful murder in 1993 Allison James and Chris Jenks argued that children who kill are frequently presented as evil in the modern British press.<sup>635</sup> They are not like other normal children and exhibit behaviour and characteristics deemed monstrous and inhuman. Demonising language was also used by some newspapers in the nineteenth century to describe children found guilty of felonious killing offences. In 1861 a headline printed in the *Manchester Courier and Lancashire General Advertiser* informed readers of ‘The Late Diabolical Murder in Hempshaw Lane’ where two eight-year-old boys tortured and murdered a young child.<sup>636</sup> An article in the *Leeds Times* referred to these two boys as, ‘demon children’, and expressed a sense of horror at the, ‘shocking depravity’, of the crime.<sup>637</sup> Similarly in 1838 the language used in the journal *Figaro in London* to describe a murder committed by fifteen-year-old Samuel Kirkby clearly presented the young murderer as a monster; as a disgusting creature with a precocity in sin. Kirkby was called a, ‘juvenile wholesale murderer’, and a, ‘young cut-throat.’<sup>638</sup> The journal depicted the boy as animalistic, as a, ‘precocious bloodhound’, and a, ‘diabolical young hell-dog.’<sup>639</sup> Judith Rowbotham, Kim Stevenson and Samantha Pegg have argued that newspapers employed monstrous imagery in their descriptions of children who killed in order to inflame the public

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<sup>635</sup> A. James and C. Jenks, ‘Public Perceptions of Childhood Criminality’, *The British Journal of Sociology*, Vol. 47, No. 2 (1996), p. 321.

<sup>636</sup> ‘The Late Diabolical Murder in Hempshaw Lane’, *Manchester Courier and General Advertiser*, Saturday 6 July 1861.

<sup>637</sup> ‘Murder By Two Boys – Shocking Depravity’, *Leeds Times*, Saturday 17 August 1861.

<sup>638</sup> ‘The Boy Kirkby’, *Figaro in London*, Saturday 18 August 1838.

<sup>639</sup> *Ibid.*

and generate sensation.<sup>640</sup> The process of monsterring youthful murderers, however, also had another purpose in the nineteenth-century press. Newspapers presented their readers with a type of child who did not belong in society. In distancing the child who killed from normal children and in presenting their crimes as anomalous instances of youthful barbarity newspapers protected the image of the innocent child that dominated the popular imagination.

### **Placing Children Who Killed**

Newspapers not only represented children who killed in the nineteenth century as abhorrent, as children precocious in crime who belonged in a distinct criminal class, in order to other them and expel them from civilised society. The process of othering employed in the press involved another type of coping strategy that scholars have argued is frequently used by societies attempting to deal with deviant behaviour: the process of placing threatening behaviour within familiar frameworks of understanding. Michel Foucault maintained in *The Order of Things* that, ‘imagination...can only be exercised with the aid of resemblance.’<sup>641</sup> To be able to understand the previously unknown it is necessary to turn to discourses and narratives that already exist in the popular frame of mind. It then becomes possible to locate a language, a set of signs, to explain the existence of a seemingly inexplicable phenomenon. Newspapers therefore turned to pre-existing notions of a criminal class and a type of child known to commit crime in order to provide their readers with a discourse they could turn to in order to better understand the existence of children who killed. Though presented as part of an alien group, as essentially different from normal human beings, children found guilty of felonious killing offences were placed in the criminal class. They were provided a place within society and within the popular imagination. The rest of this chapter explains how

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<sup>640</sup> J. Rowbotham, K. Stevenson and S. Pegg, ‘Children of Misfortune: Parallels in the Cases of Child Murderers Thompson and Venables, Barratt and Bradley’, *The Howard Journal*, Vol. 24, No. 2 (2002), p. 113.

<sup>641</sup> M. Foucault, *The Order of Things: An Archaeology of the Human Sciences* (Oxford: Routledge Classics, 2002), p. 76.

nineteenth-century newspapers, periodicals, and novels sought to place children who killed in pre-existing narratives surrounding murder and childhood. No longer were members of the public faced with a paradox, a 'child' capable of committing 'murder'. Instead they were provided with a language to understand the existence of children who kill.

### As Villain

Melodrama proved a popular form of entertainment in the nineteenth century. Sensational stories of love and murder, betrayal and deceit were performed in theatres and printed in various forms of literature sold on the streets. One of the principal literary features associated with nineteenth-century melodrama was a clear juxtaposition between good and evil. An audience watching a melodramatic performance or those reading a sensational tale would be aware who played the villain and who the victim. In Prest's *The String of Pearls*, for instance, Sweeney Todd is the epitome of evil. Monstrous in his appearance he is violent, ill-mannered and bad tempered. In contrast to his villainy his apprentice, Tobias Ragg, is depicted as an innocent youth. He suspects that his master is committing multiple acts of murder but is unable to alert the authorities in fear that he will also be killed. Todd frequently threatens his apprentice to keep quiet: 'he stood opposite to him glaring in his face with such a demonic expression that the boy was frightfully terrified.'<sup>642</sup> Though Ragg is not murdered by Todd in Prest's version of the popular melodrama the boy is clearly portrayed as the murderer's victim.

Newspapers often employed melodramatic language to report murders in the nineteenth century. Murderers were presented as villainous monsters or hardened criminals whilst their victims became the focus of public sympathy and concern. Children, however, were rarely portrayed as villains in Victorian melodramas. This role was reserved for adults,

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<sup>642</sup> Prest, *The String of Pearls*, p. 9.

and especially adult men. Children tended to be cast as unfortunate victims, their innocent natures threatened by the forces of evil surrounding them. How, then, were newspapermen to present murders committed by children? Could they turn to melodramatic narratives as was customary in reporting murder news?

The majority of newspaper articles covering murders committed by children in the nineteenth century employed the villain/victim divide traditionally associated with melodrama. Children who killed other children were often demonised. They were represented to be monsters, not only to distance them from idealised forms of childhood, but to place them within a recognised narrative of murder already existing in the popular imagination. In 1861 eight-year-olds Peter Barratt and James Bradley murdered two-year-old George Burgess in Stockport. Newspapers covering the murder trial of the two boys presented Burgess as a feeble, innocent victim. In comparison Barratt and Bradley were depicted as calculating killers. The language used to describe their behaviour was severe and placed in stark contrast with the language of innocence afforded to their victim. For instance the *Newcastle Journal* wrote how, ‘one of the boys got a thorn out of the hedge and beat the poor little fellow on the back and legs in a merciless manner.’<sup>643</sup> It would have been clear to readers of this article that, although children in years, the two boys on trial for murder were no innocents. Rather they were monstrous, villainous murderers. In her recent book *Violent Victorians* Rosalind Crone has suggested that the melodrama model was widely used as a coping mechanism in the nineteenth century. She argues that newspapers and other forms of print culture used melodramatic narratives to help people understand deviance and to quell fears surrounding certain crimes.<sup>644</sup> Martha Vicinus, in her study of nineteenth-century working-class literature, and David Worrall in his history of theatre, drama and censorship, have also highlighted the

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<sup>643</sup> ‘Wilful Murder of a Child By Two Boys’, *Newcastle Journal*, Thursday 18 April 1861.

<sup>644</sup> R. Crone, *Violent Victorians: Popular Entertainment in Nineteenth-Century London* (Manchester: Manchester University Press, 2012), p. 125.

role of melodrama as a coping mechanism in Victorian society. Stories and plots that portrayed violent behaviour in a familiar context and pattern served as, ‘a meditation on real violence in society, a way of understanding, coping, and coming to terms with gruesome murders which strained the social fabric, and offered an opportunity for the expression of popular justice.’<sup>645</sup> A similar motive lay behind the use of the melodrama villain/victim divide in newspaper reports covering murders committed by children. By labelling children found guilty of manslaughter or wilful murder as obvious villains, newspapers placed them within a familiar murder narrative. They were accorded a place and a role within society.

### As Victim

However not all newspapers depicted children who killed as villainous. It was also common for children found guilty of felonious killing offences to be represented as victims in the nineteenth-century press. They were portrayed as innocents corrupted by the villainy of adults and neglected by society. The image of the innocent, victimised child dominated conceptions of childhood in the Victorian popular imagination. Authors such as William Wordsworth and William Blake popularised an idealistic type of child who was born pure and innocent into an evil world. In his *Songs of Innocence and of Experience* (1789) Blake presented childhood as an age separate from adulthood characterised by innate goodness and a happy innocence to all earth’s sufferings. A small boy called Tom, the central character in Blake’s poem ‘The Chimney Sweeper’, is honest and good in the face of corrupting influences surrounding him. Despite the hardships he suffers the boy maintains his childish innocence, ‘leaping and laughing’, as he, ‘wash[es] in a river and shine[s] in the Sun.’<sup>646</sup>

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<sup>645</sup> M. Vicinus, *The Industrial Muse: A Study of Nineteenth-Century Working-Class Literature* (London: Croom Helm, 1974); D. Worrall, *Theatric Revolution: Drama, Censorship and Romantic Period Subcultures, 1773-1832* (Oxford: Oxford University Press, 2006). The quote is taken from Crone’s discussion of these works: Crone, *Violent Victorians*, p. 125.

<sup>646</sup> W. Blake, ‘The Chimney Sweeper’, in his *Songs of Innocence and of Experience: Shewing the Two Contrary States of the Human Soul* (London: Tate Publishing, 2006), p. 12. The little chimney sweep in Blake’s poem

Similar types of children were used by Charles Dickens in his novels. *Oliver Twist*, for example, retains his innate goodness even when he is thrown into a world of crime. In the foreword to his third edition of *Oliver Twist*, published in 1841, Dickens wrote that, ‘I wished to show, in little Oliver, the principle of Good striving through every adverse circumstance, and triumphing at last.’<sup>647</sup> The young workhouse runaway is presented throughout the serialisation as the potential victim of villainous adults and of the depraved environments in which he is placed.

Language of innocence was applied by newspapermen to describe children convicted of felonious killing offences in the nineteenth century. For example in 1866 the *Leeds Times* called a sixteen-year-old murderer, ‘a delicate little flower.’<sup>648</sup> Henry Gabbites had been found guilty of wilfully murdering another boy in Sheffield by stabbing him multiple times in the head. In an article headlined ‘The Sheffield Boy Murderer and His Stepmother’ the *Leeds Times* explained how Gabbites had become an enfeebled child who had been beaten and verbally abused by his father’s new wife.<sup>649</sup> The boy was presented to be a victim of parental neglect. In reducing the moral responsibility of Gabbites and, instead, blaming his stepmother the *Leeds Times* offered its readers with both a reason to understand how a child was capable of committing murder and an excuse for the crime.<sup>650</sup> Furthermore by fashioning Gabbites as an innocent victim the article printed in the *Leeds Times* placed the boy within a recognisable type of child that existed in the popular imagination. The newspaper made no efforts to conceal its intention to present Henry Gabbites as the stereotypical innocent child, the victim

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may have acted as inspiration for the character of Tom in Charles Kingsley’s *The Water Babies* (1863). Just as Blake’s Tom washes away his metaphorical dirt in a river, Kingsley’s Tom is saved from his life as a chimney sweep’s boy by falling into a river, drowning, and transforming into a ‘water baby’.

<sup>647</sup> C. Dickens, *Oliver Twist; or, The Parish Boy’s Progress* (London: Chapman and Hall, 1841), p. iii.

<sup>648</sup> ‘The Sheffield Boy Murderer and His Stepmother’, *Leeds Times*, Saturday 8 December 1866.

<sup>649</sup> *Ibid.*

<sup>650</sup> For more discussion on this case see Chapter Five.

of an evil stepmother. It even invoked Dickensian imagery of innocence noting that the boy, ‘was the “Paul Dombey” of the house, but without the commiseration which led everyone to speak of Dickens’s creation as “Poor Little Paul.”’<sup>651</sup>

The street waif, abandoned, neglected and destitute, developed as a type of child alongside the innocent child stereotype in the Victorian popular imagination. These children, however, were far from innocent, often committing crimes in order to survive. Dicky Perrott, the young hero in Arthur Morrison’s 1896 novel *A Child of the Jago*, quickly becomes practiced in a career of crime. He lives in one of the most deprived, and depraved, parts of London, learning to pick pockets in order to contribute to the family income. Morrison presented the street waif as a product of the community in which he was born. An old man encouraging the boy to become a professional criminal explains that, ‘the Jago’s got you, and that’s the only way out, except gaol and the gallows. So do your devilmost, or God help you, Dicky Perrott; for the Jago’s got you!’<sup>652</sup> Morrison made it clear to his readers that his young hero had no choice but to commit crime. Dicky was the victim of circumstances beyond his control and, although he was far from innocent, he was not morally responsible for his crimes.

Newspapers frequently turned to the stereotypical image of the street waif in their descriptions of children found guilty of felonious killing offences. In 1861 an article printed in the *London Standard* explained that Peter Barratt and James Bradley, two boys found guilty of manslaughter at the Chester Assizes, ‘were in their way average specimens of the little street Arabs who infest all our great towns...their habits and lives were those of that

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<sup>651</sup> ‘The Sheffield Boy Murderer and His Stepmother’, *Leeds Times*, Saturday 8 December 1866.

