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Burial Clubs and Child Murder in England, Circa, 1840-1851: William Eccles and Other Cases

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**Burial Clubs and Child Murder in
England, Circa, 1840-1851: William Eccles
and Other Cases**

Gordon H. H. Glasgow

To my wife Betty, and in memory of my Parents and of my Brother

The Inquest

I took my oath I will inquire
Without affection, hate or wrath,
Into the death of Ada Wright-
So help me God! I took that oath

'Now, Gentlemen of the Jury', said
The Coroner- 'this woman's child
By misadventure met his death'
'Aye, aye', said we. The mother smiled.

William Henry Davies 1871-1940

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About the Author

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G.H.H.G November 2010

Preface

The idea for this monograph started years ago when, following my retirement as one of H.M. Coroners, I acquired a copy of *Compendium on Coroners* written in 1851 by an eminent Middlesex coroner William Baker. By the time he wrote his book, Baker had had some 21 years coronial experience having been elected to that post by the county freeholders in 1830 when he was 47 years old. I discovered that he devoted a nineteen-page chapter to burial clubs, arsenic poisoning and the murder of children in the 1840s. In writing he must have been influenced as much by the Coroners' Society of England and Wales as by his own experiences since that Society, founded five years earlier, had constantly urged all coroners to be especially vigilant about child murders by poison. However, I was surprised and puzzled to discover that most of the inquests referred to by Baker had occurred not in his jurisdiction but in Lancashire, Cheshire or Essex and that the deaths had attracted the special attention of the Rev. John Clay. The latter was a graduate of Emmanuel College, Cambridge and Preston prison chaplain. He was described by the Rev. Dr. R. D. Shaw as 'a saintly and heroic man.' He had expert knowledge of burial clubs in the Preston area and was an influential prison reformer. His innovative reports to Lancashire Quarter Sessions were studied by the social reformer Edwin Chadwick and printed in *Parliamentary Papers*. Clay, like Chadwick, was a strong opponent of burial clubs believing that they encouraged murder and infanticide, either by deliberate action or by neglect. He had written anonymously on the subject to *The Times* and openly to William Brown, Liberal MP for South Lancashire and Chairman of the Liverpool Grand Jurors. He corresponded with Lords Palmerston, Shaftesbury and Stanley. In his denunciation of burial clubs and multiple insurance, he identified specific inquests and Chadwick referred to these inquests in his 1843 *Supplementary Report on Interment in Towns*, citing 4 cases of burial club poisonings since 1839.

The inquests referred to by Baker, Clay and Chadwick compelled me to seek further explanations for the spate of burial club murders in the 1840s. By way of exploration, I turned to the polemics surrounding burial clubs, to their perceptions and re-perceptions and their innovative influence on parliamentary debates about poisoning, the competing claims of the emerging medical and pharmaceutical professions and the need for regulation in the sale of poisons. The outcome is this monograph which, based primarily on newspaper reports, trial reports and any surviving archival material, together with recent research in specialist fields, will hopefully make more intelligible an otherwise dark and sordid chapter of Early Victorian social and cultural history.

I Introduction

When William Eccles, a 15 year old Bolton mill worker, died in agony on the 26th September 1842, he could never have anticipated that his death would be of any significance to anyone except his family. He could not have imagined that, following several earlier suspicious deaths in nearby Stockport¹, his would attract the attention of historians seeking to link, the increasing number of burial and benefit clubs with child murders. He could not have envisaged a sensational inquest, an innovative adversarial trial followed by a public execution attended by angry thousands. Contemporaries did not anticipate the exposure of an atypical poisoner, who would be reviled in the annals of crime as Lancashire's first female serial killer motivated by burial moneys and responsible for twice as many deaths as those recorded two years earlier in the Sandys inquest². Few could have expected that, a few years later, the London press, the nearest thing Britain had to a national press at that time, would paradigmatically link the nefarious north-west killings of the 1840s to the Essex killings, the 1848 William Constable inquest³ and 'the circle of secret poisonings' around the Essex villages of Wix and

¹ *Interment in Towns. Royal Commission Report, 1843* (509) xii, 395 *Report from the Select Committee of the House of Commons on the Friendly Societies Bill 1854*, vii. Evidence of Henry Coppock. The death of the Sandys children in 1840 took place after the Standing child death in 1839. They attracted more publicity about burial club murders and the press seized upon the comments made by the coroner about Irish Catholics. The Stockport Coroner, Hollins, when summing up, said, 'Though he did not wish to draw any invidious distinction yet he wished the jury to understand [the Sandys family] were Catholics and that accordingly they might probably not attach that seriousness to the commission of such crimes which parties of a different religion might do'. These inflammatory remarks were printed in the local press and were one of the reasons why the Sandys burial club murders became a cause célèbre and were referred to in the 1843 *Supplementary Report on Interment in Towns*. However, the Standing alleged burial club murder was the first of its kind to come before the courts. Although *The Spectator* referred to the Standing family as 'trad[ing] in the death of children' Robert Standing was acquitted at Chester Assizes in 1839. On the other hand Robert Sandys was convicted of the murder of his daughter Elizabeth at the 1841 Chester Assizes. Both antedated the Eccles murder, which resulted in the execution of Betty Eccles as the first and, probably, the most vilified serial female poisoner of the 'hungry forties'

² *The Times*, 25th July 1840, 3rd November 1840, 4th, 5th and 6th August 1841. *Manchester Guardian*, 28th October 1840. Sir Edwin Chadwick referred, in a footnote, to the Eccles murder and trial in his 1843 *Supplementary Report on Interment in Towns*, pp65-6

³ *The Times*, 25th July 1848. *Atlas* referred to 'The Death Clubs of Essex' as 'directly productive of an organised system of revolting murder' cited in *Manchester Times* and *Manchester and Salford Advertiser and Chronicle*, 26th September 1848.

Clavering. Further, no one could have foreseen that the killings would expose a serious problem resulting from burial clubs and insurance, for the first time, placing an actuarial value on a child's life. Secret poisonings came to be regarded as inscrutable crimes that could only be investigated by the coroner and his jury. The late Lionel Rose melodramatically wrote that the inquest-system, dating back to at least 1194, acted as 'a lantern that uncomfortably illuminated the dark recesses of society's guilt...with a concentrated insight into infant death at its most harrowing'⁴. The inquest, with its popular base of lay jurors, was the only accessible forum in which to investigate suspicious deaths, and virtually all murder trials originated before coroners. Jurors, contrary to the tendency in the courts and tribunals, were encouraged to ask questions of witnesses, and entitled to append riders to their verdicts, suggesting, for example, restrictions on the sale of poisons. In many ways the inquest jury was the oracle of contemporary public opinion. An 1883 editorial in the *Spectator* referred to the coroner's court as full of 'sifted gossip' that would otherwise 'poison a whole countryside'. It was, in William Cobbett's words, 'the institution for the protection of life and limb.' Meanwhile, it dispelled suspicions and gossip.

By the late 1840s only around one per cent of inquests resulted in trials for murder. Moreover during that time, according to the Registrar General's Annual Returns, only 5-7% of deaths resulted in inquests. This was partly because of the restrictive practices of county - and to some extent borough - magistrates, and partly because of the popular reluctance, particularly in rural areas, to become involved with coroners. Furthermore, cases of suspected murder could escape coronial investigations because of the laxity in death registration requirements under the 1836 Births, Deaths and Marriages

⁴ Lionel Rose, *The Massacre of Innocents. Infanticide in Britain 1800-1939*. London. 1986 p.59 Writing in 1843, the Tory radical essayist and historian Thomas Carlyle referred to the Sandys inquests as 'incidents worth dwelling upon' since 'it is whispered that the case is not solitary.' However, he rejected the suggestion that it was a 'hitherto unheard of crime', imported from the family's native Ireland. Carlyle maintained that the Stockport mother and father 'had said to themselves, what shall we do to escape starvation?' Carlyle, *Past and Present*. London 1843 reprint with Introduction by Douglas Jerrold in Everyman's Library Series no.608 London 1960 pp-3-6 'the distress of the lower classes is great and petrifying--- the people of Stockport murdering their own children to swindle some club of burial fees.' Letter from Carlyle to Alexander Carlyle dated 18th November 1840 printed in *The Collected Letters of Thomas and Jane Welch Carlyle*. Duke University Press 2007 vol. 12 pp-327-30 and Letter from Carlyle to Thomas Chalmers dated 11th October 1843 printed in vol. 13 pp274-6 'a barrister of my acquaintance--- informs me positively that the official people durst not go farther into this business: that the case was by no means a solitary one: that, on the whole, they thought it good to close up the matter swiftly again from the light of day and investigate it no deeper.' [emphasis added] J.A. Sharpe, 'Quantification and the History of Crime in Early Modern England: Problems and Results' in *Historical Social Research* vol.15. 1990 p.17.

Act, that required a cause of death to be added as an addendum to the fact of death. The polemics, particularly surrounding the deaths of children, were diverse.

Inquests, or the lack of them, were indicative of a wider malaise afflicting local and central government. During the Victorian period families suffered multiple child deaths as an accepted fact of life. Even when the deaths were suspicious little was done. The ubiquitous parish constable was often reluctant to alert the coroner. A surgeon, giving evidence to the 1845 Royal Commission on the State of Large Towns, said that child deaths were 'too common to be brought before the attention of coroner', and the 1849 Report of the Select Committee on Friendly Societies made only a passing reference to child killings for burial moneys. A few years earlier in the House of Commons, the Home Secretary, Sir James Graham, had referred to a case in Essex where 21 people had died from poisons administered by one person without any inquests being held⁵, and in 1851 the Earl of Carlisle in the Lords referred to poisonings in rural Essex and spoke of 'the degree of mysterious horror about the use of poisons' which had become 'primarily a crime of the poor and the underprivileged.'⁶ By implication he linked the poisonings to burial clubs. As such, they attracted public horror. Several leading London papers sent their own reporters who supplied detailed accounts of legal proceedings with headings such as 'Extraordinary Murders by Poison', 'Supposed Murders of Ten Persons by Poison', 'More Poisonings in Essex' and 'The Death Clubs of Essex'.⁷

In this study I want to show how imperative issues, like child killings, burial clubs and the unregulated sale of poisons, although debated in Parliament and publicised in the press, originated as pragmatic local issues, and how central government in general was reluctant to intervene in local affairs, the understanding being that Westminster's role was to provide a framework within which society could mainly run itself. Against the polemics surrounding burial club child murders of the

⁵ *Parliamentary Debates*. Third Series 1846 vol. 87 Column 375-6;

The Times, 29th January 1850 p.4 Col C.

⁶ *The Times*, 25th March 1851

⁷ *The Times*, 4th October 1842 and 6th October 1842. *Bolton Chronicle*, 8th October 1842. *Manchester Times* and *Manchester and Salford Advertiser and Chronicle*, 26th September 1848

1840s, that role involved Westminster monitoring the sale of poisons as well as medical and scientific issues impacting on inquests and influencing adversarial trials at Assizes. In response to those local concerns, Assizes judges and coroners often shaped and helped modernise key areas of the judicial system. Those concerns were explained by a vocal press that was, sometimes, more successful in exposing a popular standpoint than juries in court. Ultimately, although legislation played a pivotal role in shaping the criminal law, local events were at the epicentre, and central to their dramatisation were local inquests and the coroners who called on evidence based on increasingly reliable scientific tests. This drew increasing attention from local newspapers, and then received further publicity as reportage was picked up by the London press, eventually thereby becoming generalised into national issues and galvanising influential public opinion and the political elite. And this was a period in which introspective locality has a reality quite unimaginable in today's nationalised and globalised world.⁸ Legislation followed the particularistic concerns of local communities. To that extent, therefore, Parliament was the place where 'local interest received validation or arbitration.'⁹

The deaths of the Sandys children, the boy Eccles, the Pimlett children and the half-brother of Constable were all illustrations of how local issues could activate debate about state intervention and the need for national solutions. Those deaths occurred against the background of a turbulent decade when industrialisation, with its cyclical trade fluctuations, combined with the harsh 1824 Vagrancy Act¹⁰ and the equally harsh and publicly degrading 1834 Poor Law Amendment Act to make life hard for the poor. Living conditions provided the circumstances for what Thomas Carlyle, in his 1843 work *Past and Present*, vividly described, in relation to the 1840 Sandys inquest, as the 'murder of children for burial money of £3.8s. When, the Lancashire historical novelist and lawyer, William Harrison

⁸ See John Garrard, *Leadership and Power in Victorian Industrial Towns 1830-80* (Manchester University Press 1983), p.23ff.

⁹ For the relationship between 'local justice' and 'central justice' see R. W. Ireland, 'Perhaps my Mother murdered me: Child Death and the Law in Victorian Carmarthenshire' in C. Brooks and M. Lobban (Eds), *Communities and Courts in Britain, 1150-1990*. London 1997 p.236 Eric Midwinter, 'Central and Local Government in Mid-Nineteenth-Century Lancashire' in *Northern History* vol.111 1968. pp.155-6 'Was Local Government--- the ally of the state in infringing private rights for public benefit?' Richard Price, *British Society, 1680-1880. Dynamism, Containment and Change*. Cambridge University Press. 1999 p.157

¹⁰ *The Times*, 2nd March 1841, 30th March 1841, 4th February 1842 and 5th December 1846

Ainsworth, was Editor of *Ainsworth's Magazine*, he published in the 1849 issue a story about a working man called Clarkson. It was entitled 'The Victim of Burial Clubs' and it was based on the earlier Sandys and Pimlett murders. Ainsworth highlighted the fear of starvation as the paramount factor behind burial club child murders. Conditions created what Benjamin Disraeli in his 1845 novel *Sybil* called the two nations, the dichotomy between rich and poor. The latter of necessity relied on self-help, seeking assistance not from the state by way of settlement law or the Poor Law and parish relief, but from burial clubs and insurance societies, which introduced a shift in the spectrum of social values. Unintentionally this system provided some highly vulnerable women, confronted by poverty and starvation, with a financial incentive to kill their own children.

In this study I shall focus on three inquests - the 1840 Sandys inquest, the 1842 Eccles inquest and the 1848 Constable inquest - all of which received detailed press coverage. In microcosmic form and in different ways, they identify changing legal, medical and social aspects of Victorian life against the backdrop of emerging and competing medical and pharmaceutical professions. They highlight the interplay, at inquests and Assizes, of legal and scientific knowledge, and its application to suspicious death on the one hand, and the common sense approach of jurors on the other. The emphasis will shift from lay jury to expert witness. The inquests, two urban and one rural, will expose how press sensationalism fuelled gender debates about unnatural women who, shattering Victorian images of the loving mother, killed their children for burial club money provided by often-informal life insurance groups associated with local public houses. Indeed, it was this shattering of the powerful image of the caring mother that gave these local cases some of their national traction. I will explain Victorian anxieties and the mania of suspicion about poison and the terror of deviant, atavistic women, who, as matriarchal heads of family, were also preparers of food and sometimes purveyors of poison. I will concentrate on the paradigmatic campaigns, often gender-related, to regulate the sale of poisons by analysing available judicial statistics about prosecutions for murder or attempted murder by poison in the 1840s. The focus will be on the judicial role of coroners, magistrates, judges and jurors (grand and petty) as well as the impact of medicine and science in the form of autopsy and chemical analysis with

the declarative power of toxicology¹¹. In this regard, the perceived attitude of county and borough magistrates, concerned about the rates, is important. They controlled the purse strings and thus influenced the frequency and extent of death investigations. Coroners were paid on a fee-for-each inquest basis, with quarterly accounts submitted to borough councils or county magistrates. The latter scrutinised the number of inquests, paying only when they considered them 'duly held'. Some county benches maintained that coroners should only hold inquests in cases of sudden or violent death, and a series of high court decisions in the early nineteenth century, of which the 1809 case of *Regina v Kent JJ* is a leading example, supported them in their restrictive interpretations of coronial duties. Apart from the judiciary, the newly formed police forces were largely controlled by county magistrates and watch committees, and there was no adequate provincial police force until the County and Borough Police Act of 1856. The Home Office, apart from demanding quarterly, but often ignored, returns from borough watch committees, rarely intervened. Its supervision of county police forces was limited. There is no record of any visit by Home Office officials to the Lancashire county police force during the 1840s and the yearly average number of letters sent between 1839 and 1856 was six. Controlling the police was therefore largely left to the magistrates, and some, like those in Essex and Lancashire, used their power to restrict the number of inquests held by coroners. The Editor of *The Times* on 22nd September 1848 wrote, 'It is a matter of notoriety that many a suspicious case of death is slurred over without notice in order to save the fees incurred by an inquest'.

As evident later, the resulting situation ensured that many cases of child murder by poison went undetected. The Eccles death, about which archival material has survived in the form of press reports and Assizes records, is an exception. It is therefore the focal point that justifies more detailed investigation into the story of gender-related child poisonings for burial moneys. The popular response to that murder, in conjunction with other child murders by a series of female poisoners in the 1840s, triggered discussions about the reform of the legal and medical professions and about gender

¹¹ I. A. Burney, 'A poisoning of no substance: the trials of medico-legal proof in mid-Victorian England' in *Journal of British Studies* 1999 vol. 38 pp 59-92 Burney's Paper is an analysis of the trial of Dr William Palmer in 1856 for the strychnine murder of John Parsons Cook and the failure of Alfred Swaine Taylor, the famous toxicologist to detect the poison, the role of the expert witness, the bridge between medical and scientific practice and the impact of science on criminal proceedings.

dysfunction. It heralded the 1851 Arsenic Act and, consequentially, involved the philosopher J. S. Mill and the early feminist movement. This study therefore concludes by assessing the significance of burial clubs and child murders in the 1840s in relation to those wider issues, arguing that they, and the publicity and public outrage they came to generate, contributed to the modernisation of aspects of the legal process, enhancing recourse to inquests and the use of expert evidence in inquests and subsequent trials. I shall also argue that this modernisation coincided with, was fuelled by, and itself helped reinforce, the rising status, self consciousness and mobilisation of the professions of doctors and chemical analysts. Doctors in particular operated in a world where, due to fundamental disputes about the nature and origins of disease, disputes not finally settled until the 1890s, their expertise was often uncertain and soft-edged. They could not diagnose, still less cure, most illness; indeed their ministrations often made illness worse to the point of fatality.¹² Their status was thus at best insecure. However, the emergence of reliable tests for poison, and the resultant respectful way in which they were increasingly called upon as expert witnesses in inquests and murder trials, offered them clear opportunities to enhance their status and harden their expertise against invasions by lay opinion.

II The Background

Early Victorian England saw a series of bad harvests and trade depressions before the sustained economic upturn of the mid-Victorian period transformed it into the richest country in the world.¹³ Asa Briggs has written of the year in which William Eccles died: 'there was no gloomier year in the whole nineteenth century....bread was dear and flesh and blood was cheap.'¹⁴ Food was scarce and people's purchasing power had collapsed to a fifteen-year low whilst crime had increased.¹⁵ Peter Vronsky has described the years 1836-42 as 'the grimmest period in the history of the nineteenth

¹² Amongst many others, see R.J. Morris, *Cholera 1832: The Social Response to an Epidemic* (Croom helm, London 1976)

¹³ Geoffrey Best, *Mid-Victorian Britain 1851-75*. Fontana Press London 1985 p.21

¹⁴ Asa Briggs, *The Age of the Improvement 1783-1867*. London p.395

¹⁵ J. F. C. Harrison, *Early Victorian Britain 1832-51*. London 1988 p.24

century.¹⁶ It was the end of a long cycle of boom and bust following the Napoleonic War and the beginning of the so-called 'Hungry Forties' when poverty was associated with crime and 7% of people were classed as paupers.¹⁷ In Bolton, Eccles' home town, weavers' wages had dropped by 4/5ths in the previous 15 years.¹⁸ Accounts of back-to-back housing, cellar dwellings without sanitation, poverty and degradation abound in contemporary writings by men of different political views and varying social backgrounds. Lancashire mills became silent, unemployment reached hitherto unknown proportions and, with high food prices and unsatisfactory and deeply shaming relief under the 1834 Poor Law, many mill workers and their families faced destitution. Confronted with these conditions, unregulated burial clubs, sick clubs and friendly societies, often associated with work place or public house, proliferated expressing in disparate ways the trite Victorian concept of self-help. By fixing a monetary value to life they gave impetus to child murder. Money could be made from killing children. To men like the Benthamite sanitary reformer and founder of the English public health system, Edwin Chadwick, and the prison reformer, Rev. John Clay, burial and sick clubs, with their infinite malleability, provided 'a bounty on neglect and infanticide.'¹⁹ Successive economic crises hit the North-West, and it is unsurprising that the first recorded insurance-related

¹⁶ Peter Vronsky, *Female Serial Killers. How and why women become monsters*. Penguin Group (USA) New York 2007 p.99

¹⁷ Katherine Watson, *Poisoned Lives. English Poisoners and their Victims*. Hambledon and London 2004 p.85 So far as burial clubs and starvation were concerned the connection between poverty and crime was apparent when the law recognised two types of pauper namely, the respectable pauper entitled to poor relief and the vagrant pauper to be treated as a criminal. The Sandys family were referred to in the contemporary press as Irish migrants and the presumption would have been that they were vagrants and not entitled to parish relief. The legal basis for parochial poor relief is set out in Charlesworth, *Salutary and Humane Law. A Legal History of the Law of Settlements and Removals, c.1785-1865*. University of Manchester. Unpublished PhD thesis 1999 pp57-70.