<sup>652</sup> A. Morrison, *A Child of the Jago: A Novel Set in the London Slums in the 1890s* (Chicago: Academy Chicago Publishers, 1995), p. 51.

class. Their home was the streets.’<sup>653</sup> Similarly, when two boys were charged with wilfully murdering a young child in 1855 the newspapers covering the crime seemed eager to present the youthful murderers as belonging to a class of destitute and abandoned children. The *Derby Mercury*, for example, explained that, ‘all the parties were children belonging to the lowest class of working people’, and the *Liverpool Daily Post* wrote that both children, ‘seemed to be in a state of great neglect. They were bareheaded and barefooted.’<sup>654</sup> Street waifs were often depicted wearing ragged clothing and with bare feet in nineteenth-century popular culture. Dicky Perrott, for example, depended on the charity of his local church and board school for boots.<sup>655</sup> In presenting boy murderers as stereotypical street waifs these newspapers provided their readers with a familiar image of a potentially criminal child. The paradoxical concept that children were capable of committing wilful murder was therefore presented in a recognisable context.

#### As Juvenile Delinquent

In 1839 social commentator William Augustus Miles recognised the emergence of a new type of child in contemporary urban societies. He wrote, ‘there is a youthful population in the Metropolis devoted to crime, trained to it from infancy, adhering to it from Education and Circumstances, whose connections prevent the possibility of reformation, and whom no Punishment can deter.’<sup>656</sup> He sought to other these un-childlike children maintaining that they belonged to, ‘a race “*sui generis*”, different from the rest of Society, not only in thoughts,

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<sup>653</sup> ‘London, Monday, August 12’, *London Standard*, Monday 12 August 1861.

<sup>654</sup> ‘Murder of One Boy By Another’, *Derby Mercury*, Wednesday 25 July 1855; ‘The Murder By Children. – Resumed Inquest’, *Liverpool Daily Post*, Monday 23 July 1855.

<sup>655</sup> Morrison, *A Child of the Jago*, p. 72.

<sup>656</sup> W. A. Miles cited in H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Suffolk: The Boydell Press, 1999), p. 1.



habits, and manners, but even in appearance.<sup>657</sup> The Juvenile Delinquent developed as a type of child in the Victorian popular imagination amidst growing concerns about the increasing rate of juvenile offending in the early nineteenth century. Social commentators investigated the potential causes of youth crime, frequently turning their attention to the family backgrounds of children serving sentences in local gaols or houses of correction. Miles, for instance, conducted a study of fifty-four boys aged between twelve and twenty who were resident in Knutsford Gaol between 1835 and 1837.<sup>658</sup> He noted that the majority of the youthful offenders came from unstable home environments. Over thirty were orphans, some completely parentless and others with only fathers or mothers. Those who did have parents also lived in poverty. Fathers of the juvenile offenders worked in low-paid skilled jobs, such as carpentry or as blacksmiths, whilst others earned a fluctuating income as common labourers. Mothers worked as washerwomen, hawkers or charwomen and were frequently absent from home leaving their children to fend for themselves. Miles also noted that the majority of boys in his study were habitual criminals. Most had served multiple sentences. A thirteen-year-old had been convicted four times, a fourteen-year-old five times and another fourteen-year-old had been in prison on seven different occasions.<sup>659</sup> As a result of this and similar studies of youthful delinquency conducted in the early nineteenth century there developed a stereotypical type of child who was capable of committing crime.<sup>660</sup> He was male, poor, neglected by his family and society, and an habitual offender.

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<sup>657</sup> W. A. Miles cited in Shore, *Artful Dodgers*, p. 1.

<sup>658</sup> NA, HO73/16, One Bundle of Chadwick's Correspondence as Secretary and Member of the Commission: Including Interviews and Reports Made by William Augustus Miles, 1835-1837.

<sup>659</sup> *Ibid.*

<sup>660</sup> Other nineteenth-century studies of youth crime that depicted juvenile delinquents as habitual offenders and as part of a criminal class include: the 1816 *Report of the Committee for Investigating the Causes of the Alarming Increase of Juvenile Delinquency in the Metropolis*. This report included multiple case studies of boys who had served several custodial sentences for property offences. For example E. F, aged eight years, had, 'been in the habit of stealing for upwards of two years', and had, 'been twice confined in the House of Correction, and three times in Bridewell.' (p. 30). Edward Rushton in his study of *Juvenile Delinquency* (1842) illustrated to his

Though historians have argued that the image of the Juvenile Delinquent did not reflect real lives experienced by many youthful criminals in the nineteenth century this type of child was widely recognised in the Victorian imagination.<sup>661</sup> The urban working-class child skilled in picking pockets, progressing onwards in a career of crime, was frequently depicted in various forms of literature throughout the nineteenth century. Charles Dickens drew on this stereotypical type of child in *Oliver Twist*, presenting the Artful Dodger and Fagin's boys as proficient in committing crime. They had been trained into the trade from infancy. Similarly social and penal reformers turned to the stereotypical image of the criminal child in their attempts to reduce juvenile crime and to improve the treatment received by children in the criminal justice process. Mary Carpenter, for example, presented the Juvenile Delinquent as a shocking antithesis to the idealised innocent child. She wrote in 1853 that, 'in almost every aspect', juvenile delinquents exhibit, 'qualities the very reverse of what we should desire to see in a child.'<sup>662</sup> Children trained into crime became, 'independent, self-reliant, advanced in the knowledge of evil.'<sup>663</sup> Carpenter drew on this worrying image to encourage her audience to seek remedies in order to combat juvenile offending.

Similar imagery was used in the press to understand children who killed. For instance, children found guilty of committing felonious killing offences were often characterised in newspaper reports as habitual offenders practiced in crime. In 1866 the *Dundee Courier* presented a five-year-old boy, who had been charged at a coroner's inquest in Cornwall for

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readers the high re-committal rate of the, '709 Juvenile Prisoners committed during the year to the Liverpool Borough Prison.' He stated that, '316 were committed as known or reputed thieves, and 256 as vagrants.' E. Rushton, *Juvenile Delinquency* (London: Simpkin, Marshall and Co, 1842), p. 5.

<sup>661</sup> G. Benziman, *Narratives of Child Neglect in Romantic and Victorian Culture* (Hampshire: Palgrave Macmillan, 2012); H. Cunningham, *Children & Childhood in Western Society Since 1500* (London: Longman, 1995); G. S. Frost, *Victorian Childhoods* (Connecticut: Praeger, 2009); P. Horn, *The Victorian Town Child* (Gloucestershire: Sutton Publishing Limited, 1997).

<sup>662</sup> M. Carpenter cited in D. Taylor, *Crime, Policing and Punishment in England, 1750-1914* (Hampshire: Palgrave Macmillan, 1998), p. 63.

<sup>663</sup> Ibid.

causing the death of his sister, as a young delinquent already guilty of committing serious felonious offences. The newspaper explained that, ‘it appears six months ago the same lad set fire to a pig’s house, adjoining a dwelling house, and, in consequence, property was destroyed to the extent of nearly £100.’<sup>664</sup> This information was not necessary to formulate a narrative of the death investigated at the coroner’s inquest. It was included by the newspaper to suggest to its readers that the boy was bad and that he exhibited all the characteristics of a juvenile delinquent capable of committing serious crimes. Similarly in 1893 fifteen-year-old druggist’s apprentice Edward John Williams was presented in the press as a hardened young criminal. He had been indicted for wilfully murdering his master by bludgeoning him over the head with a hammer and was eventually found guilty of manslaughter. The *Blackburn Standard*, reporting developments made in the investigations of the local murder, informed its readers that Williams had been involved in criminal activity from an early age. It wrote that, ‘the accused had previously been concerned with an affair at Bristol, in which a youth was shot, although fortunately recovered, and the matter was hushed up. Since he has lived in Blackburn he has been convicted of fowl stealing, and a former employer gave him a poor character for steadiness and reliability.’<sup>665</sup> In highlighting the bad character of Williams the *Blackburn Standard* offered its readers with a reason to explain how a child was able to commit such an atrocious crime. Furthermore, by characterising the youthful killer as a stereotypical delinquent child, the newspaper provided Williams with a recognisable place in society.

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<sup>664</sup> ‘A Child Killing His Sister’, *Dundee Courier*, Thursday 22 November 1866.

<sup>665</sup> ‘Horrible Affair at Blackburn. A Mysterious Tragedy. Suicide or Murder?’, *Blackburn Standard*, Saturday 25 February 1893.

In the last two decades of the nineteenth century a new type of criminal child developed in the popular imagination known as the Hooligan.<sup>666</sup> He was more violent and potentially dangerous than other juvenile offenders, involved in football rowdiness, public riots and gang warfare. Two Irish comedians named O'Conner and Brady wrote a music hall song in the mid-1890s depicting the stereotypical Hooligan child:

Oh, the Hooligans! Oh, the Hooligans!

Always on the riot,

Cannot keep them quiet,

Oh, the Hooligans! Oh, the Hooligans!

They are the boys,

To make a noise,

In our backyard.<sup>667</sup>

Sharing many characteristics with the Juvenile Delinquent, the Hooligan was male, urban, working class and an habitual offender. He belonged in gangs of organised youths and preyed on innocent members of the public. However, unlike the pick-pocketing Juvenile Delinquent characterised in early Victorian literature, the Hooligan stole property through the use of unnecessary violence and carried on his person a variety of weapons. Clarence Rook in *The*

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<sup>666</sup> Geoffrey Pearson has traced the widespread use of the term 'hooligan' to the summer of 1898. August Bank Holiday celebrations turned violent in London and unusually high numbers of youths were brought before criminal courts charged with disorderly behaviour, assault, street robberies and fighting. According to Pearson the press instigated a 'moral panic' surrounding hooliganism, presenting the youths involved to be part of a new class of juvenile delinquents emerging in a modern society. G. Pearson, *Hooligan: A History of Respectable Fears* (London: The MacMillan Press, 1983), p. 74. Rob Sindall, however, has argued that the Hooligan, as a press construction, first developed in 1886 following a violent riot at Walton Gaol where over 150 youths marched on the prison hoping to liberate their friends and undermine police authority. R. Sindall, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?* (Leicester: Leicester University Press, 1990), p. 67.

<sup>667</sup> Pearson, *Hooligan*, p. 75.

*Hooligan Nights*, a study tracing the origins of hooliganism published in 1899, depicted, ‘the average hooligan’, as, ‘sturdy young villains who start with a grievance against society and are determined to get their own back.’<sup>668</sup> In 1898 an article printed in the *London Echo* noted the existence of a similarly violent type of youthful offender on the streets of London, describing the, ‘young street ruffian and prowler with his heavy belt, treacherous knife and dangerous pistol.’<sup>669</sup> The article concluded by warning its readers that the Hooligan, ‘is among us. He is in full evidence in London – east, north and south.’<sup>670</sup>

In 1888 the development of this new type of criminal child, both in the popular imagination and as a real problem, was used in the press to explain a murder committed by a group of boys in Regent’s Park. The *Saturday Review* described the youths involved as, ‘young roughs’, whose, ‘reckless brutality, and the indifference with which they are prepared to skirt the edge of murder if they do not actually commit it, are features in their character in which they need not fear comparison with ruffians twice their age.’<sup>671</sup> The article concluded by making a direct connection between the youthful boy murderers and the rise of hooliganism. It wrote, ‘many parts of London are made almost uninhabitable at certain hours by this rowdy and half-savage element of the community, and now that the hand of the law has an opportunity of coming sharply down upon them, we trust that it will not be lost.’<sup>672</sup>

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<sup>668</sup> C. Rook, *The Hooligan Nights* (1899), cited in S. Humphries, *Hooligans or Rebels? An Oral History of Working-Class Childhood and Youth, 1889-1939* (Oxford: Basil Blackwell Limited, 1981), p. 177.

<sup>669</sup> P. Horn, *Young Offenders: Juvenile Delinquency, 1700-2000* (Gloucestershire: Amberley Publishing, 2010), p. 137.

<sup>670</sup> *Ibid.*

<sup>671</sup> ‘The Regent’s Park Murder’, *Saturday Review of Politics, Literature, Science and Art*, Saturday 4 August 1888.

<sup>672</sup> *Ibid.* Harsh sentences were issued to the boys on trial for wilful murder. The leader of the gang, and the boy directly responsible for stabbing the deceased man, was sentenced to death (though this sentence was commuted to life imprisonment as a result of the boy’s youth). The other boys involved were found guilty of ‘conspiring to assault’ and received sentences of ‘penal servitude with hard labour’ for varying terms, most exceeding a year. An article published a week after the conviction of the Regent’s Park Boy Murderers in the *Aberdeen Weekly Journal* noted, however, that these harsh sentences had done little to counteract the increasing number of youthful street ruffians: ‘the terrible sentence passed seems to have had little effect in staying the feud between

Newspapers turned to types of criminal children that already existed in the popular imagination to better understand children who killed. They drew on language and imagery surrounding the habitually offending Juvenile Delinquent and the violent Hooligan to remind readers that there existed within society a recognised type of child who was capable of committing crime. In doing so newspapers accorded children who killed with a place in society and in the popular imagination. They were understood to be extreme cases of juvenile delinquency.

### As Abnormal

In the late nineteenth and early twentieth centuries numerous social and scientific studies were conducted on the nature and characteristics of childhood. Articles published in journals such as *The Mind of a Child*, *Child and Child Nature*, and *The Development of a Child* suggested that children's minds did not function like the minds of adults; that they thought and behaved very differently.<sup>673</sup> Child psychologists traced the different stages of cognitive and moral development in children and, as a result, there developed a recognised type of child who was considered normal.<sup>674</sup> With the establishment of compulsory education in the 1870s the categorisation of children as normal or abnormal became necessary.<sup>675</sup> Children deemed abnormal, those who did not meet standards of mental and emotional development, were separated from other children in schools and provided with alternative forms of education. The Royal Earlswood Asylum in Surrey, for instance, offered children

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the denizens of Seven Dials and the roughs of Lisson Grove, for, while they have been lying in the condemned cells, savage encounters have taken place between the opposition bands.' 'Latest London News', *Aberdeen Weekly Journal*, Wednesday 15 August 1888.