¹⁸ Harold Perkin, *Origins of Modern English Society*. London 1969 p.145

¹⁹ J. D. J. Havard, *The Detection of Secret Homicide. A Study of the Medico-Legal System of Investigation of Sudden and Unexplained Deaths*. London 1960 pp50-3. John Clay, *Burial Clubs and infanticide in England: a letter to William Brown MP for South Lancashire*. Preston Dobson 1853 A Copy of the pamphlet was read by Parliament who ordered it to be circulated to the Cabinet. It was in response to the presentment of Brown to Alderson, the judge at the 1843 trial of Betty Eccles calling for a stop to 'the present system of money payment by burial societies.' *Presentment of the Grand Jury at Liverpool Special Commission 1853*. W. Brown, printed in full, headed 'Burial Clubs' in *The Times*, 27th June 1854. Clay was a leading light in the anti-burial club movement. His biographer, John Fraser, has written that '[Clay] showed a deep understanding of the problem and revealed in his tireless work for the reform of burial clubs a profound Christian touch.' It was, as Fraser states, one of 'John Clay's finest moments.' His report on the sanitary condition of Preston in 1842 obliquely reflected the same and was the basis of Chadwick's report on conditions in that town. *The Times*, 13th December 1847 and 12th December 1853, *Preston Chronicle and Lancashire Advertiser*, 27th November 1858, *Alliance Watch News*, 11th December 1859. Walter Lowe Clay, *The Prison Chaplain: A Memoir of the Rev. John Clay* Cambridge 1861. John M. Fraser, *The Grim Crusader: A Critical Examination of the Life and Works of the Rev. John Clay, Prison Chaplain at the Preston House of Correction 1823-1858*. Unpublished M.A. thesis University of Lancaster 1983. P.21 and p.61 Richard Denis Shaw, *Chaplain to the Imprisoned. Sharing Life with the Incarcerated*. The Haworth Press, 1985 p.28

child murder for burial club moneys by arsenic poisoning in England occurred in Stockport.²⁰ As shown later, women took centre stage in what Vronsky referred to as 'the first Female Serial Killer Epidemic of the Hungry Forties.' That epidemic provided an impetus for an increase in the free trade in poisons, for procedural changes in criminal trial and for further advances in forensic medicine, toxicology and scientific expertise. These advances changed both the coronial system and the procedure at criminal trials by shifting the focus from the mortuary table to the pathological laboratory and from lay jury to expert witnesses. Following the 1836 Medical Witnesses Act, providing for the payment by coroners of a two-guinea fee for a medical autopsy analysing the contents of stomach and intestines²¹, and following the discovery of the 1836 Marsh and the 1841 Reinsch test for arsenic, to be explained later, deaths by poison were more likely to be detected and subject to police and coronial investigations. Although official figures for homicide trials are only available post-1850s,²² according to the national press the number of poisoning trials at the Old Bailey increased threefold in the 1840s.²³ From such statistics, the middle decades of the nineteenth-century seem the high point of what John Emsley described as 'a galaxy of arsenic murders.'²⁴ But the statistics are open to stricture and cannot be treated as a definitive record of arsenic poisonings. Paradoxically, we will never know how many children were murdered. According to the radical coroner MP, Thomas Wakeley, 9 out of 10 poisonings left no external marks. In itself, poisoning was a form of non-perceptible violence, and many probable murders by poison never came before the coroner and, even then, tended to be undetected because of the restricted use of medical and scientific chemical analysis following the 1836 Medical Witnesses Act. In the 1840s inquests and trials only

²⁰ *The National Archives* (TNA) Assi 65/1 Cheshire. *Regina v Robert Standing* 1839. Standing was accused of murdering his daughter with arsenic for £8 burial club money. *Daily News*, 25th July 1848 and *Spectator*, 5th August 1848. Standing and his wife 'traded in the death of their children.' Leader entitled 'POISONING OF CHILDREN FOR SAKE OF GAIN.' Havard points out that the Standing trial was referred to by the 1843 Royal Commission Report on Intemperance in Towns and that 'there were plenty of cases where murder was committed for far less than £8' but that some early Victorian judges were 'out of touch with reality' p.55 n.1

²¹ Donald Prichard, *The Office of Coroner 1860-1926: Resistance, Reluctance and Reform*. Unpublished PhD thesis. University of Greenwich 2001. P.76 Prichard discusses the 1836 Act in connection with the 1873 Alice Gulliver inquest and its relevance to the office of coroner.

²² Judicial Statistics (later called Criminal Statistics) were published annually in Sessional Papers post 1856. Judicial Statistics for England and Wales. British Parliamentary Papers 1857, Session 2 (2246)xxxv.1

²³ Burney, *Poison Detection and the Victorian Imagination*, Manchester University Press 2006, p.20. 'In the 1840s, *The Times* registered a striking shift in its covering of poisoning trials, with just over a hundred cases finding its way on to its pages'.

²⁴ John E. Emsley, *The Elements of Murder. A History of Poisons*. Oxford University Press 2005 pp.139-140

rarely involved chemists or toxicologists since most ordinary medical practitioners performed their own analyses. Also the 1836 Act required coroners to call first upon the doctor who had attended the deceased during his or her last illness or, if none, the nearest medical practitioner. A further practical constraint was the lack of proper post-mortem facilities particularly for chemical analysis. Mortuaries and specialist post-mortem rooms did not exist until the 1870s and, during the 1840s, post-mortems had to be carried out either in a room at the deceased's home, the local public house or in an adjoining outbuilding. Official figures about criminal poisonings differed because of different methods of compilation. For example, in the 1850 Return on Poison Indictments,²⁵ the Clerk of the Crown for the County Palatine of Lancaster adopted a different format to that used by the Clerk of Assizes for North Wales and Chester Circuit. The former does not name the persons tried or supply figures that can be reconciled with the indictments. Howard Taylor suggests that, following a sevenfold increase in criminal trials in the first half of the nineteenth-century, criminal statistics were linked to a bureaucratic control of crime in order to save the expense of financing prosecutions²⁶ which in cases of suspected poisonings involved prohibitive fees for chemical analysis.²⁷ Taylor doubts the veracity of recorded data suggesting a decline in murders. Of 7 deaths by deliberate poisoning in 1837-8, 5 were due to arsenic. As mentioned earlier the mid-nineteenth-century was 'a high point in English criminal poisoning' and especially arsenic poisoning²⁸. Between 1843 and 1890 some 49 women were

²⁵ *Return of the number of persons, male and female, tried in the United Kingdom for Murder and Attempts to Murder, by the Administration of Poison, from the year 1839 to the year 1849, both inclusive; specifying the Number of Persons, Male and Female, tried in each year during that Period, and the Number of Convictions; also the number of Persons named in the Indictments as having been Poisoned, or attempted to be Poisoned.* 23rd July 1850

²⁶ Howard Taylor, 'Rationing crime: the political economy of criminal statistics since the 1850s' in *Economic History Review*, LI, 3 (1998) pp570-2

²⁷ Bernard V. Heathcote, *Viewing the Lifeless Body. A Coroner and his inquests held in Nottinghamshire Public Houses during the Nineteenth Century 1828-1866*. Nottingham 2006. Heathcote cites the charges of £21 made by Dr A. S. Taylor for chemical analysis of intestines in the 1861 Nathaniel Miles inquest p.12.

²⁸ Burney, *Poison detection* p.20 Burney, 'Poison and the Victorian Imagination' in *History Today*, March 2008 p.37 'Contemporary commentators, both scientific and lay, saw it as a form of violence that operated beneath the threshold of perception. This, for them, made poisoning an archetypal crime of 'civilization', one which they contrasted explicitly with the 'direct' characteristics of crimes perpetrated in 'ruder societies.' Watson makes a similar point when she refers to serial poisoning as a phenomenon associated with social conditions and advancing 'civilisation' and replacing murder by crude violence with murder by cunning. The leading examples of such child murders for burial club moneys occurred in the 1840s and Watson establishes 'an identifiable trend.' Watson (Ed.), *Assaulting the Past: Violence and Civilisation in Historical Context*. Cambridge Scholars Publishing 2007. Chapter 14. 'Serial Homicide and 'Civilisation'.' Pp295-7

executed for murder; of these, 23 had used 'the old standby arsenic'.²⁹ Further, of 170 poison trials listed in parliamentary returns for 1839-49, almost 70% used arsenic- usually white arsenic powder - and the dispensers were mostly women. Reports of criminal poisoning trials repeatedly appeared in *The Times*, according to Ian Burney over 140 between 1840 and 1852³⁰. Almost all occurred within the family, with the principal role played by the mother. Poisoning was primarily a domestic crime associated with the poor, dissolute, underprivileged and oppressed, and was usually motivated by despair, poverty or greed. Occasionally, as in *Regina v Rebecca Smith*, it reflected dire social conditions with a mother explaining her genuine belief that death was better than slow starvation.³¹



Sir Edwin Chadwick 1800-1890³²

The Victorian Poor Law reformer, civil servant and sanitary reformer was an outspoken critic of burial societies

Fuelled by a vocal and sensational press paying more attention to popular mores than judicial statistics, Victorians regarded poisoning as a gender-related phenomenon that was, in a sinister way,

²⁹ Mary S. Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes*. London 1985. P.6

³⁰ Burney, *Poison detection*. P.36 n 36

³¹ *The Times*, 21st July 1849, 18th August 1849 and 18th October 1849 P. Wilson, *Murderess: A Study of Women Executed in Britain since 1843*. London 1971 pp72-5. Smith was the last woman executed in England for the murder of her own baby.

³² Engraving by unknown artist, *Illustrated London News* 23 March 1889

replacing violent crime. A poisoning panic pervaded society, with even the statistical head of the General Register Office deploring the ease with which poisons could be obtained. 'Tuppence' purchased a grain of pure white arsenic from most grocers, druggists and chemists.³³ Mothers sent children to purchase the same and few questions were asked. As evident later, the emergence of life insurance and burial clubs in a variety of forms placed a monetary value on life and increased public fear of poisoning.³⁴

III The Eccles Family: A Damson Dumpling and a Boy's Death

Henry Eccles, a respectable carter, was a widower with three children - William aged about 13, Richard aged about 12 and Mary aged about 9 or 10. Both boys worked in a local mill and mention is made of them having worked there for some three years. Contradictory ages of the boys are given. In one paper William is stated to be 15 but inquest depositions refer to him as 'about 13 years'.³⁵ Eccles met Betty Haslam, a widow, in 1840 when she lived in a cellar in Bradshawgate, Bolton with a communal cesspit-privy and lacking a water supply and other amenities. She lived there with her daughters Nancy, Alice and Hannah. According to later newspaper reports she was 'ignorant and poor', unable to read or write and unable to recall the circumstances of her first husband's death.³⁶ She was also confused about the number of her children who had previously died. She denied that she had a daughter called Alice but referred to a son called Richard.³⁷ Records show that her first husband had been employed in a local mill and that employment entitled the family to burial benefits from

³³ Peter Bartrip, 'A "Pennurth of Arsenic for Rat Poison": The Arsenic Act, 1851 and the Prevention of Secret Poisoning' in *Medical History*, 1992 vol 36 pp53-69

³⁴ Paul Johnson, 'Life Insurance' in *Oxford Encyclopedia of Economic History*. Vol 3. Edited by Mokyer, J. Oxford University Press. 2003 pp92-4

³⁵ T.N.A PL27/11 C284727 p.3 & p.5. *The Times*, 4th October 1842 and 6th October 1842. *Bolton Chronicle*, 1st October 1842. *Bolton Free Press* 1st October 1842 and 8th October 1842.

³⁶ Judith Knelman, *Twisting in the Wind. The Murderess and the English Press* University of Toronto Press 1998. P.55 'it is likely that the depression of 1840-3 pushed [Eccles] to eliminate members of her family. She appears to have been desolate and ignorant as well as poor.'

³⁷ Patrick Wilson, *Murderess. A Study of the Women executed in Britain since 1843*. London 1971 pp16-17

unregistered clubs run by the mill for the benefit of employees and their families. Burial moneys were usually paid to the mother as matriarchal head of the family.³⁸

After Eccles started courting her, she removed to another cellar dwelling in Mill Street, Bolton since it was closer to him and he 'occasionally visited her'. After a dispute he did not visit her for one month and was surprised that, when he 'went to the cellar again, Nancy and Hannah were dead and buried.'³⁹ According to Haslam one child had died of measles and the other of a fit. The deaths had not been reported to the police or the coroner. No inquests had been held but subsequent exhumation showed that Nancy had died of arsenic poisoning while the decomposition of Hannah's stomach contents made analysis impossible.⁴⁰ In June 1841 Eccles married Haslam and, because of Eccles' job, the two families consisting of two adults and four children, moved to Buggart Hole in Tonge, Bolton. When Eccles lost his job, 'because of some faux on the part of his wife'⁴¹, he moved twice in search of work and ended up at Turner bridge, Little Bolton. He had found work at Messrs John and James Worral, dyers of Salford, but it involved him leaving home on Monday morning and not returning until Saturday night. His wife was therefore in charge of the children during the week. He did not like that arrangement and told his wife that 'in a week or two [they would] move to Manchester.'

The boys William and Richard both worked at the mill of Messrs Eden and Thwaites of Bolton, about a mile from their home. Both had worked in the finishing room for several years. They were paid 3 shillings and 2 shillings and 6 pence weekly respectively. They paid the money each Saturday to their step-mother.⁴² The latter also undertook the nursing of babies - the Lancashire equivalent of baby farming.⁴³ For example, in February 1842, she took into nurse a ten month old

³⁸ Georgina Lloyd, *For Love of Money. Sixteen murders for gain*. London 1991 p.53

³⁹ *Morning Herald*, 6th October 1842

⁴⁰ Watson, *Poisoned Lives* p.89. Watson suggests that the death of the two children meant that Eccles would be 'a better (that is cheaper) catch for the widower Henry Eccles.'

⁴¹ *Morning Herald*, 6th October 1842

⁴² These figures appear low according to J. L. & Barbara Hammond, *The Town Labourer (1760-1832)* vol 1. pp44-5 London 1947

⁴³ Rose, p.127

baby boy, William Hatton Heywood, 'belonging to' a local rag dealer James Heywood who paid her 3 shillings and 6 pence a week. Heywood did not visit the child. When the baby died in June 1842, according to a statement made by Eccles to her step-son, 'from a fit', the death was not reported to the Coroner. There is no record of Eccles having obtained any burial club moneys but she contacted the poor relief officer for a pauper burial. The latter normally included the provision of a woollen shroud, nursing expenses to wash and lay out the baby, a basic wooden coffin, 4 bearers and a simple Christian service to accompany the burial.⁴⁴ An estimated cost to the parish would be £1.15s⁴⁵. The baby's father complained that he was not told of his baby's death until 3 ½ weeks later.⁴⁶

A few weeks after the baby's death, Alice Haslam was taken ill with fits and died a few days later. Her step-brother Richard said they 'were the same sort of fits the boy Heywood had.' Her step-father was surprised since she had been 'well and healthy' when he left for work two days earlier. Betty Eccles thought she would be able to obtain money for the funeral from the burial club operated by Messrs Eden and Thwaites. That club was a charity set up by the firm to help employees and their dependents with the cost of family funerals.⁴⁷ On the day her daughter died she went to the mill and asked for the death benefit. The firm's bookkeeper told her she was not eligible as the child's father did not work there anymore.⁴⁸ She argued and eventually the firm advanced her 10 shillings and then another 15 shillings to be stopped from William and Richard's wages. Meanwhile she sought and obtained a funeral on parish relief, receiving a benefit of 25 shillings. The family had been reduced to

⁴⁴ Elizabeth Hurren and Steve King, "'Begging for a burial': form, function and conflict in nineteenth-century pauper burial" in *Social History*. Vol 30. No 3 August 2005 pp327-330

⁴⁵ Thomas Laqueur, 'Bodies, Death and Pauper Funerals' in *Representations*, no 1 (Feb 1983) p.114. Laqueur referred to the accounts of J. H. Wick who provided pauper funerals for the City of London Poor Law in the nineteenth-century. Rose, in response to the question 'What was the actual cost of a child's burial?', stated that 'the Reverend John Clay in 1854 gave it as 25 shillings and Benjamin Waugh in 1890 put it as low as 15 to 18 shillings.' p.138. The actual cost was one argument against burial clubs.

⁴⁶ TNA PL 27/11 C284727 p13 'I paid prisoner her weekly allowance the Saturday previous to the child's death.'

⁴⁷ Lloyd, p.52

⁴⁸ Knelman, pp.55-6

two adults and three children and Betty Eccles now knew both boys would be covered by the death benefit scheme available at Messrs Eden and Thwaites, and that 50 shillings would be paid on death.⁴⁹

Some days later on 26th September 1842, the boy, William Eccles returned home for his dinner early. That dinner included a damson dumpling. He was the only person to be given a damson dumpling. On returning to work he became very sick, vomiting a greenish fluid. His fellow workers were surprised and concerned since, in the 3 years the boy had worked there, he had never been ill. One of the bleachers at the mill helped William home and, on the way, they met the step-mother who said 'you've had to bring him home then?' The bleacher replied 'Get him home and give him some tea.' Her response was 'I have some ready for him.'⁵⁰ The worker was surprised as the boy did not normally go home for tea and she could not have heard of his illness at the mill.⁵¹ The boy died at home later that day without any doctor being summoned. The next day the step mother went to the mill asking for the death benefit for the boy. Messrs Eden and Thwaites were suspicious and refused immediate payment. Eccles then contacted her husband at Salford and told him he must come home to obtain the death benefit although she had already applied for parish relief. In the meantime the employer decided to alert the police and a coronial investigation followed.⁵² The death was reported by the police to the borough coroner and, on his orders, the police inspector searched the Eccles' home and removed items for chemical analysis. Eccles was then arrested and brought into custody. The surviving transcript of the inquest and trial provide an early example of expert witnesses giving circumstantial evidence in the form of medico-scientific and forensic expertise. The latter has to be considered in the context of the Adversarial Revolution mentioned later which replaced the old felony trial and produced prosecuting and defence advocates who cross-examined witnesses and addressed the unscientific minds of judges and jurors. Understandably, when inquests and trial involved suspicious poisoning, scientific expert testimony, especially by chemists and toxicologists working in

⁴⁹Watson, p.89

⁵⁰TNA PL 27/11 C284727. Statements of John Woods and Thomas Davenport.

⁵¹Wilson, pp16-17

⁵²*Bolton Chronicle*, 1st October 1842 and 8th October 1842. *Bolton Free Press*, 1st October 1842 and 8th October 1842. *Morning Chronicle* 5th, 6th and 8th October 1842.

laboratories, took centre stage in convictions. It is therefore appropriate to begin by studying the main public figures at each stage of the legal proceedings leading to a murder conviction.

IV Key Figures in the Investigation

These figures illustrate how, when confronted by the new demands of science, criminal law and legal procedures gradually adapted. When faced with scientific challenges, rules of evidence at inquests and criminal trials had to be relaxed to accommodate the innovative demands of the law, medicine and science.⁵³ Yet such relaxation was at the expense of the historic, constitutional powers of the jury and the judiciary. As evident, the Assizes courts experienced what Golan called the Adversarial Revolution⁵⁴ in criminal proceedings, with parties gaining more control over the evidence produced and with increasing reliance in alleged poisonings on toxicologists or analytical chemists as expert witnesses. These changes, discussed in much more detail later, gave a more important role to local key figures⁵⁵ in moulding the criminal system to 'both produce and legitimate a narrower set of expert interventions.'⁵⁶ The Eccles and Sandys inquests and trials produced a galaxy of scientific and legal talent and exposed the need for seismic changes in criminal procedures, particularly in how scientific evidence was presented and how the respective roles of judges and jury were to be constrained. Key figures occupying centre stage in the Eccles drama included Bolton's first borough coroner John Taylor; the town's police surgeon Joseph Denham; the eminent local community analytical chemist,

⁵³ Burney, *Poison detection* pp.25-32

⁵⁴ Tal Golan, 'The History of Scientific Expert Testimony in the English Courtroom' in *Science in Context*. Vol 12 no 1 (1999) pp.9-10. Golan cites W. M. Best, 1854 *A Treatise on the Principles of Evidence and Practices as to Proofs in Courts of Common Law* and refers to the expert witness as 'an exception- a freak in the new adversarial world, the only type of witness the new system could not rationalise under its evolving doctrines- a witness who did not have to observe the facts of the case personally but nevertheless was allowed to pronounce an opinion on them in court' (p.10). Burney identifies this emerging adversarial system with 'a new courtroom figure- the advocate' with the result that a criminal trial became a contest 'between two well developed and opposing presentations of evidence' in order 'to "test" for legal truth.' Burney, 'Testing testimony: toxicology and the law of evidence in early nineteenth-century England' in *Studies in History and Philosophy of Science*, vol 33. 2002 pp310-11

⁵⁵ Peter King, *Crime and Law in England 1750-1840. Remaking Justice from the Margins*. Cambridge University Press 2006. Pp2-3. 13-14 and 25-37

⁵⁶ Burney, *Bodies of Evidence. Medicine and the Politics of the English Inquest 1830-1926* Johns Hopkins University Press. Baltimore and London 2000 p.10

Henry Hough Watson; a leading northern circuit barrister, James Malcolm Brown; and the Liverpool Assizes Court judge, Mr Baron Parke. They all knew each other. For example, both Taylor and Denham had been candidates for the Bolton borough coronership – with Denham agreeing to withdraw his application so that Taylor secured the appointment. Watson was a personal friend of Taylor; both had attended Bolton School.⁵⁷ Brown and Parke were members of the Inner Temple. Brown, Watson and Parke, by the 1840s, had distinguished reputations extending beyond the North-West, whilst Taylor and Denham were highly respected local men. An examination of their biographical backgrounds provides an appreciation of the divergent and distinctive roles they played in the investigation of the suspicious death of William Eccles.

The Coroner: John Taylor

When John Taylor, at twenty eight, was appointed Bolton borough coroner in 1839 he was well known in the town. He was born in Bolton and attended Bolton School. On leaving the school he had taken up an apprenticeship with a Bolton surgeon John Marshall Robinson but had abandoned a medical career in favour of the law. He served his articles with Bolton's Town Clerk and was admitted an attorney in 1834. He opened his law practice in Fold Street, Bolton and had a substantial practice, appearing frequently before borough and county magistrates. In an age when religion was pervasive and the privation, suffering and death of children was often seen as an expression of God's will and mercy, Taylor was a man of Christian faith. Despite theatrical leanings, he has been described by Professor W. L. Burn as 'a religiously-minded Bolton solicitor.' He was a close friend of the noted Evangelical preacher and writer the Rev. Octavian Winslow. His religious faith influenced his legal and coronial ambitions as did his concern for the lives of others and the manner of their dying.

In 1839 at Liverpool Assizes he instructed counsel in the case of *Regina v William Whittle* and acquired a reputation for 'having worked up with much energy and persuasion an almost hopeless

⁵⁷ J. Taylor, (ed. J. Clegg), *Autobiography of a Lancashire Lawyer, being the Life and Recollections of John Taylor, Attorney-at-Law and First Coroner of the Borough of Bolton*. Bolton 1883 p.93 William Brown, *History of Bolton School*. Bolton 1976 p.87 n.8 quoting from Taylor p.20.

defence.⁵⁸ In his letter of application for the borough coronership, a copy of which he sent to all 48 council members, he mentioned his role in 'numerous cases' before borough and county magistrates and at the Assizes 'involving the *lives* of [his] fellow creatures' and referred to,

an unceasing application to that most necessary department of the law called into request in a Coroner's court; combining a knowledge of evidence as applied to criminal cases, with acuteness of examination, and aptness to arrange, in legal form the materials when elicited.⁵⁹

He was supported by letters from 3 'eminent counsel' - Brown, Robert Brandt and Charles Wilkins. The inherent strength of Taylor's application combined with his adroit tactics in arranging for Denham to withdraw his candidature and for Denham's supporters to switch to him ensured his success. On 29th May 1839 Taylor was appointed as part-time borough coroner.