<sup>673</sup> S. Shuttleworth, *The Mind of the Child: Child Development in Literature, Science and Medicine, 1840-1900* (Oxford: Oxford University Press, 2010), p. 271.

<sup>674</sup> *Ibid*, p. 285.

<sup>675</sup> In 1870 the Education Act stipulated that every child in England and Wales should be provided with education served by elementary schools. In 1891 education became compulsory, for all children except those of itinerant workers.

diagnosed as idiots and imbeciles with specialised treatment and schooling. Children who killed were presented to be abnormal in the press throughout the nineteenth century. They were considered to be, ‘strange perversions’, of childhood, monstrous and un-childlike in their appearance.<sup>676</sup> However, in the second half of the nineteenth century a new discourse of otherness was applied in the press to understand children found guilty of committing felonious killing offences. Newspapers discussed children who killed according to new ideas of child development and sought to place them within emerging categories of childhood.

Adolescence was increasingly recognised by medical professionals in the late nineteenth century as a distinct phase of life experienced between childhood and adulthood. Youths aged between twelve and twenty underwent a period of rapid physical and emotional change. In a study of adolescence published in *The Pedagogical Seminary* in 1897 E. G. Lancaster wrote that, ‘before this age the child lives in the present a selfish, frank, obedient, imitative life. Now there is a sudden change in body and mind. Things are seen in new relations. Parents lose the confidential grip on youth.’<sup>677</sup> He noted significant changes in the behaviour of youths, fuelled by extreme passions and desires. Adolescents were driven by, ‘longings for sympathy, deep emotions, moods, love of solicitude, feelings of rivalry, self-sacrifice, etc.’<sup>678</sup>

Rebelliousness and misbehaviour were regarded to be natural forms of behaviour for youths and it was widely believed among late-nineteenth-century child psychologists that the likelihood of committing crimes increased during adolescence. In 1904 the American educational psychologist, Granville Stanley Hall, argued that, ‘adolescence is the best key to the nature of crime. It is essentially antisocial, selfishness, refusing to submit to the laws of

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<sup>676</sup> ‘London Gossip’, *Birmingham Daily Post*, Friday 5 November 1886.

<sup>677</sup> E. G. Lancaster, ‘The Psychology and Pedagogy of Adolescence’, *The Pedagogical Seminary: An International Record of Educational Literature, Institutions and Progress*, Vol. 5 (1897-1898), p. 62.

<sup>678</sup> *Ibid*, p. 62.

altruism.’<sup>679</sup> He noted that, ‘all boys develop a great increased propensity to fight at puberty’, and maintained that bloodied noses and blackened eyes were all part of the process of growing from a child into an adult.<sup>680</sup> Acts of violence made against animals by children were also explained in terms of child development, puberty and adolescence. Nineteenth-century child psychologist James Sully maintained that children were often cruel to animals because of a natural childish curiosity.<sup>681</sup> Inflicting injuries on small defenceless creatures taught children the effects of causing pain. In 1896 *The Pedagogical Seminary* printed an article discussing the phenomenon of youths who tortured and killed animals. A number of case studies were provided. One boy, for instance, was, ‘continually torturing birds by picking out their eyes. His cat had four kittens which his mother wished to do away with. He partially drowned them and then put them into a hole and chopped them into small pieces with a spade.’<sup>682</sup> Another youth, ‘cut off cats’ tails inch by inch, cut off the toes of chickens, put out the eyes of birds, cut off the legs of frogs and broke the bills of chickens’, and a sixteen-year-old boy, ‘tied a stone about the neck of a mother’s cat and threw it in the river. [He] later tried to drown [his] younger brother.’<sup>683</sup> The author of this article, E. W. Bohannon, argued that cruelty was a natural characteristic of childhood and youth.

When thirteen-year-old Robert Allen Coombes was found guilty of murdering his mother in 1895 some newspapers turned to emerging ideas of the effects puberty had on adolescents in order to understand the crime. The *Pall Mall Gazette*, for example, informed its readers that, ‘it has come to be generally acknowledged, that there is a period in the lives

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<sup>679</sup> G. Stanley Hall, *Adolescence: Its Psychology and Its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion, and Education* (New York: Appleton and Company, 1904), p. 405.

<sup>680</sup> *Ibid*, p. 356.

<sup>681</sup> Shuttleworth, *The Mind of the Child*, p. 283.

<sup>682</sup> E. W. Bohannon, ‘A Study of Peculiar and Exceptional Children’, *The Pedagogical Seminary: An International Record of Educational Literature, Institutions and Progress*, Vol. 4 (1896-1897), p. 26.

<sup>683</sup> *Ibid*, p. 26.



of some boys in which a pronounced insensibility to suffering frequently develops into a callousness so great that they are able to perpetrate the most horrible deeds without experiencing the faintest promptings of remorse.’<sup>684</sup> The newspaper explained that, ‘this petrification of the emotions is due to the moral nature being adversely affected by the great physical changes the frame undergoes while developing.’<sup>685</sup>

However, committing acts of wilful violence against human beings was not regarded as normal behaviour in childhood and puberty. Children found guilty of felonious killing offences and other offences against the person were considered to belong to a, ‘class of child [that] is a thing apart.’<sup>686</sup> Stanley Hall explained in *Adolescence* that these children were, ‘an extreme and abnormal development from the arrant teaser. The latter lacks acute and tender sympathy for the sufferings of his victim over which he even comes to gloat, but his pleasure passes into pain when the distress reaches a certain point. The tormenter, on the other hand, lacks this check.’<sup>687</sup> Towards the close of the nineteenth century a new type of abnormal child was officially recognised in medical diagnoses: the moral imbecile. Children classified as moral imbeciles had imperfectly developed moral capabilities. They were unable to understand the difference between right and wrong. Unlike other children they could not be taught how to be good and instead continued to exhibit coarse, lewd and often violent behaviour. In 1913 the Mental Deficiency Act defined moral imbeciles as, ‘displaying mental weakness coupled with strong vicious or criminal propensities, and on whom punishment has little or no deterrent effect.’<sup>688</sup> The Act sought to identify and categorise abnormal children in

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<sup>684</sup> ‘Boy Murderers’, *Pall Mall Gazette*, Wednesday 18 September 1895.

<sup>685</sup> Ibid.

<sup>686</sup> M. Young, *The Mentally Defective Child* (London: H. K. Lewis & Co, 1916), p. 44.

<sup>687</sup> Stanley Hall, *Adolescence*, p. 359.

<sup>688</sup> Young, *The Mentally Defective Child*, p. 44.

the hope that provisions could then be made to better deal with them outside the standard schooling system.

Attempts made in the nineteenth-century press to label children who killed as moral imbeciles have already been discussed in Chapter Five. Newspapers turned to family histories of children standing trial for wilful murder in the hope of discovering evidence of an hereditary taint or a patient history of mental aberration. In doing so they provided their readers with reasons to explain how children were capable of committing felonious killing offences whilst also reducing the horror of the crime by undermining the child's moral responsibility. Labelling children who killed as moral imbeciles, however, also had another function. Newspapers categorised them as belonging to a group of abnormal children widely recognised by medical professionals and defined in state legislation. Children who killed and who were considered morally imbecilic were therefore accorded a place in Victorian society. Patrick Knowles, the eight-year-old Stockton Boy Murderer, was diagnosed as a moral imbecile by physician George Augustus Auden in the early twentieth century. He suggested that the boy's lack of emotion in confessing how he buried a baby alive proved the child was not like other children. Auden exclaimed, 'we stand aghast at the mental attitude of this youthful fiend, in whom the infant's cry of pain could touch no chord of tenderness, and whom no thought of the unutterable anguish of the mother could restrain from murder.'<sup>689</sup> The press mirrored Auden's diagnosis. The *Lincolnshire Chronicle*, for instance, predicted that the child would be found to be insane in court informing their readers that, 'probably the next course to be taken in the case will be the ordering by the Judge of a medical examination of the prisoner before the trial.'<sup>690</sup>

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<sup>689</sup> G. A. Auden, 'Feeble-Mindedness and Juvenile Crime', *Journal of the American Institute of Criminal Law and Criminology*, Vol. 2, No.2 (1911), p. 228.

<sup>690</sup> 'Strange Case of Child Murder. An Eight Years' Old Prisoner', *Lincolnshire Chronicle*, Friday 19 June 1903.

Precocity in crime questioned pre-conceived ideas surrounding the nature of childhood and criminality in the nineteenth century, especially when the crimes committed by children were felonious killing offences. An ideological order of things, where children were innocent and pure and murders were committed by monstrous, evil adult men, was shattered with the news that a child had been found guilty of committing wilful murder. In the hope of restoring some sense of order the press provided their readers with a number of different coping strategies, explaining the existence of children who kill. Some newspapers presented children found guilty of felonious killing offences as morbid aberrations of childhood. They distanced these children from the everyday lives experienced by their readers. Children who killed were represented as belonging to a separate class present in Victorian society; a criminal class that looked and behaved very differently from normal members of the public. They were presented as the very antithesis of the idealised innocent child, as monstrous in their appearance and behaving more like adults than children. Newspapers therefore reduced the threat children found guilty of murder and manslaughter posed to calming ideologies of childhood innocence. These children did not belong in a modern, civilised society. They were anomalous examples of childish depravity.

Newspapers, however, also sought to find a place for children who killed within the real and ideological frameworks of Victorian society. In order to better understand the existence of children who were capable of committing felonious killing offences in a modern, civilised society, nineteenth-century newspapers drew on narratives of criminality and childhood already in the popular imagination. Articles discussing murder trials of children employed imagery associated with murders in melodramas, presenting the youthful defendants as either clear villains or victims. The child on trial was therefore accorded a place in the imagination of readers as a villainous murderer or an unfortunate victim of circumstances beyond his control. Newspapers also drew on a number of different types of

child that emerged in the popular imagination during the nineteenth century: the 'Juvenile Delinquent', as the stereotypical criminal child, the 'Adolescent', as a type of child likely to commit crime, and the 'Abnormal Child' who was born with an inclination to be bad. Utilising imagery surrounding types of children already known to exist in contemporary society in order to describe the nature and characteristics of children who killed meant that newspapers were able to provide these children with a recognisable place in the Victorian popular imagination. The existence of children who were capable of wilfully killing another human being was no longer considered an implausible concept. As the nineteenth century progressed, and new ideas of childhood and deviancy developed in social discourse, the 'Boy Murderer' emerged as a recognisable type of child present in nineteenth-century society. He was an extreme example of the stereotypical criminal child, formed by the same factors that caused juvenile delinquency but who suffered from various forms of moral and mental abnormalities.

## Conclusion

### The Emergence of a Stereotype

In the spring of 1871 an article printed in the *Morning Advertiser* reported, ‘a series of facts so startling as almost to exceed the bare possibility of belief.’<sup>691</sup> Agnes Norman, a fifteen-year-old nursemaid, had been accused of suffocating and murdering the infant child of her master and mistress. At the coroner’s inquest on the body of Jessie Jane Beer a police officer stated that other children had died under similar circumstances at properties where Norman had previously been employed. Three infants had died, seemingly of natural causes, three dogs, a cat, a canary, and a linnet had been found dead without exhibiting any signs of illness, and a young boy stated that he had once woken to find the nursemaid sitting over him with her hands clasped around his neck.<sup>692</sup> The newspaper refused to believe that a teenage girl was capable of committing such brutal acts of violence and suggested that the child of Mr and Mrs Beer, ‘might have fallen out of bed and been suffocated between the bed and the

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<sup>691</sup> ‘Untitled’, *Morning Advertiser*, Wednesday 19 April 1871; also included in a folio of newspaper clippings, held at the National Archives, that were collected by the Metropolitan Police to assist in their investigation of the murder charges made against Agnes Norman: MEPO 3/102, Metropolitan Police: Office of the Commissioner: Correspondence and Papers, Special Series. Attempted Murder of Charles Parfitt by Agnes Norman, 1871.

<sup>692</sup> Agnes Norman was charged with seven counts of homicide; six of wilful murder and one of attempted murder. Six infant children had died under her care, three from the same family (Thomas, Minnie and Arthur Milner). Only two charges made it to court, however. Insufficient evidence could be found to prove that the deaths of the infants in question had not been the result of natural forms of infant mortality. Coroners had investigated the deaths of the deceased children immediately after they had died, weeks prior to the police investigation. The cause of death for every child, according to the coroners, had been the result of dentition. In these a ‘no true bill’ was found at the Grand Jury and the charges were dropped. Norman was tried at the Central Criminal Court for the murder of Jessie Jane Beer and the attempted murder of eleven-year-old Charles Parfitt on the 10<sup>th</sup> of July 1871. She was found not guilty of murdering the infant child of Mr and Mrs Beer, the cause of death ascertained to be suffocation, accidental death. She was, however, found guilty of attempting to murder Charles Parfitt and received a ten-year sentence of penal servitude. The first few years of this sentence were served at Pentonville Prison. Correspondence papers and police record books relating to the case of Agnes Norman survive and are held at the National Archives in Kew: NA, MEPO 3/102 (see *ibid* for full reference).

wall. Such things do occur.<sup>693</sup> The article concluded, ‘we prefer to think that there has been some cruel scandal born perhaps of accident and coincidence, and exaggerated into the fearful story.’<sup>694</sup>

Murders committed by children provided the press with particularly shocking material to publish in order to meet the demands of a sensation-hungry readership. Childhood was idolised in the nineteenth century as a cherished period in life characterised by simplicity, innocence, and natural beauty. Children were imagined to be blessings sent to earth by God, moulded in His image and representing all that was good. Murder, on the other hand, was considered to be one of the most serious crimes that could be committed in the nineteenth century. The act of wilfully killing another human being flouted both divine and common law. Not only did a murderer commit a serious crime in his own society but he directly sinned against God, breaking the holy commandment, ‘thou shalt not kill’. The concept that a child, divinely blessed and naturally innocent of the world, could commit such an ultimately sinful act therefore proved an unthinkable horror in the romantic Victorian imagination.