Following his appointment, Taylor continued in private practice as an attorney in Bolton and started a diary recording his activities, including books he had studied on a weekly basis. He became active in the temperance movement and less involved in theatrical appearances, although in 1841 he gave 6 lectures at Bolton Town Hall on 'The Genius and Influence of Shakespeare'. His concern about social conditions was evident in the 1841 Margaret Heywood inquest, although it was against his advice that the jury returned a manslaughter verdict against the workhouse surgeon⁶⁰. Like the council that appointed him, he was a Liberal and, for a short time, unpaid editor of the Liberal *Bolton Free Press*.⁶¹ In his diary he records giving food and drink to Chartists and Plug rioters in 1842.

He also kept a register of all the inquests held by him although only that for the first eight years has survived.⁶² The William Eccles inquest was no. 199 in that register with those on Alice

⁵⁸ G. H. H. Glasgow, 'The 1839 Election of Bolton's First Borough Coroner: A Tactical Ballot' in *Lancashire History Quarterly* vol.9 no 2 Summer 2005 pp44-56

⁵⁹ Taylor's letter of application 19th April 1839 printed in Taylor pp92-3. He also referred to his early medical apprenticeships with Robinson. Joan Lane, *A Social History of Medicine. Health, healing and disease in England 1750-1950*. London 2001 p.16

⁶⁰ Taylor pp84-8 W. L. Burn, *The Age of Equipose. A Study of the Mid-Victorian Generation*. London 1964 p.46

⁶¹ *Bolton Journal*, 10th April 1886. Taylor's obituary. Peter Howell Williams, *A Gentleman's Calling. The Liverpool Attorney-in-Law*. Incorporated Law Society of Liverpool 1980. P.286 'a man of quite remarkable vitality. Most of his spare time was spent as an amateur actor, instead of practicing the law.'

⁶² *Coroner's Record Book*. John Taylor of Bolton, Bolton Archives and Local Studies Department. ZZ/627/1

Haslam (aged 10), Nancy Haslam (aged 6), Hannah Haslam (aged 3) and William Hatton Heywood (aged 16 months) following in numerical order. From the numbering of the register the average number of inquests was about 65 a year.⁶³ In about 2/3rd of the inquests Taylor called medical evidence but in only about 1/6th was there a post-mortem. However, his use of medical evidence was substantially higher than that of Lancashire county coroners, since the latter were inclined to order fewer post-mortems and chemical analyses in view of the reluctance of the county magistrates to pay for them.



John Taylor, H.M. Coroner for Bolton Borough 1838-1876⁶⁴

As a borough coroner Taylor submitted his quarterly account for fees and disbursements to the borough council and not, as with county coroners, to the county magistrates. The pressure on coroner's fees may have been less for borough than county coroners since borough rates were apportioned more equitably between property owners⁶⁵. Further Taylor knew all the councillors and

⁶³ *Bolton Free Press*, 16th May 1840. Glasgow, *The Role of Lancashire Coroners circa 1836-88*. Unpublished MPhil thesis, University of Manchester 2002 p.80. Pamela Jane Fisher, *The Politics of Sudden Death: The Office and Role of the Coroner in England and Wales, 1726-1888*. Unpublished PhD thesis University of Leicester 2007 p.202

⁶⁴ Courtesy of Bolton Local Studies Library; reproduced from Clegg J. (ed), *Autobiography of a Lancashire Lawyer, being the Life and Recollections of John Taylor, Attorney-at-Law and First Coroner for the Borough of Bolton*. Bolton 1883.

⁶⁵ Watson, *Poisoned Lives* p.166. Fisher, p.180 *R v Kent JJ* (1809) 11 East 229. *R v Justices of Essex*. Essex Record Office Q/AX3/1 where the Essex magistracy refused to pay the fees of Hugh Lewis, Coroner of Liberties of the Duchy of Lancaster

they knew him. Unlike Edward Herford in Manchester there was no conflict. When the traumatic and disturbing events of the Eccles and Haslam tragedies unfolded Taylor did not consider it necessary to obtain permission beforehand to incur the expense of exhumation and extra pathological or toxicological analyses. He ignored the provision in the 1836 Medical Witnesses Act⁶⁶ allowing payment of a medical witness on the assumption that the doctor undertaking the post-mortem would do any necessary analysis and give evidence for a fee of two guineas subject to a penalty of £5 if he failed to comply.⁶⁷ In each of the Eccles, Haslam and Heywood inquests Taylor immediately, at the request of Denham, instructed additional analysis by an analytical chemist, with the payment of a further two guineas for each analysis. He did not consider it necessary to obtain authorisation from either the borough council or the Home Office and his disbursements for post-mortem, chemical analysis and for disinterment totalling £4.7s per inquest were not queried in his quarterly account.

The Police Surgeon: Joseph Denham

Alongside Thomas Barton and Taylor, another candidate for the 1839 Bolton borough coronership was police surgeon, Joseph Denham. Taylor and Denham were close friends⁶⁸. At the time of the death of the boy Eccles, Denham was forty one. He had been in practice as a surgeon-apothecary for some twenty years living, since 1833, at 17 Bridge Street, Bolton, and police surgeon for five years. Since the 1815 Apothecaries Act it was common for surgeons to take second qualifications as apothecaries, becoming thereby 'surgeon-apothecaries'.⁶⁹ Denham had become a member of the Royal College of Surgeons in 1822 and a licentiate of the Society of Apothecaries the previous year. In 1833 he was narrowly elected to be honorary surgeon to the Bolton Dispensary and Infirmary and

in Essex 1816-24. The Essex County Magistracy also had disputes with John Pilgrim one of the two Essex county coroners. TNA C202/202/17

⁶⁶ 6 & 7 Will.IV. C89. *An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners' Inquests* [17th April 1836]

⁶⁷ Jennifer Ward, *Origins and Development of Forensic Medicine and Forensic Science in England 1823-1946*. Unpublished PhD thesis. The Open University 1993 pp89-90 and p.122

⁶⁸ *Bolton Chronicle*, 1st June 1839. Glasgow 'The 1839 Election of Bolton's First Borough Coroner: A Tactical Ballot' in *Lancashire History Quarterly*. Vol 9 no 2 Summer 2005 pp44-58. I am indebted to Pauline Lord for much of the information about Denham's early career

⁶⁹ S. W. F. Holloway, 'Medical Education in England, 1830-1858' on *History* Vol. XLIX no167 October 1964 pp310-11

the local press referred to his election as an honour.⁷⁰ According to Bolton Infirmary Reports he retained the position until 1849.

As police surgeon he undertook post-mortems and attended inquests as a medical witness both before the Salford County Coroner William Smalley Rutter and before Taylor. Such inquests included suspected poisonings. He attached importance to the study of forensic medicine which, after 1829, the Society of Apothecaries had included in their curriculum. He was aware of recent scientific advances marked by the work of John Dalton in Manchester and the efforts of the British Association for the Advancement of Science, founded in 1831, the Chemical Society founded in 1841 and the Pharmaceutical Society founded in 1842. He knew about the research of his friend and professional colleague, the Bolton consultant analytical chemist Henry Hough Watson. He had read the latter's papers printed in the *Medical Gazette* for February 1841 and June 1842, and on 9th February 1841 attended a lecture given by Watson to the Manchester Literary and Philosophical Society on the detection of arsenic poisoning and, in particular, the use of 'Marsh's Test'. To Denham, any post-mortem signs of poison that might be uncovered from the interior of the body on the autopsy table were not conclusive as to the cause of death. The tests for poison like the Marsh (1836) and Reinsch (1841) tests were complex and sometimes unreliable. They could show signs of poison but without reproducing it. The evidence was circumstantial without a murder weapon and usually without a witness. In such cases, with the approval of Taylor as coroner, Denham turned to Watson as the local analytical chemist. In so doing both men were exceptional: only one tenth of poisoning trials reported in *The Times* in the 1840s and 1850s called on the services of an analytical chemist.⁷¹ Usually the practice was for the medical practitioner who carried out the post-mortem to undertake an analysis and incorporate the same into his evidence in court. Realising that uncertainty in medical knowledge encouraged disagreements at coroner's inquests, Denham, if in doubt, enlisted the services of an analytical chemist or toxicologist on the premise that a chemical analysis of body fluids would

⁷⁰ *Bolton Chronicle*, 13th April 1833. *Medical Directory* 1851 p.348

⁷¹ Burney, *Poison Detection* p.45

provide objective, transparent and meaningful facts that would be capable of physical assessment by laboratory apparatus in a court room.⁷²

When Denham decided at the Eccles inquest that he required specialist chemical analysis of stomach contents, he went to Watson. He knew he did not have Watson's chemical expertise. He also knew that, prior to Bolton's 1839 municipal incorporation, Watson had frequently been instructed by the Salford district county coroner, William Smalley Rutter, and that after 1839 Taylor had instructed Watson. In his *Autobiography* Taylor referred to Watson as an 'old friend and companion' praising his 'skill and conscientious discharge' of the 'difficult and scientific professional duty' of an analytical chemist.⁷³ Watson, not Denham, was to be the key expert witness at the coroner's inquest and in the criminal investigation. Chemical analysis was integral to the detection of the crime of poisoning and the Eccles inquest showed how that process worked, particularly with regard to the somewhat partisan nature of the evidence that emerged at the Liverpool Assize.

The Analytical Chemist: Henry Hough Watson

The local press referred to Watson as an analytical chemist 'of the foremost rank' and one of Bolton's 'most influential townsmen'.⁷⁴ He had been awarded a Certificate of Competence by the celebrated Dr. John Dalton and had written extensively in the local press on public health, particularly during the 1832 cholera epidemic. Early in his career he was accepted as Bolton's expert in poison detection. At just 24, on Rutter's instruction, he had undertaken a detailed chemical analysis of the stomach contents of 2 children in the 1834 Orrell inquests – finding 'a large quantity of arsenic therein', thereby becoming instrumental in the father being indicted for murder, found guilty and executed at Lancaster.⁷⁵ Despite his youth he had been praised for his scientific knowledge. That knowledge

⁷² Catherine Crawford, 'A Scientific Profession: medical reform and forensic medicine in British periodicals in the early nineteenth century' in Roger French and Andrew Wear (Eds) *British Medicine in an Age of Reform* London 1991 p.209

⁷³ J. Taylor (ed. J. Clegg), *Autobiography*, p.116

⁷⁴ *Bolton Chronicle*, 17th August 1886, *Bolton Journal*, 21st August 1886. Watson's prominence as an analytical chemist was apparent in the comments that he made about chemical tests in the 1856 William Palmer trial. *Morning Chronicle* 11th June 1856

⁷⁵ *Bolton Evening News*, 17th August 1886, *Bolton Chronicle*, 21st August 1886 and *Bolton Journal* 21st August 1886

derived from his family background - plus his 4 year pupillage under Dalton and his subsequent research into chemical tests for 'the crime of the century', namely murder by arsenic poisoning.

Arsenic: Medicine and Poison

By the 1840s arsenic had a long dual history as both poison and medicine. Which it was depended on dosage. Whether it was a crime or an accident depended on motive or intention. As a medicine it was used for cosmetic purposes, for possible cancer cures, and as a food additive and a key ingredient for some leading patent medicines of the time, like Fowler's Solution used to treat skin disorders, anaemia and cardiac problems. As a poison it was bought to kill rodents and other pests and used extensively in agriculture. In the early Victorian period it was often bought by women, sometimes to commit murder. Arsenic was easy and cheap to purchase, very soluble and highly toxic. Leaving behind no conclusive marks on the human body, it was the ideal invisible murder weapon. A poisoned body displayed no evidence beyond a painful expression of agonising death. In an age diagnosing primarily by symptoms, that death could be mistaken for diseases like cholera. The 1840s and 1850s were the high points in English criminal poisoning with many murders relating to children insured in burial clubs, usually committed within the home.

The fear of arsenic poisoning was such that, by Eccles' death in 1842, scientists had developed a series of tests to detect its presence, and analytical chemists were beginning to be instructed alongside surgeons at inquests and trials. Four tests were mainly used, and were all understood by Watson - the reduction test, liquid tests, the 1836 Marsh test and 1841 Reinsch test.⁷⁶

The reduction test involved reducing matter from the deceased's body to a metallic state by deoxygenating it through heat. The extracted matter was then heated in a glass tube with the intention of producing a metallic residue on the glass. Any metallic deposit could be oxidised to form arsenious oxide and identified as arsenic. Unfortunately, the matter extracted for chemical analysis was usually from the stomach of the deceased, whereas the accuracy of reduction tests largely depended on the substance being solid and free from organic matter. The test therefore presented difficulties; thus, by

⁷⁶ Watson, *Poisoned Lives* pp.16-20

the time of the 1842 Eccles inquest, analytical chemists had turned to a group of liquid or precipitate tests that depended on the reaction of extracted body substances to specified chemical solutions. The test was that, when arsenic came into contact with those solutions, it formed a precipitate of a particular colour. In the early 1840s there were three (previously four) accepted liquid tests used for arsenic poisoning: first, silver nitrate in ammonium hydroxide mixed with arsenic producing a yellow precipitate; second, sulphurated hydrogen with hydrochloric acid producing a yellow arsenic precipitate; third, copper sulphate mixed with arsenic producing a bright green precipitate known as Scheele's green. However, precipitate or liquid tests had limitations. One highly regarded precipitate test had been revealed as unreliable in the 1817 Robert Donnell trial.⁷⁷ Problems arose with simulation of colours occurring through interactions between reagents and organic solutions in stomach samples. Such problematic colourings meant that the fourth liquid test using lime water was no longer recognised by chemists at the time of Eccles' death⁷⁸. Furthermore the other three tests had been shown not to be conclusive in the 1833 Bodle inquest and trial when the Woolwich chemist James Marsh undertook the chemical analysis and found arsenic in the coffee but could not find it in the stomach contents. As a result Marsh wanted to find a test capable of separating arsenic so as to be able to detect small amounts in organic samples. In 1836 he succeeded in doing so by exploiting its reaction to zinc. It became known as the 1836 Marsh test which, according to Anil Aggrawal, 'ultimately brought about [arsenic's] downfall as an extremely successful homicidal poison.'⁷⁹ The fourth test was the 1841 Reinsch test which involved the use of copper.

In 1836, six years before the Eccles poisoning, Marsh had set out his new test in the *Edinburgh New Philosophical Journal*.⁸⁰ That test was based on the interaction of zinc, sulphuric acid and arsenic. Samples extracted from the deceased were mixed with granular zinc and diluted with either sulphuric or hydrochloric acid. The hydrogen created reacted with any arsenic to produce arsine

⁷⁷ Crawford, p.207

⁷⁸ *The Times*, 11th November 1833

⁷⁹ Anil Aggrawal, *Science Reporter. Forensic Toxicology*, 1997-1998 'Arsenic- a Poison with a History,' P1

⁸⁰ James Marsh, 'Account of a Method of Separating Small Quantities of Arsenic from Substances with which it may be mixed' in *Edinburgh New Philosophical Journal* Vol.21 (1836) pp229-36

in the form of gas.⁸¹ Marsh devised a U-shaped glass tube through which the arsine could be passed and, when ignited, a cold glass or porcelain plate would be held over the flame. The hydrogen gas would dissipate and, if arsenic was present, a bright metallic deposit would be shown.⁸² However, the Marsh test required considerable skill and took several hours.⁸³

Watson's Early Life: His Pupillage under Dr. John Dalton

Watson was born in February 1810 in Bolton, the eldest son of John Watson. He had a middle-class background as his father was a chemist and druggist with an old-established business in Little Bolton.⁸⁴ The 1851 Census Return discloses that the family had 'a house servant' living on the premises. At six Watson entered Bolton Grammar School, leaving eleven years later to become a pupil of Dalton, the famous chemist and natural philosopher, who was a professor at New College Manchester teaching mathematics and undertaking private tuition and elementary analytical work. Dalton was a prizeman of the Royal Society and author of *A New System of Chemical Philosophy* first published in 1808. He was strongly connected with the Manchester Literary and Philosophical Society, begun by private subscription in 1781 some 18 years before the Royal Philosophical Institution.⁸⁵ The Manchester Literary and Philosophical Society was the centre of the scientific and business community in the city. Dalton was in turn, Secretary, Vice-President and President. The Society, whose motto was 'knowledge is power', primarily assisted chemistry and physics students to undertake experimental research with a view to advancing scientific knowledge. In 1818 the Society had offered Dalton a house, laboratory and income of £400 p.a. which he refused.

⁸¹ Watson, 'Criminal Poisoning in England and the Origins of the Marsh Test for Arsenic' in José Ramón Bestomeu-Sanchez and Auguste Nicot-Galen (eds) *Chemistry, Medicine and Crime. Mateu J. B. Orfila (1787-1853) and His Times*. Science History Publications USA. Sagamore Beach 2006 p.193

⁸² Burney, 'Bones of Contention. Mattieu Orfila, Normal Arsenic and British Toxicology' in Bertomeu-Sanchez and Auguste Nicot-Galen pp244-7 and p257 n.3 for a history of the 1836 Marsh Test

⁸³ Watson, 'Medical and Chemical Expertise in English Trials for Criminal Poisoning, 1750-1914' in *Medical History* 2006 vol. 50 p.383

⁸⁴ *Bolton Daily Chronicle* 17th August 1886

⁸⁵ E. L. Woodward, *The Age of Reform 1815-1870*. Oxford 1938 pp546-7

Dalton was Watson's hero and his respect and admiration never diminished. He named his first son John Dalton Watson. A three page obituary of Watson noted that he 'displayed many of Dalton's characteristics both socially and physically....his sitting-rooms were hung with framed specimens of Dalton's writings and with numerous engravings of his illustrious teacher at various ages.'⁸⁶ He worked from home, having one laboratory at his Bolton home and another at his Cumberland home at Braystones⁸⁷. He had no medical qualifications and, unlike his fellow chemical analysts, William Herapath, John Rayner and Richard H. Brett, Watson was not attached to any one hospital or teaching school. In marked contrast to the most famous of all toxicologists, Dr. A. S. Taylor, his services were restricted to his own county of Lancashire. Figures suggest that Taylor was eight times more likely than Watson to be called to give evidence in cases of criminal poisonings⁸⁸ but Watson's abilities as an analyst secured him many 'important engagements'. His private correspondence with Dr. A. Swaine Taylor, Dr. Christian and other eminent scientists on alleged poisoning and kindred subjects forms an interesting commentary on the progress of analytical chemistry between 1835 and 1866.⁸⁹ Watson's contributions to scientific journals were numerous. Apart from his 1841 paper, read to and published by the Manchester Literary and Philosophical Society on the detection of poisoning and the use of Marsh's test, he had published some eleven papers in scientific journals including three on arsenic poisoning.⁹⁰

Although by the time of the Eccles inquest Watson was only 32, because of his work with Dalton and his conduct of analysis in several cases of alleged poisoning, he had built up a reputation

⁸⁶ *Journal of Chemical Society Transactions* 1887 Vol.51 p.478

⁸⁷ *Cumberland Pacquet*, 19th August 1886

⁸⁸ Watson, 'Medical and Chemical Expertise' pp384-5 Table 3 Chemical Witnesses in Selected Cases of Criminal Poisoning, 1750-1914

⁸⁹ *Journal of Chemical Society Transactions*, 1887 vol.51 p.478. *Cumberland Pacquet*, 19th August 1886, *Whitehaven News*, 19th August 1886 'for many years he was consulted on matters of medical jurisprudence and was prominent as a scientific witness.'

⁹⁰ *Journal of Chemical Society Transactions*, 1887 vol.51 p.479-50 lists some of the Papers published by Watson many related not to arsenic poisoning but to the determination by chemical examination of the illuminating power of coal gas. Watson was for many years Gas Examiner to Bolton Gas Company and Bolton Corporation. Papers included 'On the presence of Arsenic in Sulphuric Acid' in *Medical Gazette*, 19th February 1841 and 'On Detecting the Presence of Arsenic, particularly in reference to the Employment of Marsh's Test' in *Medical Gazette* for February 1841 and June 1842

in the North West as a consultant analytical chemist. Increased rail travel in the 1840s facilitated the use of expert witnesses. Even before Alfred Swaine Taylor became London's foremost forensic toxicologist⁹¹, Watson had become accepted as one of several skilled analytical chemists in the Lancashire area capable of giving expert evidence in courts. He ranked alongside Frederick Grace Calvert, Richard Hargreave Brett, John Davies and John Rayner, all regularly providing evidence in criminal poisoning cases. As stated his reputation as an expert in arsenic detection had been enhanced by his two papers in 1841 and 1842 in the *Medical Gazette*⁹² and by his 1841 lecture to the Manchester Literary and Philosophical Society which embodied much of those earlier papers.⁹³ He gave evidence about arsenic poisoning at Liverpool Assize before Baron Alderson. The latter, in his summing up in the 1847 trial of Elizabeth Johnson for allegedly poisoning her husband with arsenic, as reported in the 1847 *London Medical Gazette* (p. 555), praised Watson as 'a skilful chemist.'

In his Bolton laboratory Watson had studied the Marsh test in depth. He had written and lectured about it, admitting its value especially when small quantities of arsenic were involved but cautioning against absolute reliance on it. Arsenic and antimony could be confused and the latter was often prescribed as a purgative, particularly for suspected cholera which featured regularly in Lancashire's industrial towns.⁹⁴ Watson argued that the test should be considered 'good collateral evidence' only, and that analytical chemists should still use the reduction liquid tests. Although Watson used the Marsh test he also used the 1841 Reinsch test, named after the German chemist Hugo Reinsch (1809-84). As previously stated that test involved the introduction of copper into the suspect liquid already mixed with hydrochloric acid. If arsenic was present the resulting gas left a greyish deposit on the copper gauge. The test was simpler and quicker than the Marsh test. By the

⁹¹ N. G. Coley, 'Alfred Swaine Taylor, MD, F.R.S (1806-1880): Forensic Toxicologist' in *Medical History*, vol.35 (1991) pp.409-22 and Coley, 'Forensic Chemistry in Nineteenth Century Britain' in *Endeavour* vol.22 pp143-7

⁹² H. H. Watson, 'On the Presence of Arsenic in Sulphuric Acid' in *Medical Gazette* 19th February 1841 and Watson, 'On Detecting the Presence of Arsenic, particularly in Reference to the Employment of Marsh's Test' in *Medical Gazette*, February 1841 and June 1842

⁹³ Watson, 'On Detecting the Presence of Arsenic, particularly in reference to the Employment of "Marsh's Test"' Paper received by the Manchester Literary and Philosophical Society on 2nd February 1841 and read by Watson on 9th February 1841. *Transactions of the Manchester Literary and Philosophical Society* 1842 Series 2 Vol 6 pp590-615

⁹⁴ Best pp73-4

1840s, in response to the challenge of arsenic poisonings and burial club murders, analytical chemists had developed these two fairly reliable tests and, according to newspaper reports, these and earlier tests were widely used by provincial medical practitioners and analytical chemists.