Newspapers exploited the ideological threat posed by children who killed. It was this threat that made murders committed by children so sensational, and it was this sensation that attracted the attention of potential readers and promised newspapers healthy profits. The youth of children charged with felonious killing offences was often emphasised in newspaper headlines. In 1903 the *Lincolnshire Chronicle* reported a ‘Strange Case of Child Murder. An Eight Years Old Prisoner’ and in 1891 a murder committed by two young boys in Liverpool was announced in the *Leeds Times* under the headline ‘Murderers at Eight and Nine’.<sup>695</sup> An epithet frequently used in nineteenth-century newspapers to report murders committed by

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<sup>693</sup> ‘Untitled’, *Morning Advertiser*, Wednesday 19 April 1871

<sup>694</sup> *Ibid.*

<sup>695</sup> ‘Strange Case of Child Murder. An Eight Years Old Prisoner’, *Lincolnshire Chronicle*, Friday 19 June 1903; ‘Murderers at Eight and Nine’, *Leeds Times*, Saturday 12 December 1891.

children was, ‘Boy Murderer’, or, ‘Girl Murderer’, and, ‘Girl Murderess’. For example in 1876 the *Manchester Evening News* printed a report on ‘The Lincolnshire Boy Murderer’, an eleven-year-old boy charged with two counts of wilful murder, and in 1881 the newspaper announced ‘The Girl Murderess. Confession of Two Murders.’<sup>696</sup> In placing the words ‘boy’ and ‘girl’ alongside ‘murderer’ or ‘murderess’ the *Manchester Evening News* presented its readers with a paradox and an appalling reality: the existence of children who were capable of maliciously taking the life of another human being.

The shock generated by the news that a child had committed a felonious killing offence excited a certain degree of public feeling. Though there were no scenes where riotous mobs sought revenge against convicted youthful murderers, like those witnessed in 1993 when Jon Venables and Robert Thompson were found guilty of killing a toddler, murders committed by children in the nineteenth century proved to be sensational events. Members of the public purchased tickets to witness the murder trials of boys and girls, penny ballads and chapbooks were published detailing the life and crimes of children who killed, and wax models and portraits of youthful murderers were exhibited in Madame Tussauds and other travelling shows.<sup>697</sup>

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<sup>696</sup> ‘The Lincolnshire Boy Murderer’, *Manchester Evening News*, Friday 10 March 1876; ‘The Girl Murderess. Confession of Two Murders’, *Manchester Evening News*, Friday 11 November 1881.

<sup>697</sup> Some penny ballads and chapbooks on murders committed by children in the nineteenth century include: Anon, *A Dreadful Warning Through the Wonderful Life, Trial and Shocking Confession of James King, A Boy Aged 12 Years at the Old Bailey Spring Assizes* (London, 1826); Anon, *A Narrative of Facts Relative to the Murder of Richard Faulkner Taylor with the Trial of John Any Bird Bell for the Murder, Including the Confession of the Prisoner* (Rochester, 1831); Anon, *Confession of William Allnut for the Murder of His Grandfather at Hackney* (London, 1847); Anon, *Constance Kent: The Cause and Consequence of Her Confession* (London, 1865); Anon, *Full Particulars of the Cruel and Horrid Murder at Westmill, Near Buntingford, Hertford, by Wm. Games, A Boy Eight Years Old, On the Body of His Little Sister* (London, 1845); Anon, *John Bell, Aged 14, Executed at Rochester, July 29, 1831, For the Wilful Murder of Richard Taylor, Aged 13; “The Love of Money is the Root of All Evil”* (Exeter, 1831); Anon, *Murder at Mile End. Particulars of the Unfortunate Murder of George Ashton, by Robert Emmett, a Sweep, Aged 16, with An Account of His Apprehension* (London, 1833); Anon, *The Life, Trial, And Awful Execution of John Any Bird Bell, Only Thirteen Years of Age, Who Suffered An Awful Penalty at Maidstone, On Monday, August 1, 1831, for the Wilful Murder of a Lad Named Robert Taylor* (Birmingham: W. Heppel, 1831); Anon, *The Remarkable Life of James Simpson, A Boy Aged Fifteen, Who Was Executed For Murder, Also The Particulars of a Most Fearful Confession He*

Social and penal reformers recognised the effect murders committed by children had on the emotions of the reading public. They utilised the horror inspired by such crimes, as well as the grief of those mourning the loss of childhood innocence, in order to grab the attention of their intended audiences and promote a particular cause. In 1833, for instance, penal reformer Edward Gibbon Wakefield focused on the murder committed by a fourteen-year-old boy to highlight the evils of public hangings. In a three-penny chapbook Wakefield assumed the persona of Jack Ketch, an infamous hangman, and described in sentimental detail the abhorrent effects the execution of the youthful murderer had on spectators: ‘those who came to see me strangle that tender youngster have hearts and feelings. Have – no – had; for what they saw was fit to make them hard.’<sup>698</sup> He explained how, ‘they had come to riot in the passions of fear and pity’, but that, ‘they went back in the fever of rage, some burning with hate, some hardened in the heart, like me or you; all sunk down in their own respect, ready to make light of pain and blood, corrupted by the indecent show, and more fit than ever to create work for us, the judge and the hangman.’<sup>699</sup>

Broadside producers also took advantage of the sensation generated when children were convicted of felonious killing offences. Not only did the news have the potential to excite the attention of passers-by, promising healthy sales, but the horror associated with the image of a child hanging on the gallows provided broadside sellers with a hook to promote a specific cause or convey a moral message to their audience. In 1840 John Carmichael, a producer of broadsides in Glasgow, printed *The Remarkable Life of James Simpson, A Boy Aged Fifteen, Who Was Executed for Murder*. The Copy of Verses included in this broadside

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*Made on the Morning of His Execution, the Number of Robberies He Had Been Engaged In, and A Copy of a Letter He Sent to His Parents* (Glasgow: John Carmichael, 1840).

<sup>698</sup> E. G. Wakefield, *The Hangman and the Judge; Or, a Letter from Jack Ketch to Mr. Justice Alderson; Revised by the Ordinary of Newgate* (London: Effingham Wilson, 1833), p. 5.

<sup>699</sup> *Ibid.*



read as a warning to the parents of teenage boys so that they might take especial care in the Christian upbringing of their children and avoid any participation in the creation of a boy murderer:

Be warned ye tender parents all of high & low degree,

And let my sorrowful downfall a sad example be;

So rear your children up in time to walk in virtuous ways,

That so will they escape those crimes that have cut short my days.<sup>700</sup>

The execution of John Bell in 1831 was also used by broadside producers to act as a moral message, and a warning, to parents. A broadside printed in Exeter and titled, *John Bell, Aged 14, Executed at Rochester, July 29, 1831, For the Wilful Murder of Richard Taylor, Aged 13*, wrote, ‘Oh! Ye Parents – ye Fathers and Mothers – think of this; it is a lesson for *you*. You love your children. You wish them to live and die happy. You tremble at the very thought of their turning out a John Bell.’<sup>701</sup> The broadside concluded by imploring readers to, ‘look at the picture of poor John Bell and say from your heart – “*Oh! Lord, give me grace to bring up my children in the fear of God!*”’<sup>702</sup>

Though newspapermen, and broadside sellers, profited from the horror inspired by children who killed they did not seek to generate panic amongst their readers. Rather, the press offered their readers a wide variety of coping strategies, providing them with reasons to

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<sup>700</sup> Anon, *The Remarkable Life of James Simpson, A Boy Aged Fifteen, Who Was Executed For Murder, Also The Particulars of a Most Fearful Confession He Made on the Morning of His Execution, the Number of Robberies He Had Been Engaged In, and A Copy of a Letter He Sent to His Parents* (Glasgow: John Carmichael, 1840).

<sup>701</sup> Anon, *John Bell, Aged 14, Executed at Rochester, July 29, 1831, For the Wilful Murder of Richard Taylor, Aged 13; “The Love of Money is the Root of All Evil”* (Exeter, 1831).

<sup>702</sup> Ibid.

understand how it was possible for some children to commit felonious killing offences and explaining how such children should be treated in the judicial and penal process.

Murders committed by children exposed a number of holes in the nineteenth-century criminal justice system. According to homicide law a felonious killing offence only amounted to wilful murder if it could be proven that the accused had committed a crime with the intention of causing the death of another human being. This assumed a degree of reasoned deliberation. As the nineteenth century progressed, however, it was recognised that children were unable to think and behave like adults. They did not enjoy the same levels of reasoning as adults and they had yet to develop a sufficient knowledge of good and bad to be able to knowingly commit a felony. When a child had been indicted for feloniously killing another human being legal and medical professionals participated in heated debates concerning the criminal responsibility of children in homicide law. Studies conducted on the gradual maturation of a child's mind in the second half of the century suggested that though children might kill, these killings could not be classified as cases of wilful murder because children were unable to engage in the mental process of calculating the difference between right and wrong. Homicide law, however, depended on traditional methods that had been practiced and perfected over hundreds of years to determine the criminal responsibility of children. Despite the increasing wealth of knowledge concerning the minds of children and the implications immaturity and an under-developed brain might have on a child's behaviour, homicide law remained unchanged. It was up to the newspapers to explain to their readers why a child, who had not yet fully matured into an adult, could be found guilty of wilful murder in a court of law.

Children convicted of felonious killing offences also posed a practical problem for judges in the process of sentencing. Again, homicide law was clear. Murder was a capital crime. Any person found guilty of wilfully killing another human being was sentenced to

death in order to face the judgement of God. However, if children were less in control of their actions than adults was this severe punishment fair? And if children convicted of wilful murder, one of the most serious offences in criminal law, were not hanged how should they be punished?

In the mid nineteenth century separate penal institutions for juvenile offenders were established providing an environment free from the corrupting influences of adult prisoners and a penal regime designed to reform as well as to punish. It can be assumed, then, that children who killed, at least those who were spared the noose, were well provided for as 'children' in nineteenth-century penal policy. Loretta Loach, in her historical study of youthful murderers, maintained that these children were treated like any other criminal child after the Juvenile Offenders Act was passed in 1854 and were sentenced to no more than five years in reformatory schools.<sup>703</sup> However, this was very rarely the case. Loach based her conclusions on the conviction of six boys, all under the age of ten, who were sent to trial on a charge of wilful murder in the second half of the nineteenth century. In 1855 nine-year-olds John Breen and Alfred Fitz were charged with murder, found guilty of manslaughter and imprisoned for twelve months, in 1861 eight-year-olds Peter Barratt and James Bradley were charged with murder, convicted of manslaughter and sentenced to one month hard labour followed by five years in a reformatory school, and in 1891 eight-year-old Robert Shearon and nine-year-old Samuel Crawford were charged with murder, found not guilty at the Liverpool Assizes but were sent, nonetheless, to a reformatory school. As I have shown in Chapter Four children found guilty of manslaughter did not receive sentences that were as harsh as the punishments suffered by children convicted of wilful murder. It is therefore misleading to make the assumption, based on these cases, that all children found guilty of

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<sup>703</sup> L. Loach, *The Devil's Children: A History of Childhood and Murder* (London: Icon Books Ltd, 2009), p. 118.

felonious killing offences were treated as ‘children’ in the nineteenth century and sent to reformatory schools rather than to adult convict prisons. Children found guilty of wilful murder had committed too serious a crime to be placed in reformatory schools alongside juvenile delinquents found guilty of petty misdemeanours and property offences. Instead, they were treated like adult criminals. They were sentenced to long stays in convict prisons, forced to practice forms of hard labour, and, in the early nineteenth century, transported to penal settlements in Australia and Tasmania. Newspapers explained the decisions made by judges who sentenced children found guilty of felonious killing offences, quoting the opinions of legal professionals as well as the summaries provided by judges themselves at the conclusion of trial hearings. In doing so the press offered its readers with reasons to understand why children who killed were not sentenced to death, why they were not sent to reformatory schools, and how they might be treated in convict prisons.

Throughout the nineteenth century newspapers, periodicals, and other forms of information literature turned to authoritative voices in an attempt to make sense of murders that had been committed by children. Historian Marie-Christine Leps has argued that it was through the process of borrowing ideas from those in power, and from those with knowledge, that new discourses were constructed in the past.<sup>704</sup> Tracing the development of discourses on crime in nineteenth-century England and France, Leps noted that the emergence of criminology as a human science in the 1870s informed journalists in their interpretations of criminal activities and, therefore, influenced wider perceptions of criminal behaviour.<sup>705</sup> A similar process, where ideas were transferred from professional bodies to the public through the newspaper press, can be seen in nineteenth-century attempts to understand the existence of children who killed.

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<sup>704</sup> M. Leps, *Apprehending the Criminal: The Production of Deviance in Nineteenth-Century Discourse* (Durham: Duke University Press, 1992), p. 3.

<sup>705</sup> Ibid.

The image painted of the typical ‘boy murderer’ in the first half of the century reflected that of the stereotypical Juvenile Delinquent. Social commentators, investigating the causes of juvenile delinquency in the 1840s and 1850s, believed that many children sent before magistrates charged with criminal offences belonged to a particular class of child: they were poor, lived in destitute districts of cities and towns, and their families and neighbours subsisted from careers in crime. Newspapers, periodicals, and broadsides drew on this discourse of child criminality to understand children who killed. Neglectful and abusive parents, industrialisation, urbanism, the failings of society in general, and the pernicious effects of cheap street literature were all blamed. In 1829, for instance, a broadside detailing the life and crimes of a twelve-year-old murderer maintained that the boy had grown up surrounded by sin. He had been bound to an apprenticeship by the parish after his parents had abandoned him at a young age, but was soon discharged because of his, ‘wickedness’.<sup>706</sup> The boy then committed a multitude of petty offences and eventually joined a gang of thieves where he was encouraged to participate in violent robberies. It was under the tutorage of these dangerous criminals that the boy committed murder. The broadside made it clear to readers that the boy’s crime was the result of parental neglect and a childhood steeped in vice. He was not to blame. Rather, he was the product of his social and moral environment. Children who killed were placed in familiar narratives associated with child criminality in the nineteenth-century press. Although their crimes were more serious than the property offences most commonly committed by other youthful offenders, and although they were not treated like other criminal children in Victorian judicial and penal process, children who killed were presented as stereotypical juvenile delinquents.

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<sup>706</sup> Anon, *The Dreadful Life and Execution of Thomas Mitchel, A Boy 12 Years of Age, Who Was Tried on Five Different Indictments, and Condemned to Die at the Old Bailey, Last Sessions* (London: Horsen, 1829).

However, press representations of children found guilty of felonious killing offences gradually changed in the second half of the nineteenth century. Although the moral responsibility of children who killed continued to be undermined, providing readers with excuses to explain the existence of children who were capable of committing wilful murder, the focus of blame shifted from social to biological causes. Just as the development of criminology as a professional science in the 1870s influenced nineteenth-century discourses on crime, new theories concerning criminal behaviour, criminal anthropology, and criminal psychology also offered the press with new reasons to explain murders committed by children. Criminologists, alienists, and other scholars began to argue that criminality was a natural form of behaviour for some offenders. They believed that there existed in society a criminal race, an anomalous class of people, who exhibited different physical and psychological characteristics from other, normal men. Those belonging to this race practised crime as a professional career, they were reared into it, and were unable to escape their fate, having inherited a criminal trait from previous generations. Newspapers drew on these emerging theories of criminality to better understand how it was possible for some children to commit wilful murder. If a child who killed had a history of criminality or insanity in his or her family, the press was careful to emphasise it. Children on trial for murder were not presented to be normal children, as victims of an unfortunate upbringing, in the late nineteenth century. Rather, these children were considered to be abnormal. They were categorised as belonging to a criminal class, labelled as moral lunatics and imbeciles, and placed in a narrative of born criminality.

By the close of the nineteenth century childhood abnormality was increasingly understood among medical professionals, and officially recognised by the state. Compulsory schooling required the categorisation of children into different classes of ability. Children who were unable to participate in school education as a result of physical, mental, or

emotional problems were separated from other children. In 1892 the *British Medical Journal* published a list of eighteen groups of abnormal children including, ‘Group IV: Children Feeble-Minded or Exceptional in Mental Status’, ‘Group X: Children Presenting Defects in Development’, and, ‘Group XV: Children that Appear to Require Special Care and Training.’<sup>707</sup> A category of abnormal children medical professionals argued were likely to be violent, and commit violent crimes, were ‘moral imbeciles’. These children suffered from an hereditary inclination towards badness. They were uncontrollable, unteachable, and presented a danger to other children in schools. Every child, included in my study, who was found guilty of wilful murder after 1890, was described as a moral imbecile, or moral lunatic, in the press. It was assumed that children who were capable of committing felonious killing offences must be abnormal. In 1893 the *Hampshire Advertiser* maintained that, ‘it is not the gaoler but the doctor who should deal with such matters...It is more madness than murder; insanity than criminality.’<sup>708</sup>

An article headlined ‘Boy Murderers’, printed in the *Pall Mall Gazette* in 1895, traced numerous murders committed by children throughout the nineteenth century and presented readers with a typical type of child who killed: he was male, working class, and a moral imbecile, formed by degenerate parents and an unhealthy, immoral home environment.<sup>709</sup> Although the tag-line ‘boy murderer’ was frequently used in press headlines throughout the nineteenth century to introduce readers to shocking and sensational stories of children who killed, the term acquired a new meaning towards the turn of the century. The Boy Murderer developed as a stereotype, as a distinct literary figure that appeared in novels and other forms

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<sup>707</sup> F. Warner, ‘Abstracts of the Milroy Lectures on An Inquiry as to the Physical and Mental Condition of School Children. Delivered Before the Royal College of Physicians of London’, *British Medical Journal*, 19 March 1892, pp. 589-590.

<sup>708</sup> ‘Boy Murderers’, *Hampshire Advertiser*, Wednesday 29 Mach 1893.

<sup>709</sup> ‘Boy Murderers’, *Pall Mall Gazette*, Wednesday 18 September 1895.

of popular culture. Just as the Juvenile Delinquent emerged as a stereotypical type of criminal child in early nineteenth-century social commentaries and fictional literature, frequently depicted as the categorical Other to the innocent child, the Boy Murderer came to epitomise the anti-child in the late Victorian and early Edwardian imagination. In 1903, for instance, a short story called ‘A Noble Boy’ was printed in the *Manchester Evening News*. The tale celebrated the bravery of a boy who refused to fall to the temptations of sin encouraged by two youthful bullies. When the young hero refuses to steal an apple for the two older boys he is hustled to the ground and repetitively thrown into a spring of water. The child, however, continues to refuse to acquiesce to the boys’ request, ‘choking back the water in his mouth he replied bravely, “No, I cannot.”’<sup>710</sup> The two bullies then dip him in the water again but this time he does not resurface, ‘the brave soul, the soul of the boy who was “true blue,” had gone to his Maker, and the two boy murderers fled from the scene of the crime.’<sup>711</sup> The boy hero of this story was clearly presented as an innately good, stereotypical innocent child. He is the victim of the story, refusing to fall to sin even when his life is in danger, exhibiting a sort of bravery extolled in early twentieth-century literature for boys. In comparison, the two boy murderers are presented as callous villains. They skip school, steal apples for fun, and viciously bully children who are smaller and younger than themselves. These two children represent all that is bad in childhood and serve as the archetypal Other to the idealised innocent child.

Thomas Hardy turned to the stereotypical image of the Boy Murderer in order to highlight evidence of moral decay and degeneration in late-Victorian society. In his 1895 novel, *Jude the Obscure*, Hardy included a scene that appalled many of his readers. A young boy, the son of the novel’s hero, commits suicide after murdering his step-siblings and

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<sup>710</sup> ‘A Noble Boy’, *Manchester Evening News*, Friday 21 August 1903.

<sup>711</sup> *Ibid.*



hanging their bodies on a clothes hook on the back of a door. Little Father Time, a nickname given to the child, was presented by Hardy as peculiar in his appearance and behaviour. He had lost all signs of childhood innocence as a result of witnessing the hardships of life and had instead grown into a strange, haggard little creature. The child had not enjoyed a stable childhood cared for by loving dutiful parents, he had not received a sufficient standard of moral training, and he had inherited a tendency to sin from his flighty mother and adulterous father. His nickname referred to the fact that the boy was, 'Age masquerading as Juvenility, and doing it so badly that his real self showed through the crevices.'<sup>712</sup> Rather than providing readers with images of childhood innocence, joy, and beauty, Little Father Time represented all that was wrong with the modern world. Havelock Ellis, a nineteenth-century criminologist, was horrified that Hardy chose to depict such a brutal murder and suicide committed by a child in his novel. He wrote in a letter to *The Savoy*, a monthly illustrated journal, that, 'only at one point, it seems to me, is there a serious lapse in the art of the book, and this is when the door of the bedroom closet is sprung open on us to reveal the row of childish corpses.'<sup>713</sup> He argued, 'wholesale murder', was not, 'required for the constructive development of the history', and concluded that, 'a much less serious catastrophe would surely have sufficed.'<sup>714</sup>

Today, the child who kills appears in many forms of popular culture; in literature, television and film.<sup>715</sup> The image of the monstrous, un-childlike, mentally disturbed child

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<sup>712</sup> T. Hardy, *Jude the Obscure* (London: Wordsworth Classics, 1993), p. 241.

<sup>713</sup> H. Ellis, 'Concerning Jude the Obscure', *The Savoy: An Illustrated Monthly* (October, 1896), p. 41

<sup>714</sup> Ellis, 'Concerning Jude the Obscure', p. 42.

<sup>715</sup> Some examples of twentieth-century horror fiction that feature children who kill include: W. Golding, *Lord of the Flies* (London: Faber and Faber, 1954); W. March, *The Bad Seed* (New York: Rinehart & Company, 1954), in which an eight-year-old blond-haired girl commits multiple murders under the guise of an innocent smile and childish giggles; R. O'Grady, *Let's Kill Uncle* (New York: Macmillan, 1963) where two victimised children try to escape the torments of their evil, werewolf uncle, and A. Rice, *Interview with the Vampire* (New York: Knopf, 1976). These were all adapted into films. Some other horror films depicting murderous children include: *The Gunpowder Plot* (1900) directed by C. M. Hepworth, where a young boy places gunpowder under

capable of wilfully and maliciously killing other human beings has become a common feature in horror movies, shocking and repulsing a thrill-seeking audience.<sup>716</sup> However, in the nineteenth century it was more common to encounter children who killed in newspapers reporting actual cases of murders committed by boys and girls rather than as imagined characters in literary fiction. Until the turn of the century, and the publication of *Jude the Obscure*, children were presented in literature as innocent victims of adult villainy or cast as the stereotypical criminal child: the Juvenile Delinquent, the habitual thief.<sup>717</sup> When children did kill in Victorian literary fiction they tended to kill animals, not human beings. In *Agnes Grey*, a novel written by Anne Brontë in 1847 charting the experiences of a young governess, seven-year-old Tom Bloomfield explains the joy he receives from capturing and torturing small birds. When asked what he does to the creatures after he captures them he replies, ‘different things. Sometimes I give them to the cat; sometimes I cut them in pieces with my penknife; but the next, I mean to roast alive.’<sup>718</sup> Alarmed by his actions the governess asks him why he does such awful things and the boy maintains, ‘for two reasons; first, to see how

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his father’s chair and blows the man up for fun; *My Friend the Devil* (1922) directed by H. Millarde; *Carrie* (1976) directed by B. De Palma; *The Little Girl Who Lives Down the Lane* (1976) directed by N. Gessner; *The Omen* (1976) directed by R. Donner; *Children of the Corn* (1984) directed by F. Kiersch; *The Good Son* (1993) directed by J. Ruben, and *We Need to Talk About Kevin* (2010) directed by L. Ramsay. An excellent discussion of the representation of children in twentieth-century horror fiction, and a detailed filmography, can be found in S. Büssing, *Aliens in the Home: The Child in Horror Fiction* (New York: Greenwood Press, 1987).

<sup>716</sup> These films often generate much discussion. In 1993 *The Good Son*, a film directed by Joseph Ruben starring Macaulay Culkin and Elijah Wood, depicted the psychopathic behaviour of a young boy. The child tortures and kills animals, manipulates those around him, and finds pleasure in his attempts to injure and kill various members of his family. Critics panned the film, concerned that it might inspire violent behaviour in children. *The Good Son* was banned in cinemas throughout the United Kingdom and released on video with an 18 certification.

<sup>717</sup> Another late nineteenth-century novel that featured bad, and potentially evil, children was Henry James’ *The Turn of the Screw* (1898). A ten-year-old boy is excluded from his boarding school on account of his bad behaviour and that he is a danger to the other children. His governess refuses to believe such a thing, noting, ‘the absurdity of the idea’, but Mrs Grose, a family servant, remarks, ‘see him first, Miss, then believe it!’ H. James, *The Turn of the Screw* (London: Penguin, 1986), p. 158. A review of the novel, printed in *The Bookman* in 1898, expressed that, ‘one’s heart cries out against the picture of the terrible possibility; for the corrupted are children of tender years’, and that, ‘every inch of the picture seems an outrage.’ Anon, ‘Mr. James’s New Book’, *The Bookman* (November, 1898), p. 54.

<sup>718</sup> A. Brontë, *Agnes Grey* (Hertfordshire: Wordsworth Classics, 1998), p. 17.

long it will live – and then, to see what it will taste like.<sup>719</sup> The unashamed confession of such brutal behaviour by a child was included by Brontë to serve as a moral lesson to a youthful readership. Children were meant to learn from the wrongful actions committed by Tom Bloomfield and realise that, ‘you have heard where wicked people go to when they die; and if you don’t leave off torturing innocent birds, remember, you will have to go there, and suffer just what you have made them suffer.’<sup>720</sup>

When children were cast as murderers in early and mid-nineteenth-century fictional literature it was always made clear to the reader that the child was innocent, falsely accused and the victim of an evil, conniving adult. *The Boy Detective*, a popular penny dreadful published in 1866, chronicled the life and adventures of a youth named Ernest Keen.<sup>721</sup> He was born into privilege but reduced to rags because of the devious exploits of his step-mother. When his father is stabbed to death Ernest is framed for his murder. He is publically arrested, sent to trial, and the subject of much press attention. His innocence is proved in court, however, and the boy spends the remainder of the literary series assisting the police and fighting for justice. He is presented to be a hero, not a boy murderer. Similarly when a young boy is accused of shooting and killing a man in Captain Frederick Marryat’s *The Poacher* (1840) the reader is frequently reminded of the child’s innocence.<sup>722</sup> Joe Rushbrook is forced to run away from home in order to escape the false accusations made against him. He battles to survive in a turbulent world, a boy cast out by society. Marryat, however, did not cast Joe to be a victim. Rather, the boy wrongly accused of murder is a hero. It was Joe’s

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<sup>719</sup> Brontë, *Agnes Grey*, p. 17.