As a corresponding member of the Manchester Literary and Philosophical Society, Watson used the Society to publicise his researches particularly about the Marsh test. For example, in 1841 he read a paper on arsenic poisoning and began by saying:

Great as is the value at which we are compelled to estimate [the Marsh test] --- there is still reason why it may.... [be] considered incomplete, and viewed as dangerous to have been resorted to by the inexperienced operator, or even by one accustomed to general chemical practice⁹⁵

He outlined his own research and stated he believed 'the results obtained by [Mr Marsh's] mode of testing ought not to be considered indubitable.' Although certain that "Marsh's test" [would] continue to be regarded as a valuable assistant in a chemical laboratory', he said that 'in cases of poisoning, unless a large quantity of the suspected arsenical ingredient can, by direct means, be produced, it ought not to be regarded in a stronger light than....good collateral evidence'.⁹⁶

His research had shown that other metals like antimony produced gas leaving deposits similar to arsenic.⁹⁷ The process was, therefore, subject to possible errors. He concluded:

In case of poisoning, no man, however high his reputation as chemical analyst, or as a toxicologist, has a right to be satisfied that any metallic looking substance is arsenic which, by the apparatus in question, he may have separated the matter suspected to contain it, unless the quantity is so great that *he can verify his suspicions not only by ascertaining the temperature at which it is volatile, but by the application of other indubitable tests*.⁹⁸ [emphasis added]

⁹⁵ Watson, *On Detecting* p595

⁹⁶ Ibid p600

⁹⁷ Burney, 'Testing Testimony: Toxicology and the Law of Evidence in Early Nineteenth-Century England' in *Studies in History and Philosophy of Science*. Vol. 33 2002 pp304-5. Burney points out that 'antimony was a widely employed medical remedy for natural complaints such as cholera whose chemical symptoms mirrored those of arsenical poisoning.' P305 n.46

⁹⁸ Watson, *On Detecting* pp609-10 Tal Golan, *Laws of Men and Laws of Nation: The History of Scientific Testimony in England and America*. Harvard University Press 2004 Chapter 2. The Common Liar, the Damned Liar and the Scientific Expert: The Growing Problem of Expert Testimony. A. S. Taylor, *On Poisons in Relation to Medical Jurisprudence and Medicine* 2nd Edition London 1855 the first edition was in 1848. In the 1859 Smethurst trial Taylor was forced to make the embarrassing disclosure that the evidence given at the coroner's inquest was incorrect and that the arsenic fluid had come from impure copper used in the testing. That disclosure showed the importance of Watson's reference to 'the application of other indubitable tests.'

In the Marsh test poison could have been accidentally introduced during the reduction process from the arsenic samples of stomach contents to metallic arsenic. Watson recognised the judicial expectation of scientific proof, yet knew chemistry was not an exact science. He was therefore concerned that the panic attached to the paranoid fears of secret poisonings fuelled by press sensationalism would prejudice scientific integrity and legal standards of proof in courts. His detailed scientific evidence at the 1842 Eccles inquest and later trial sought to calm those fears.

The Prisoner's Counsel: James Baldwin Brown

On finding that Betty Eccles could not afford legal representation Parke assigned James Baldwin Brown to defend her without fee. Despite the recommendation in the several Prisoners' Counsel Bills of the 1830s and the debates before the 1835 Lords Select Committee, assignment of counsel to poor prisoners in felony cases was exceptional until the 1840s.⁹⁹ It was rarely used except in potentially complex murder trials.¹⁰⁰ Eccles therefore was fortunate both in having counsel assigned to her and having someone to address the jury on her behalf.¹⁰¹ Although in practice counsel never refused to accept an assignment it could be that, through lack of experience and ability, he might treat it as a watching brief and not as provision of effective defence. By virtue of his experience at Salford Sessions, Brown had a genuine interest in representing Eccles. He rejected the suggestion that counsel when assigned represented the accused but did not address the jury on his/her behalf. He knew Taylor, the Bolton coroner, having supported his application for the coronership in 1839.¹⁰² He had followed the inquest proceedings although had not represented Eccles before the coroner.

Brown came from humble origins. He was the only son of James Brown, a crape factor. He had been admitted to the Inner Temple on 9th May 1811 and called to the bar on 24th May 1816. His family had Liverpool connections and by the 1840s he had become aware of the poverty and hardships

⁹⁹ D. Bentley, *English Criminal Justice in the Nineteenth Century*. London 1998 pp108-111

¹⁰⁰ *R v Geering*, *The Times* 2nd August 1849. Counsel was not assigned until one of the prosecution witnesses was half way through his evidence despite the fact that the case involved alleged murder by poisoning and the Crown sought to put in evidence of other alleged poisonings.

¹⁰¹ Bentley, p.114

¹⁰² Letter to the Borough of Bolton from James Baldwin Brown dated 20th April 1839 and printed in Taylor p93

experienced in many Lancashire mill towns. At first hand he heard of the multiplying burial clubs in North-West England and the belief that they encouraged child poisoning. He had rudimentary knowledge of both Marsh and Reinsch tests and knew Watson. He had learnt much about social deprivation from his brother-in-law, the reformist Rev. Dr. Thomas Raffles, who for over 50 years was congregational minister of St. George Street Chapel, Liverpool. A prominent member of the Liverpool council, Raffles believed that domestic poisoning was primarily a crime of the poor, driven by variants of poverty and greed, love and hate. He believed burial clubs contributed to that criminality.

With that background Brown had begun practicing on the northern circuit and at Lancashire Quarter Sessions. He became a revising barrister for parliamentary elections in Lancashire. By 1840 he had become a judge of the Oldham court of requests.¹⁰³ The latter, initially known as a court of conscience, was seen as the poor man's court where the parties themselves could give evidence, where there was no jury and where there were usually no legal requirements. In effect the judge had a 'pretty free hand'. Individual freedom in politics, law and religion suited Brown. He sympathised with the marginalised and underprivileged. He was a Dissenter, and a founding member of the Congregational Union, a member of the Protestant Society and had written books on ecclesiastical law and poetry, together with pamphlets on the Repeal of the Test and Corporation Acts. Some years earlier, in December 1820, in recognition of his contribution to legal scholarship as 'the author of memorials of John Howard and several other works of legal subjects' he had been awarded a Doctorate of Laws by Marischal College, Aberdeen on the recommendation of H.R.H the Duke of Sussex and Sir John Cox Hippisley Baronet D.C.L.¹⁰⁴ At the 1843 Liverpool spring Assizes, Parke carefully referred to him as Dr. Brown unlike the other counsel in court.¹⁰⁵ When Brown died on 22nd

¹⁰³ Patrick Polden, *A History of the County Court 1846-1971*. Cambridge University Press 1999, p.12. *Preston Chronicle*, 19th October 1839. The appointment was by the Lord Chancellor.

¹⁰⁴ *Fasti Academiae Mariscallanae Aberdonensis: Selections from the records of the Marischal College and University, 1593-1860*. Aberdeen: New Spalding Club 1889-1898 p.103

¹⁰⁵ *Bolton Free Press* 1st October 1842 and 8th October 1842

November 1843 at the early age of 54, the *Liverpool Mercury* described him as well-known on the Northern Circuit, with an extensive criminal practice, both at quarter sessions and assizes.

The Judge: Mr Baron Parke

At the 1843 Liverpool Spring Assizes Mr Baron Parke was one of the judges and presided over the trial of Betty Eccles. At the time he was 61 and a mainstay of the common law Bench. He was one of thirteen children of a prosperous Liverpool merchant and, after a distinguished academic career at Trinity College, Cambridge where he was a Craven scholar and Fellow, he was called to the bar at the Inner Temple in 1813. He was awarded a doctorate in law at Cambridge in 1835. He had a successful career at the bar where it was said he 'talked common sense to average minds, in simple language and won them by his intelligibility and fairness.'¹⁰⁶ According to one barrister, when he travelled on circuit he 'took with him.... his own two volumes of *Russell on Crime* on every page of which were his own notes of reported and unreported criminal cases.'¹⁰⁷ His judgements were referred to as 'models of lucid statements and cogent reasoning.' But it was also said that 'he kept in touch with the movements of the day.'¹⁰⁸ Although the common law was based on pleas and forms of action, and Parke had started his legal career as a special pleader, he believed that it was neither static nor divorced from social conscience. He referred to 'law as a science'.¹⁰⁹ He was aware of the long struggle between coroners and magistrates over fees and allegations of unnecessary inquests and the associated public concern about the danger of secret homicide of innocent children represented by infanticide, neglect, secret poisoning and murder. He accepted scientific advances and expert witness testimony in jury trials whilst appreciating the complications of 'three-sided interaction between legal and scientific knowledge and the kind of lay knowledge which judges liked to refer to as "common

¹⁰⁶ *Oxford Dictionary of National Biography (ODNB)* vol 42, Oxford University Press 2004 pp648-9

¹⁰⁷ Letter to Editor of *The Times* from 'A Barrister of 48 years standing' printed in *The Times* 22nd April 1899

¹⁰⁸ A. W. B. Simpson (Ed) *Biographical Dictionary of the Common Law* 1984 and J. W. Lowther Viscount Ullswater. *A Speakers' Commentaries* 1.1925

¹⁰⁹ *Mirehouse v Rennell* (1833) 1 Cl and F p.546

sense".¹¹⁰ Equally, Parke recognised the adversarial elements confronting felony trials. The emphasis on oral testimony was seen as an evidentiary focal point; it was an accepted key role of counsel to both present evidence and talk over the examination of witnesses and argue points of law. At a time when it was exceptional for judges to assign counsel to poor prisoners¹¹¹ Parke exercised that right especially in murder cases when execution would normally follow conviction.¹¹² He would ask a counsel present in court to undertake the accused's defence without fee, and did so in the Eccles trial.



Mr Baron James Parke 1782-1868¹¹³

¹¹⁰ Tony Ward, 'Law, Common Sense and the Authority of Science: Expert Witnesses and Criminal Insanity in England, CA 1840-1940' in *Social and Legal Studies*. Vol 6 (3) p.343

¹¹¹ *R v Chesham*. *The Times* 7th March 1851. Although Sarah Chesham, the Clavering poisoner, had no counsel assigned to her, at the request of the Court, one of the barristers put such questions to witnesses as Chesham thought to be material.

¹¹² Bentley, *Trial on Indictment in Nineteenth-Century England* unpublished PhD thesis University of Sheffield 1997 p.383 n.59 Bentley, *English Criminal Justice* pp.108-111 'During the period 1820 to 1850, year in year out, prisoners were tried for murder (convicted and, in some cases, executed) without counsel to defend them.'

¹¹³ Courtesy of the Master and Benchers of the Inner Temple

These five men - Taylor, Denham, Watson, Brown and Parke - were the key figures in the Eccles tragedy from the Bolton inquest to the Kirkdale execution.