<sup>720</sup> Ibid.

<sup>721</sup> Anon, *The Boy Detective; or, The Crimes of London, A Romance of Modern Times* (London: Newsagents’ Publishing Company, 1866).

<sup>722</sup> F. Marryat, *The Poacher* (London: George Routledge and Sons, 1840).

father who shot the man in a drunken rage. Joe Rushbrook, a supposed boy murderer, represents the epitome of a faithful son, saving his father from the noose.

It seems strange that the Boy Murderer stereotype did not appear in Victorian gothic and sensation literature. The child capable of committing felonious killing offences questioned idealised notions of childhood innocence and beauty, presenting authors of horrific tales with an ideal character to further the sensation of a novel.<sup>723</sup> Considering Havelock Ellis's response to the murder committed by Little Father Time in *Jude the Obscure* it is possible that the concept of children who killed was just too shocking to be included in fictional tales of crime and murder. Nineteenth-century melodrama had familiar plots and storylines, providing readers with a sense of calm in an otherwise terrifying world. Murderers were monstrous adult men, whilst children were their victims or the innocent witnesses of their crimes. In 1890, when two boys were found guilty of murdering their father by repeatedly striking him on the head with an axe, the press expressed a desire to keep such awful specimens of childhood away from the realm of fictional literature where childhood innocence was venerated. An article printed in *The Speaker* exclaimed that the patricide committed by boys was, 'too revolting for fiction, too bad to be anything else other than fact.'<sup>724</sup>

It is clear that murders committed by children were considered to be shocking and sensational crimes in the nineteenth century. Not only did children charged with felonious killing offences question preconceived notions of childhood innocence and the association of murder with adult men in the Victorian popular imagination, but they exposed a number of holes in the criminal justice system. Legal and medical professionals were inspired by murder

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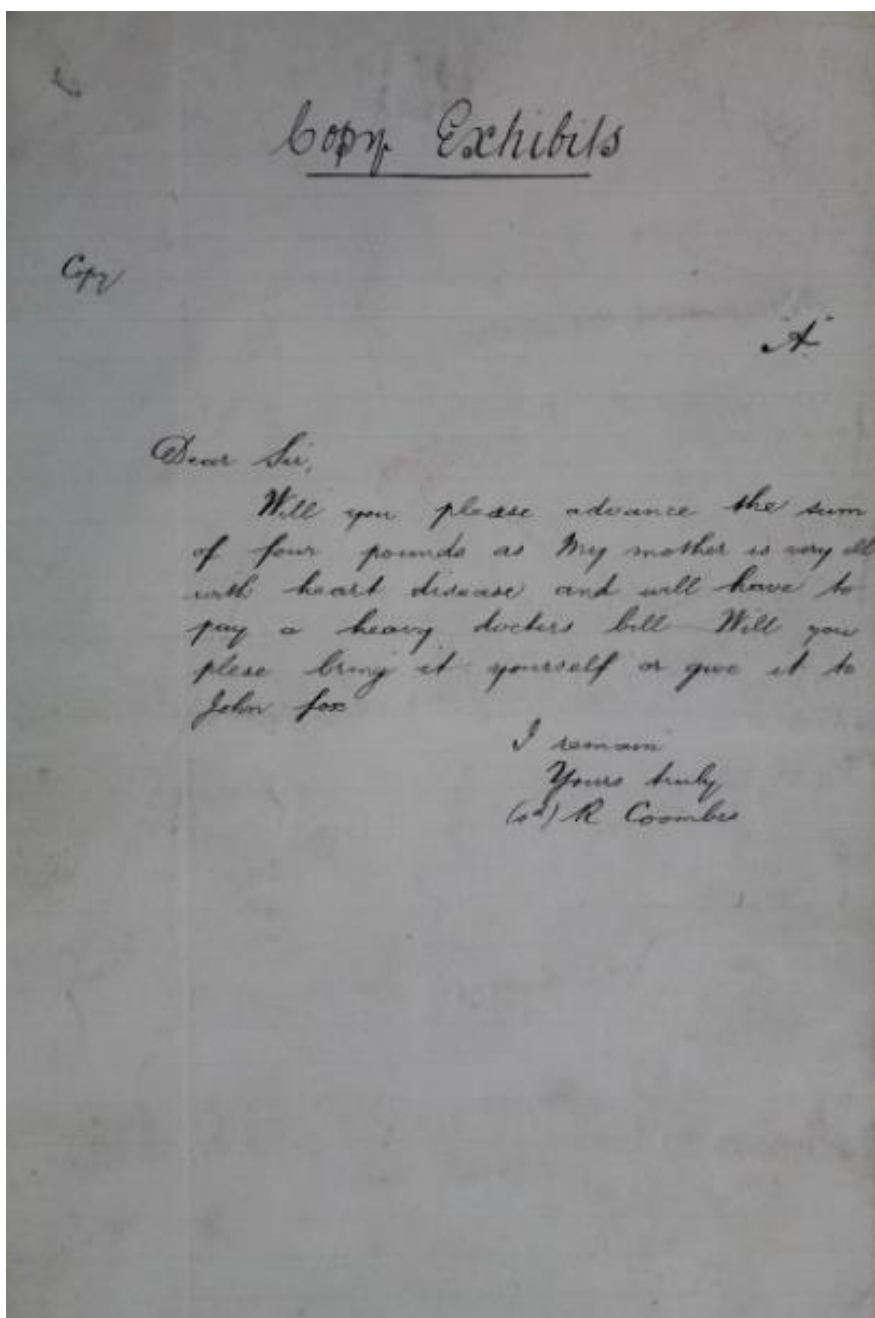
<sup>723</sup> I am very interested to understand this more and hope to conduct further research on the representation of children who kill in Victorian and early twentieth-century literature.

<sup>724</sup> Anon, 'The Cheshire Tragedy', *The Speaker; The Liberal Review* (February, 1890), p. 141.

trials of children to engage in debates concerning the criminal responsibility of children, to trace the gradual maturity of a child's mind, and to consider how best to treat children who had been convicted of serious crimes. Newspapers, taking advantage of the sensation generated by murders committed by children, printed articles detailing the circumstances of these crimes as well as the arrest, indictment, and conviction of the youthful perpetrators. However, rather than inspiring an atmosphere of panic, the press offered its readers with a number of different coping strategies in order to deal with the realisation that children were capable of wilfully taking the life of another human being. Newspapers drew on the opinions of legal and medical professionals, adopting new and emerging theories concerning criminal behaviour, criminal psychology, and child development to explain why children who killed could exist in a modern, civilised society. By the close of the nineteenth century children found guilty of committing felonious killing offences were understood in terms that we now recognise today: the child who kills as monstrous, the child who kills as mentally ill, the child who kills as the creation of parental abuse, neglect, and the pernicious effects of violent popular culture. Just as conceptualisations of the 'modern child', the 'innocent child', and the 'juvenile delinquent' were shaped in the nineteenth century, reflecting an increasing awareness that children were not just little adults, the stereotypical image of the child who kills, frequently portrayed today in modern literature and film, also emerged in the Victorian age.

## Appendices

1. Letter Written By Robert Allen Coombes to the Thames Iron Ship-Building Company: NA, CRIM 1/42/9, Central Criminal Court: Depositions, Defendant: Robert Allen Coombes, Charge: Murder, 1895.



2. A Doctor's Note Forged By Robert Allen Coombes: NA, CRIM 1/42/9, Central Criminal Court: Depositions. Defendant: Robert Allen Coombes, Charge: Murder, 1895.

"C."

1480 Parkway Road E  
March 30. 1895

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"B."

I certify that Mrs Emily Coombes  
of 35 Cave Rd is under my care She  
is suffering from an internal complaint  
and still remains in a very weak state

J. J. Griffin  
M. D.

35 Cave Road  
Plaster

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## (ii) Newspaper Articles

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- 'Attempted Murder at Clare, In Suffolk', *London Standard*, Wednesday 22 July 1829.
- 'Bury St Edmunds, Aug. 8', *London Standard*, Monday 10 August 1829.
- 'Suffolk Azzises', *Norfolk Chronicle*, Saturday 15 August 1829.
- 'Friday's and Saturday's Posts', *Hampshire Telegraph*, Monday 17 August 1829.
- 'Suffolk', *Reading Mercury*, Monday 17 August 1829.
- 'News', *Bury and Norwich Post*, Wednesday 19 August 1829.
- 'Untitled', *London Standard*, Wednesday 19 August 1829.
- 'News', *Bury and Norwich Post*, Wednesday 26 August 1829.
- 'Murder Near Rochester', *Morning Chronicle*, Thursday 26 May 1831.
- 'The Murder Near Rochester', *Morning Post*, Friday 27 May 1831.
- 'Murder Near Rochester', *Oxford Journal*, Saturday 28 May 1831.
- 'The Murder Near Rochester', *Hampshire Advertiser*, Saturday 28 May 1831.
- 'The Murder Near Rochester', *London Standard*, Thursday 2 June 1831.

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‘The Murder Near Rochester’, *Morning Chronicle*, Friday 3 June 1831.

‘The Murder Near Rochester’, *Oxford Journal*, Saturday 4 June 1831.

‘Untitled’, *Norfolk Chronicle*, Saturday 4 June 1831.

‘The Murder Near Rochester’, *Hereford Journal*, Wednesday 8 June 1831.

‘The Murder Near Rochester’, *North Devon Journal*, Thursday 9 June 1831.

‘Summer Assizes. Maidstone, Friday, July 29’, *The Times*, Saturday 30 July 1831.

‘Horrible Murder By a Child, *Chester Courant*, Tuesday 2 August 1831.

‘Execution of John Any Bird Bell, for Murder’, *London Standard*, Tuesday 2 August 1831.

‘Trial of John Any Bird Bell’, *Bury and Norwich Post*, Wednesday 3 August 1831.

‘Extraordinary Trial and Conviction of a Boy for Murder’, *Devizes and Wiltshire Gazette*, Thursday 4 August 1831.

‘Murder’, *North Devon Journal*, Thursday 4 August 1831.

‘Trial for Murder’, *Leicester Chronicle*, Saturday 6 August 1831.

‘The Juvenile Murder in Kent’, *Northampton Mercury*, Saturday 6 August 1831.

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‘Provincial News’, *Northampton Mercury*, Saturday 17 September 1831.

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‘Lambeth Street – Shocking Murder’, *Northampton Mercury*, Saturday 12 October 1833.

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‘Untitled’, *Reading Mercury*, Saturday 14 April 1838.

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‘Whole Family Poisoned’, *Derby Mercury*, Wednesday 18 April 1838.

‘Accidents and Offences’, *Worcester Journal*, Thursday 19 April 1838.

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‘A Family Poisoned at Lincoln’, *Sheffield Independent*, Saturday 21 April 1838.

‘Untitled’, *Kentish Gazette*, Tuesday 24 April 1838.

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‘Assize News’, *Bury and Norwich Post*, Wednesday 1 August 1838.

‘Law’, *Lancaster Gazette*, Saturday 4 August 1838.

‘Murder’, *West Kent Guardian*, Saturday 4 August 1838.

‘Murder in Lincoln’, *Yorkshire Gazette*, Saturday 4 August 1838.

‘Murder’, *Worcester Journal*, Thursday 9 August 1838.

‘Lincoln Friday August 17’, *Lincolnshire Chronicle*, Friday 17 August 1838.

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‘The Confession of the Boy Kirkby’, *Stamford Mercury*, Friday 17 August 1838.

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‘The Boy Murderer’, *Morning Chronicle*, Monday 20 August 1838.

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‘The Contents of the Lincoln Almanac Budget’, *Lincolnshire Chronicle*, Friday 9 November 1838.

‘Alleged Murder at Harefield, Near Uxbridge’, *Morning Chronicle*, Tuesday 6 August 1839.

‘Coroner’s Inquests. The Murder at Harefield, Near Uxbridge’, *Morning Chronicle*, Thursday 8 August 1839.

‘The Late Case of Stabbing Near Uxbridge – Wilful Murder’, *Morning Post*, Thursday 8 August 1839.

‘Coroner’s Inquest’, *The Times*, Thursday 8 August 1839.

‘Untitled’, *Chelmsford Chronicle*, Friday 9 August 1839.

‘The Late Murder By a Boy, at Harefield’, *The Times*, Friday 9 August 1839.

‘Mr. Wakley and the Uxbridge Magistrate’, *West Kent Guardian*, Saturday 10 August 1839.

‘Murder By a Boy’, *The Examiner*, Sunday 11 August 1839.

‘The Charges of Murder’, *Morning Chronicle*, Thursday 15 August 1839.

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‘Murder By a Boy at Harefield, Near Uxbridge’, *Lincolnshire Chronicle*, Friday 16 August 1839.

‘Untitled’, *Freeman’s Journal*, Saturday 17 August 1839.

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‘Accidents and Offences. Murder at Harefield’, *Leicestershire Mercury*, Saturday 17 August 1839.

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‘Letter to the Editor’, *The Times*, Saturday 17 August 1839.

‘Charges of Murder’, *West Kent Guardian*, Saturday 17 August 1839.

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‘Law for the Rich and Law for the Poor’, *The Examiner*, Sunday 18 August 1839.

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‘The Convict George Coker’, *West Kent Guardian*, Saturday 24 August 1839.

‘Untitled’, *Hereford Times*, Saturday 31 August 1839.

‘The Case of Coker, The Convict Boy’, *London Standard*, Friday 20 September 1839.

‘The Case of George Coker’, *Morning Chronicle*, Saturday 21 September 1839.

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‘The Case of George Coker’, *Lincolnshire Chronicle*, Friday 27 September 1839.

‘Extraordinary Murder By a Boy’, *Westmorland Gazette*, Saturday 20 November 1841.

‘Murder By Two Boys at Manchester’, *London Daily News*, Wednesday 24 June 1846.

‘Shocking Murder By Two Boys’, *Manchester Courier and Lancashire General Advertiser*, Wednesday 24 June 1846.

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‘South Lancashire Assizes’, *Manchester Courier and Lancashire General Advertiser*, Wednesday 19 August 1846.

‘The Greenheys Murder’, *Manchester Courier and Lancashire General Advertiser*, Saturday 22 August 1846.

‘Crown Court, Monday. The Greenheys Murder’, *Manchester Courier and Lancashire General Advertiser*, Wednesday 26 August 1846.

‘Inquest, Yesterday – Mysterious Death at Hackney’, *London Daily News*, Saturday 6 November 1847.

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‘The Late Extraordinary Case of Poisoning at Hackney’, *The Times*, Saturday 13 November 1847.

‘Untitled’, *Bury and Norwich Post*, Wednesday 17 November 1847.

‘Mysterious Death at Hackney, Near London’, *Worcestershire Chronicle*, Wednesday 17 November 1847.

‘Mysterious Death at Hackney’, *Bristol Mercury*, Saturday 20 November 1847.

‘Horrid Charge of Murder Against a Boy’, *The Ipswich Journal*, Saturday 20 November 1847.

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‘Crimes and Offences. Singular Case of Poisoning’, *Liverpool Mercury*, Tuesday 23 November 1847.

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‘Murder at Hackney’, *Worcestershire Chronicle*, Wednesday 24 November 1847.

‘Wilful Murder’, *Lincolnshire Chronicle*, Friday 26 November 1847.

‘Confession of William Allnutt’, *Leeds Intelligencer*, Saturday 27 November 1847.

‘The Hackney Poisoning Case’, *Yorkshire Gazette*, Saturday 27 November 1847.

‘Confession of Murder By a Boy of Twelve Years Old’, *Blackburn Standard*, Wednesday 1 December 1847.

‘Confession of the Murder of Mr. Nelme’, *Bury and Norwich Post*, Wednesday 1 December 1847.

‘The Suspected Murder at Hackney – Confession of William Allnutt’, *Manchester Courier and Lancashire General Advertiser*, Wednesday 1 December 1847.

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‘Confession of the Boy Murderer’, *Dumfries and Galloway Standard*, Wednesday 8 December 1847.

‘Central Criminal Court, Dec. 15. Old Court’, *The Times*, Thursday 16 December 1847.

‘The Charge of Mr. Baron Rolfe’, *The Times*, Friday 17 December 1847.

‘Dr. Duesbury’s Letter’, *The Times*, Friday 24 December 1847.

‘The Convict William Allnutt’, *Hampshire Advertiser*, Saturday 19 February 1848.

‘Untitled’, *Exeter Flying Post*, Thursday 24 February 1848.

‘Dreadful Murder and Mutilation’, *London Standard*, Friday 1 September 1848.

‘Buntingford. Murder by a Child. Confession & Committal of the Accused’, *Hertford Mercury and Reformer*, Saturday 2 September 1848.

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‘Dreadful Murder and Mutilation’, *Morning Post*, Saturday 2 September 1848.

‘Dreadful Murder and Mutilation. – Buntingford, Berks, August 30’, *Salisbury and Winchester Journal*, Saturday 2 September 1848.

‘The Murder of a Girl By Her Brother’, *London Standard*, Monday 4 September 1848.

‘Dreadful Murder Committed By a Child’, *Blackburn Standard*, Wednesday 6 September 1848.

‘The Murder of a Girl By Her Brother’, *Manchester Courier and Lancashire General Advertiser*, Wednesday 6 September 1848.

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‘Dreadful Murder and Mutilation’, *Leicester Journal*, Friday 8 September 1848.

‘Dreadful Murder By a Boy’, *Chelmsford Chronicle*, Friday 8 September 1848.

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‘Murder and Mutilation of a Child By Her Brother’, *Newcastle Courant*, Friday 8 September 1848.

‘Dreadful Murder and Mutilation’, *Northern Star*, Saturday 9 September 1848.

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‘Murder By a Boy’, *Leeds Times*, Saturday 9 September 1848.

‘Shocking Case of Child Murder’, *Newcastle Guardian*, Saturday 9 September 1848.

‘Bills Ignored’, *Supplement to the Hertford Mercury*, Saturday 3 March 1849.

‘Gatherings from Noodledom’, *Hertford Mercury*, Saturday 10 March 1849.

‘Horrible Murder at Bristol’, *London Standard*, Tuesday 25 December 1849.

‘The Late Murder at Bristol’, *London Standard*, Thursday 27 December 1849.

‘Horrible Murder at Bristol’, *Worcester Journal*, Thursday 27 December 1849.

‘Murder at Bristol’, *Lincolnshire Chronicle*, Friday 28 December 1849.

‘Latest News. The Bristol Murder’, *Hereford Times*, Saturday 29 December 1849.

‘Horrible Murder at Bristol’, *Leamington Spa Courier*, Saturday 29 December 1849.

‘Horrible Murder at Bristol’, *Leeds Mercury*, Saturday 29 December 1849.

‘Shocking Murder By a Boy at Bristol’, *Newcastle Guardian and Tyne Mercury*, Saturday 29 December 1849.

‘Murder Committed By a Youth Under Sixteen Years of Age’, *Northern Star*, Saturday 29 December 1849.

‘Murder – Bristol, Dec 24’, *Oxford Journal*, Saturday 29 December 1849.

‘Shocking Murder By a Boy at Bristol’, *Reading Mercury*, Saturday 29 December 1849.

‘Murder of a Boy at Bristol’, *Sheffield Independent*, Saturday 29 December 1849.

‘Murder By a Boy at Bristol’, *Westmorland Gazette*, Saturday 29 December 1849.

‘Shocking Murder By a Boy at Bristol’, *York Herald*, Saturday 29 December 1849.

‘Horrible Murder at Bristol’, *Yorkshire Gazette*, Saturday 29 December 1849.

‘The Coroner’s Inquest’, *Lloyd’s Weekly Newspaper*, Sunday 30 December 1849.

‘Untitled’, *Birmingham Gazette*, Monday 31 December 1849.

‘Shocking Murder at Bristol’, *Kentish Gazette*, Tuesday 1 January 1850.

‘Horrible Murder’, *Bury and Norwich Post*, Wednesday 2 January 1850.

‘The Boy-Murder at Bristol’, *Hereford Journal*, Wednesday 2 January 1850.

‘Crown Court’, *The Times*, Saturday 6 April 1850.

‘Untitled’, *Worcestershire Journal*, Wednesday 10 April 1850.

‘At the Gloucester Assizes’, *Bury and Norwich Post*, Wednesday 17 April 1850.

‘Conviction of a Boy of Fourteen Years of Age’, *Kendal Mercury*, Saturday 20 April 1850.

‘One Child Killed By Another’, *Hereford Journal*, Wednesday 12 November 1851.

‘One Child Killed By Another’, *Worcestershire Chronicle*, Wednesday 12 November 1851.

‘A Child Killed By Another’, *Bath Chronicle and Weekly Gazette*, Thursday 13 November 1851.

‘One Child Killed By Another’, *North Devon Journal*, Thursday 13 November 1851.

‘One Child Killed By Another’, *Nottinghamshire Guardian*, Thursday 13 November 1851.

‘One Child Killed By Another’, *Stirling Observer*, Thursday 13 November 1851.

‘The Murder By a Boy in Norfolk’, *The Era*, Sunday 18 April 1852.

‘Murder of One Boy By Another’, *Wells Journal*, Saturday 24 April 1852.

‘London’, *Morning Chronicle*, Thursday 9 September 1852.

‘Charge of Murder Against a Youth Under Ten Years of Age’, *Preston Chronicle*, Saturday 21 May 1853.

‘Committal of a Child for Murder Near Keynsham’, *Westmorland Gazette*, Saturday 28 May 1853.

‘Manslaughter By a Boy’, *Wells Journal*, Saturday 22 July 1854.

‘Extraordinary Case of a Boy Killed By a Boy’, *Liverpool Daily Post*, Saturday 21 July 1855.

‘The Murder By Children. – Resumed Inquest’, *Liverpool Daily Post*, Monday 23 July 1855.

‘Murder of One Boy By Another’, *Derby Mercury*, Wednesday 25 July 1855.

‘The Boy Murder in Liverpool’, *Cheshire Observer*, Saturday 28 July 1855.

‘A Boy of Twelve Charged with the Murder of a Little Girl Two Years Old’, *Westmorland Gazette*, Saturday 28 July 1855.

‘The Murder By Boys, In Liverpool’, *Liverpool Daily Post*, Thursday 23 August 1855.

‘Boy Murderers’, *Liverpool Mercury*, Friday 24 August 1855.

‘Murder By Boys at Liverpool’, *Cheshire Observer*, Saturday 25 August 1855.

‘Wednesday, August 22. Crown Court’, *Manchester Courier and Lancashire General Advertiser*, Saturday 25 August 1855.

‘Alleged Murder By Boys at Liverpool’, *Bradford Observer*, Thursday 30 August 1855.

‘A Child Murdered By a Boy’, *Sussex Advertiser*, Tuesday 16 October 1855.

‘Charge of Murder Against a Child’, *Reading Mercury*, Saturday 8 March 1856.

‘The Oxford Circuit’, *Hereford Times*, Saturday 15 March 1856.

‘At the Oxford Criminal Court’, *Salisbury and Winchester Journal*, Saturday 15 March 1856.

‘A Precocious Prisoner’, *Lloyd’s Weekly Newspaper*, Sunday 16 March 1856.

‘Child Killed By Another’, *Falkirk Herald*, Thursday 18 September 1856.

‘A Child Killed By a Playmate’, *Worcester Journal*, Saturday 16 May 1857.

‘Shocking Tragedy at Kirkham’, *Freeman’s Journal*, Monday 18 May 1857.

‘A Boy Killed By Another in the Harvest-Field’, *Western Daily Press*, Wednesday 11 August 1858.

‘A Boy Killed By Another’, *Lloyd’s Weekly Newspaper*, Sunday 15 August 1858.

‘A Child Killed By a Playmate’, *Birmingham Daily Post*, Wednesday 22 September 1858.

‘A Child Killed By Playmate’, *Hereford Times*, Saturday 25 September 1858.

‘A Child Killed By a Playmate’, *Luton Times and Advertiser*, Saturday 25 September 1858.

‘A Child Killed By His Playmate’, *Westmorland Gazette*, Saturday 25 September 1858.

‘A Child Killed By a Playmate’, *Worcester Journal*, Saturday 25 September 1858.

‘One Child Killed By Another’, *Morning Chronicle*, Saturday 1 October 1859.



‘A Child Killed By Her Brother’, *Hereford Journal*, Wednesday 5 October 1859.

‘One Child Killed By Another’, *Bath Chronicle and Weekly Gazette*, Thursday 6 October 1859.

‘The Poisoning Case at Seagrave. The Inquest’, *Leicester Chronicle*, Saturday 12 May 1860.

‘The Seagrave Murder. Poisoning By a Servant’, *Leicester Chronicle*, Saturday 19 May 1860.

‘Shocking Case of Poisoning at Leicester’, *Morning Chronicle*, Saturday 19 May 1860.

‘A Master Poisoned By His Servant’, *Bury and Norwich Post*, Tuesday 22 May 1860.

‘Poisoning By a Servant’, *Morning Post*, Monday 28 May 1860.

‘Midland Circuit. – Leicester, July 17’, *Morning Post*, Wednesday 18 July 1860.

‘The Condemned Woman. To the Editor of the Leicester Chronicle’, *Leicester Chronicle*, Saturday 21 July 1860.

‘The Murder at Seagrave’, *Leicester Chronicle*, Saturday 21 July 1860.

‘The Seagrave Murder. Condemnation of the Accused’, *Leicester Chronicle*, Saturday 21 July 1860.

‘The Frome Murder’, *Morning Chronicle*, Monday 23 July 1860.

‘Boy Murder Near Frome’, *Dumfries and Galloway Standard*, Wednesday 25 July 1860.

‘The Road Murder’, *Western Daily Press*, Friday 27 July 1860.

‘Untitled’, *Leicester Chronicle*, Saturday 28 July 1860.

‘The Frome Murder’, *Morning Chronicle*, Saturday 28 July 1860.

‘The Frome Murder. Examination of the Prisoner’, *Morning Chronicle*, Tuesday 14 August 1860.

‘The Road Murder’, *Liverpool Daily Post*, Tuesday 14 August 1860.

‘Hannah Holmes’, *Leicester Chronicle*, Saturday 25 August 1860.

‘The Mysterious Child Murder at Road’, *Morning Chronicle*, Tuesday 11 September 1860.

‘The Frome Murder. Conclusion of Mr. Slack’s Inquiry at Road’, *Morning Chronicle*, Monday 24 September 1860.

‘Untitled’, *Morning Post*, Wednesday 26 September 1860.

‘Murder of a Child By Two Boys, Near Stockport’, *London Standard*, Wednesday 17 April 1861.

‘The Murder of a Child By Two Boys’, *London Daily News*, Thursday 18 April 1861.

‘The Murder By Two Boys’, *London Standard*, Thursday 18 April 1861.

‘Wilful Murder of a Child By Two Boys’, *Newcastle Journal*, Thursday 18 April 1861.

‘Murder By Two Boys’, *The Times*, Friday 19 April 1861.

‘Wilful Murder By Two Boys’, *Burnley Advertiser*, Saturday 20 April 1861.

‘Shocking Murder of a Child By Two Boys’, *Kentish Chronicle*, Saturday 20 April 1861.

‘The Shocking Murder of a Child By Two Boys at Stockport’, *Leeds Mercury*, Saturday 20 April 1861.

‘Murder of a Child By Two Boys’, *Leicestershire Mercury*, Saturday 20 April 1861.

‘Shocking Murder of a Child By Two Boys’, *Louth and North Lincolnshire Advertiser*, Saturday 20 April 1861.

‘Wilful Murder of a Child By Two Boys’, *Manchester Times*, Saturday 20 April 1861.

‘Wilful Murder By Boys’, *Preston Chronicle*, Saturday 20 April 1861.

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‘Shocking Murder By Two Boys’, *Bury and Norwich Post*, Tuesday 23 April 1861.

‘Murder By Two Boys’, *Kentish Gazette*, Tuesday 23 April 1861.

‘Murder of a Child By Two Boys’, *Chelmsford Chronicle*, Friday 26 April 1861.

‘The Stockport Murder’, *Chester Chronicle*, Saturday 27 April 1861.

‘The Late Diabolical Murder in Hempshaw Lane’, *Manchester Courier and Lancashire General Advertiser*, Saturday 6 July 1861.

‘Summer Assizes’, *Cheshire Observer*, Saturday 10 August 1861.

‘Chester Summer Assizes. – August 8. The Stockport Murder’, *Morning Post*, Saturday 10 August 1861.

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‘The Stockport Murder’, *Lloyd’s Weekly Newspaper*, Sunday 11 August 1861.

‘London, Monday, August 12’, *London Standard*, Monday 12 August 1861.

‘Untitled’, *The Times*, Monday 12 August 1861.

‘Assize Intelligence. The Murder at Stockport By Two Children’, *Manchester Courier and Lancashire General Advertiser*, Wednesday 14 August 1861.

‘Untitled’, *Morning Post*, Wednesday 14 August 1861.

‘General News. Murder By Children’, *Nottinghamshire Guardian*, Thursday 15 August 1861.

‘Child Murder By Children’, *Exeter and Plymouth Gazette*, Friday 16 August 1861.

‘Two Boys Tried for Murder’, *Stamford Mercury*, Friday 16 August 1861.

‘Spirit of the British Press. The Boy Murderers at Stockport’, *Hereford Times*, Saturday 17 August 1861.

‘Horrible Murder By Children’, *Kentish Chronicle*, Saturday 17 August 1861.

‘Murder By Two Boys – Shocking Depravity’, *Leeds Times*, Saturday 17 August 1861.

‘Murder By Children’, *Leicestershire Mercury*, Saturday 17 August 1861.

‘Trial of Two Children For Murder’, *Sheldrake’s Aldershot Military Gazette*, Saturday 17 August 1861.

‘Two Children Convicted of “Manslaughter”’, *Wells Journal*, Saturday 17 August 1861.

‘Barbarous Murder of a Child By Two Boys’, *York Herald*, Saturday 17 August 1861.

‘Another Extraordinary Murder By a Boy’, *The Era*, Sunday 18 August 1861.

‘Assize Intelligence. Murder By Two Children’, *Worcestershire Chronicle*, Wednesday 21 August 1861.

‘Extraordinary Outrage By a Boy’, *Cheshire Observer*, Saturday 24 August 1861.

‘A Boy Killed While at Play’, *West Middlesex Advertiser and Family Journal*, Saturday 14 September 1861.

‘A Boy Murderer’, *Hereford Times*, Saturday 21 September 1861.

‘The Dark Side of Life. The Boy Murderer’, *Kentish Gazette*, Tuesday 23 September 1861.

‘Little, the Boy Murderer’, *Newcastle Journal*, Tuesday 24 September 1861.

‘From Our Correspondent’, *Bury Times*, Saturday 30 November 1861.

‘The Barnard Castle Murder’, *Bury and Norwich Post*, Tuesday 10 December 1861.

‘The Boy Murderer Reeve’, *Bury and Norwich Post*, Tuesday 10 December 1861.

‘A Child Killed By Another’, *Hereford Times*, Saturday 8 February 1862.

‘Murder of a Child By Its Nurse in Lincolnshire. From Our Correspondent’, *Sheffield Independent*, Wednesday 16 July 1862.

‘Child Poisoning’, *Lincolnshire Chronicle*, Friday 18 July 1862.

‘Murder of a Child By Its Nurse’, *Birmingham Daily Post*, Friday 18 July 1862.

‘Murder of a Child By Its Nurse’, *Hampshire Advertiser*, Saturday 19 July 1862.

‘The Child Poisoning Case’, *Louth and North Lincolnshire Advertiser*, Saturday 26 July 1862.

‘Singular Charge of Murder Against a Servant Girl’, *Sheffield Independent*, Thursday 31 July 1862.

‘Murder at Alvingham’, *Lincolnshire Chronicle*, Friday 1 August 1862.

‘Untitled’, *Manchester Courier and Lancashire General Advertiser*, Saturday 2 August 1862.

‘The Murder By a Nurse-Girl. Elizabeth Vamplew’, *Sheffield Independent*, Monday 4 August 1862.

‘Sentences’, *Louth and North Lincolnshire Advertiser*, Saturday 9 August 1862.

‘Untitled’, *Manchester Courier and Lancashire General Advertiser*, Saturday 9 August 1862.

‘Murder By a Stepson’, *Manchester Courier and Lancashire General Advertiser*, Tuesday 28 March 1865.

‘Murder By a Stepson’, *Dorset County Chronicle*, Thursday 30 March 1865.

‘A Boy Killing His Step-Father’, *Hull Packet*, Friday 31 March 1865.

‘Murder By a Stepson’, *Stamford Mercury*, Friday 31 March 1865.

‘Murder By a Boy’, *Bucks Herald*, Saturday 1 April 1865.

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‘Untitled’, *Leeds Times*, Saturday 1 April 1865.

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‘Shocking Affair at Bristol’, *Newcastle Guardian and Tyne Mercury*, Saturday 1 April 1865.

‘Murder By a Youth of 12 Years’, *Reading Mercury*, Saturday 1 April 1865.

‘Murder By a Stepson’, *Reynolds’s Weekly Newspaper*, Sunday 2 April 1865.

‘Untitled’, *Bath Chronicle and Weekly Gazette*, Thursday 6 April 1865.

‘The Alleged Manslaughter By a Youth’, *Reading Mercury*, Saturday 8 April 1865.

‘A Boy Murderer’, *Kentish Chronicle*, Saturday 17 March 1866.

‘A Boy Murderer’, *Reading Mercury*, Saturday 17 March 1866.

‘A Boy Murderer’, *Bury and Norwich Post*, Tuesday 20 March 1866.

‘A Boy Murderer’, *Western Times*, Friday 23 March 1866.

‘Shocking Murder in Birmingham. A Young Man Deliberately Shot’, *Birmingham Daily Post*, Wednesday 2 May 1866.

‘Murder and Suspected Murder in Birmingham’, *Leeds Mercury*, Wednesday 2 May 1866.

‘Murders at Birmingham’, *Manchester Courier and Lancashire General Advertiser*, Wednesday 2 May 1866.

‘Deliberate Murder at Birmingham’, *Sheffield Independent*, Wednesday 2 May 1866.

‘The Murder in St. Mark Street. The Coroner’s Inquest’, *Birmingham Daily Post*, Friday 4 May 1866.

‘The Latest News’, *Lincolnshire Chronicle*, Friday 4 May 1866.

‘The Murder By a Boy in St. Mark’s Street West. Verdict of Wilful Murder Against the Prisoner’, *Birmingham Gazette*, Saturday 5 May 1866.

‘Alleged Manslaughter By a Boy’, *Bucks Herald*, Saturday 5 May 1866.

‘Deliberate Murder of a Youth at Birmingham’, *Bury Times*, Saturday 5 May 1866.

‘Murder and Suspected Murder at Birmingham’, *Kentish Chronicle*, Saturday 5 May 1866.

‘The Murder By a Boy in Birmingham’, *London Standard*, Saturday 5 May 1866.

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‘Deliberate Murder of a Youth at Birmingham’, *Preston Chronicle*, Saturday 5 May 1866.

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‘Murder and Suspected Murder at Birmingham’, *Sussex Advertiser*, Saturday 5 May 1866.

‘Deliberate Murder By a Youth at Birmingham’, *York Herald*, Saturday 5 May 1866.

‘Murder and Suspected Murder at Birmingham’, *Sussex Advertiser*, Tuesday 8 May 1866.

‘Murder By a Boy in Birmingham’, *Essex Standard*, Wednesday 9 May 1866.

‘The Murder in St. Mark’s Street. Magisterial Examination’, *Birmingham Daily Post*, Thursday 10 May 1866.

‘The Murder in Birmingham’, *London Standard*, Thursday 10 May 1866.

‘Murder By a Boy in Birmingham’, *Essex Standard*, Friday 11 May 1866.

‘Deliberate Murder of a Youth’, *Nottinghamshire Guardian*, Friday 11 May 1866.

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‘Multum in Parvo’, *Rochdale Observer*, Saturday 12 May 1866.

‘The Murder in St. Mark’s Street. Committal of the Prisoner’, *Birmingham Gazette*, Saturday 12 May 1866.

‘The Murder in Birmingham’, *Bristol Mercury*, Saturday 12 May 1866.

‘Miscellaneous News’, *Leamington Spa Courier*, Saturday 12 May 1866.

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‘Condensed Intelligence’, *Reading Mercury*, Saturday 19 May 1866.

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‘Alleged Murder By a Boy at Birmingham’, *Manchester Times*, Saturday 14 July 1866.

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‘Untitled’, *Worcestershire Chronicle*, Wednesday 18 July 1866.

‘A Boy Shooting Another’, *Bradford Observer*, Thursday 19 July 1866.

‘Alleged Murder By a Boy’, *Lincolnshire Chronicle*, Friday 20 July 1866.

‘General News’, *Bury Times*, Saturday 21 July 1866.

‘Alleged Murder By a Boy’, *Lincolnshire Chronicle*, Saturday 21 July 1866.

‘Condensed Intelligence’, *Reading Mercury*, Saturday 21 July 1866.

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‘The Boy Murderer’, *Caledonian Mercury*, Saturday 24 November 1866.

‘The Sheffield Boy Murderer and His Stepmother’, *Leeds Times*, Saturday 8 December 1866.

‘The Sheffield Murder’, *Manchester Courier and Lancashire General Advertiser*, Wednesday 19 December 1866.

‘The Murder By a Boy at Sheffield’, *Birmingham Daily Post*, Thursday 20 December 1866.

‘The Sheffield Murder’, *Morning Post*, Thursday 20 December 1866.

‘The Sheffield Murder Case’, *Western Daily Press*, Thursday 20 December 1866.

‘Henry Gabbits’, *Chelmsford Chronicle*, Friday 21 December 1866.

‘Trial and Sentence of the Boy Gabbites’, *Hull Packet*, Friday 21 December 1866

‘The Sheffield Murder. Trial and Conviction of Gabbites’, *Lincolnshire Chronicle*, Friday 21 December 1866.

‘Charge of Murder Against a Youth – Affecting Scene’, *Newcastle Courant*, Friday 21 December 1866.

‘The Sheffield Murder’, *Burnley Gazette*, Saturday 22 December 1866.

‘The Murderer of His Fellow Apprentice’, *Kentish Chronicle*, Saturday 22 December 1866.

‘A Youth Convicted of Murdering His Fellow Apprentice, at Sheffield’, *Leeds Times*, Saturday 22 December 1866.

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‘The Sheffield Murder. Trial and Conviction of Gabbites’, *Lincolnshire Chronicle*, Saturday 22 December 1866.

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‘The Sheffield Murder. Sentence of Death’, *York Herald*, Saturday 22 December 1866.

‘Murder and Insanity’, *Western Times*, Monday 24 December 1866.

‘Boy Murdered by His Fellow Apprentice’, *Bury and Norwich Post*, Tuesday 25 December 1866.

‘The Boy Murder at Sheffield’, *Sherborne Mercury*, Tuesday 25 December 1866.

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### ONLINE RESOURCES

19<sup>th</sup> Century British Library Newspapers Database: The British Library:

<http://www.bl.uk/reshelp/findhelprestype/news/newspdigproj/database/index.html>

Ancestry: Genealogy, Family Trees, and Family History Records Online:

<http://home.ancestry.co.uk/>

Crime BroadSides, Harvard Law School Library: The President and Fellows of Harvard College (2013):

<http://broadSides.law.harvard.edu/>

Founders and Survivors: Australian Life Courses in Historical Context, 1803-1920: The Tasmanian Archive and Heritage Office:

<http://foundersandsurvivors.org/>

Hansard, 1803-2005: UK Parliament:

<http://hansard.millbanksystems.com>

The British Library Newspaper Archive: The British Library:

<http://www.britishnewspaperarchive.co.uk>

The Old Bailey Proceedings Online, 1674-1913: T. Hitchcock, R. Shoemaker, Clive Emsley, S. Howard and J. McLaughlin, version 7.0 (2012):

[www.oldbaileyonline.org](http://www.oldbaileyonline.org)