V The Eccles Inquest at the Crown Inn and the Police Court, Bolton

On 28th September 1842 at the Crown Inn, Bolton, coroner Taylor opened the inquest into the death of William Eccles. He summoned a jury of 13 local men. Initially, it was thought 'an ordinary case of sudden death.'¹¹⁴ However, facts emerged about the step-mother causing 'a considerable degree of alarm and excitement.'¹¹⁵ The circumstances of her step-son's death began to appear unusual and it emerged that her first husband and eight of her ten children had all died suddenly.¹¹⁶ On the same day, the police surgeon Denham had carried out a post-mortem disclosing the presence of arsenic. Taylor adjourned the inquest saying 'it was clear that the jury could not come to any satisfactory conclusion.....until the contents of the stomach had been analysed.' The intestines and stomach contents were sent to Watson for chemical analysis. On the following day he opened the resumed inquest by stating that he had ordered the exhumation of another child, Alice Haslam, that Denham had carried out a post-mortem and that 'a large quantity of arsenic' was present. On 30th September Taylor ordered the exhumation of three further children: Hannah Haslam aged 6, buried October 1840; Ann Haslam aged 4, buried 3rd December 1840; and Richard Haslam aged 16 months, buried March 1840. Taylor wanted both post-mortems and chemical analyses in each case. He stated that he was again adjourning the inquest and that the resumed hearing, now involving three deaths, would be on the 4th October 1842 at the Police Office, Bowkers Row, adjacent to Bolton's Town Hall. By changing the venue from the Crown Inn to the Police Office courtroom, Taylor hoped to control the hostile crowds while also ensuring 'the openness' of the inquest. He wanted as many of the public as possible to be present in the court room. On 4th October 1842 the local press recorded that the court room was 'crowded to excess' at least one hour before the inquest was to resume, that many could not

¹¹⁴ *Morning Herald* 6th October 1842

¹¹⁵ *Morning Chronicle* 5th October 1842

¹¹⁶ *Morning Herald* 6th October 1842. *Bolton Free Press* 1st October 1842

gain admittance and that staircase and corridors were full.¹¹⁷ One London newspaper reporter observed:

The case had excited the greatest interest and abhorrence amongst the population of Bolton, and many thousands of persons were congregated in front of the Town Hall--- and in the streets adjacent, who, guarded by the police, gave vent to their feelings by yells and hootings.¹¹⁸

The atmosphere inside the courtroom was tense but the inquest proceeded without interruption beyond the occasional 'hoot' from members of the public.¹¹⁹ The first witness was Henry Eccles, the husband of Betty and the father of William. He stated he was a carter for a firm of Salford dyers, that he left home every Monday morning leaving his wife in charge of the family and returned each Saturday night. He stated what he knew about the 3 deaths:

I remember my wife taking a child to nurse ... I remember leaving the child well and returned home about four o'clock on the morning following and the child was dead ... I remember Sunday the 4th September and that was the last time I saw my wife's daughter, Alice, alive ... I came home again on the Saturday following and Alice was then dead she was buried on the Tuesday following. The last time I saw my son, William Eccles, alive was on the evening of the last Saturday but one. I saw him go to bed, and was then quite well and healthy. I went to work on the Monday and afterwards learned that he was dead. I came home last Friday morning and found that he was so.¹²⁰

He referred to a 10 month old baby, William Hatton Heywood that his wife had 'taken in' to nurse, charging the father three shillings and six pence a week. When he left home for work one day the previous March the baby was well.¹²¹ When he returned it was dead. His wife did not tell him 'what it had died from'.¹²² The coroner was not informed and no inquest was held.

¹¹⁷ *Bolton Chronicle* 8th October 1842, *Bolton Free Press*, 8th October 1842, *Examiner* 8th October 1842

¹¹⁸ *The Times* 6th October 1842, *Morning Chronicle* 6th October 1842, *Liverpool Mercury* 7th October 1842. *Extraordinary case of Poisoning and the Adjourned Inquest on the children poisoned: Report on Murders by Betty Eccles*. Bolton Local Studies Library. Reference 364.1523

¹¹⁹ *Bolton Chronicle*, 8th October 1842. *Bolton Free Press*, 8th October 1842

¹²⁰ TNA PL27/11 C284727 p.3

¹²¹ TNA PL27/11 C284727 p.13

¹²² *The Times*, 6th October 1842

Henry Eccles' second son, Richard, aged 12, gave evidence. His mother had told him that the baby she was nursing died from a fit and he said that he saw Alice dying from the same sort of fit.¹²³ His evidence was followed by that of Mary Ann Hopkinson about the ordering of a parish coffin and by that of Mary Moss about laying out the body. Mary Fletcher provided details of the previous background of Betty Eccles before her marriage to Henry and about her 3 daughters Alice, Mary and Hannah. She referred to another daughter Nancy.¹²⁴

Ellen Greatrix gave evidence that, 'in the latter part of 1840', she was asked by Betty Eccles, then Betty Haslam, to lay out her daughter Nancy: the baby was stiff, 'much discoloured', and 'black near the abdomen' which was considered to indicate arsenic poisoning.¹²⁵ However, the coroner was not informed and no inquest held. The child was quickly interred with a pauper funeral in the parish churchyard. Richard Magnall, the church sexton, said he remembered the funerals of Nancy aged 6 and Hannah aged 3, both children having 'town coffins.' Benjamin Brown, a Great Bolton relieving officer, deposed that 'in the latter part of 1840' he provided parish coffins for both children.¹²⁶

At the inquest the coroner and the police wanted to establish links between local druggists and Eccles. The coroner sought to show the ease with which poisons like arsenic or white oxide (known to chemists as arsenic trioxide)¹²⁷ could be purchased. He needed to establish that Eccles had purchased arsenic from local druggist, Thomas Moscrop of Folds Road, Little Bolton. He therefore summoned Moscrop's apprentice, Richard Barlow, who had sold the arsenic to Eccles,¹²⁸ to give testimony. He stated that he knew her as she regularly purchased snuff and tea at the shop. He said, a few weeks earlier, she had called when he and Moscrop were present. She wanted 'a penny worth or arsenic.' An

¹²³ TNA PL27/11 C284727 p.3

¹²⁴ TNA PL27/11 C284727 p.9

¹²⁵ TNA PL27/11 C284727 p.10

¹²⁶ *Bolton Chronicle*, 8th October 1842

¹²⁷ Watson, *Poisoned Lives* pp31-52. Watson cites Charles Dickens 'Household Crime' in *Household Words* Vol.4 1851 p.277 on 'the ease with which poison can be procured, and the perfect facility with which it can be administered in small doses, so as frequently almost to defy detection--- ought to awaken the public to a demand for the absolute enforcement of legislative regulation for the sale of such drugs and deadly ingredients.' Those words reflected the popular fear about secret poisoning generated by the poison inquests of the 1840s.

¹²⁸ TNA PL27/11 C284727 p.14

altercation had taken place reminiscent of the cartoons and sketches then regularly appearing in the pages of *Punch*. The conversation was as follows:

Moscrop: I can't let you have it unless you bring someone else with you. That is the practice in selling arsenic- that two persons should be together when purchasing.

Eccles: I don't want to do any hurt with it. It's only for killing mice.¹²⁹

Moscrop again refused to sell her any arsenic until she came with someone else. Barlow told the coroner she left the shop and returned in about half an hour 'bringing with her a female whom [he] did not know.' He then supplied her with one ounce of arsenic wrapped up in a paper and labelled 'ARSENIC - POISON'. Barlow signed his sworn statement in the presence of both Eccles and the coroner with the latter also signing. The link between Eccles and the druggist had been established.

Medical and scientific expertise was provided by Denham and Watson. The Eccles inquest showed the importance of chemical analysis to obtain clinical diagnosis of poisoning, and to identify any poison used by analysis of stomach contents, vomit and faeces. Denham and Watson typified the changing role of medico-scientific evidence in the 1840s, with the development of a small number of recognised experts in the science of poisons with the ability, like Watson, to present that evidence succinctly in court. Both were essential witnesses at the inquest. The fact that they took centre stage was significant indicating both the impact of medicine and science on coronial investigations and as proof that the emphasis was shifting from the mortuary table, often a table in the deceased's home, to the chemists' laboratory. Denham, who gave evidence before Watson, stated that he opened the body of the deceased 'in a house near Turner Bridge' and that Betty Eccles was present. He began by informing the coroner that the 'external covering of the stomach and intestines were rather more red than usual.' He had taken out the stomach and duodenum for delivery to Watson for examination. He found 'the whole of the mucous membrane in a highly inflamed state' with a quantity of white powder adhering to the sides and a quantity of liquor of a dark colour. He had placed these in a vessel for handing to Watson. The part of the duodenum nearest to the stomach showed marks of inflammation and there was discolouration of certain parts of the body, 'a common symptom of poisoning.'

¹²⁹ *The Times* 6th September 1849 published the full text of *The Poison Shop* from *Punch*

On the following day Denham carried out a post-mortem on the body of Alice Haslam, otherwise Eccles, whose body had been disinterred. He stated that decomposition had badly affected the face but 'the abdomen ... was in a much better state than usually found' and he 'attributed the more healthy appearance to the effects of the arsenic afterwards found therein.' He took away the stomach and duodenum. He told Taylor, 'On opening the stomach, the internal surface presented an inflamed appearance there was a quantity of white powder lining the inside of the stomach [and] about one ounce of fluid in it--- [he] scraped off the powder from the lining of the stomach.'¹³⁰ The fluid and white powder he placed in separate vessels for handing to Watson for chemical analysis.

The next day, Denham stated he had been shown the disinterred remains of Nancy Haslam, Hannah Haslam and William Hatton Heywood, and carried out post-mortems.¹³¹ The bodies were each in separate parish coffins. Nancy's face was decomposed, but 'the body above the abdomen was in a very perfect state.' And that, as with her sister Alice, 'the stomach and intestines were in a state of preservation' he was able to 'scrape a quantity of dirty white powder from the mucous coat of the stomach' which he placed in another vessel for transmission to Watson.

Denham explained to Taylor and the jury the difficulty with regard to Hannah Haslam. The body in the coffin was, apart from the skull, decomposed. He said he had removed a quantity of earth 'from where he supposed the stomach had been.' Again he placed this in a vessel to be given to Watson. The same day he had opened the body of the baby Heywood and taken out the stomach and duodenum to be delivered to Watson.¹³² The police surgeon ended his testimony by saying that he could not 'distinguish any disease in any of the bodies [he] opened, that he could not account for the death except the inflammation which [he] attributed to the effects of the poison found.' His conclusion was that the deaths of Eccles, Alice and Nancy Haslam were due 'to inflammation of the stomach occasioned by some mineral poison.' However, he added that he 'delivered the different

¹³⁰ TNA PL27/11 C284727 p.15

¹³¹ TNA HO 45/9371/38426. Post-mortem carried out in the chancel of the Parish Church. Fisher, *The Politics* p.206 n.88

¹³² TNA PL27/11 C284727 p.15

parts of bodies removed for further examination to Mr Watson, carefully placed in separate jars and labelled with the names of the bodies from where taken'.¹³³

Watson, describing himself as a chemist of Little Bolton, made a sworn statement to Taylor about his analysis of the stomach contents and the tests undertaken. With regard to the boy Eccles, he submitted a portion of the powder to chemical analysis and,

found it to be chiefly arsenious acid, that white oxide of arsenic which is commonly sold under the name of "arsenic"--- [he] employed the usual and most approved tests and the results obtained by their application, all corroborated each other in proving most satisfactorily that the powder in question was almost entirely arsenious acid ... [he] also tested the fluid and found arsenious acid in it.¹³⁴

Watson stated that he convinced himself of the presence of arsenic by 'several experiments' and that he had reduced some of the powder 'to the metallic state, in two different ways: by using Marsh's tests and by the application of carbonaceous matter and heat.' He said he had analysed the bottle containing the stomach of Alice Haslam on the same day the body had been disinterred and had submitted the residuary white powder contained in the bottle to the same tests as before and found it to be arsenious acid. The stomach contents of Nancy Haslam were subjected to the same tests, again revealing 'chiefly arsenious acid.' However, Watson stated that Heywood's stomach was in a 'putrefied state' and he could not discover any evidence of poison; the same applied to the 'material' handed to him by Denham and 'labelled' Hannah Haslam.

The last witness was Inspector James Harris of the Bolton borough police force. He stated that, following the first adjournment, he had searched the home of Henry and Betty Eccles and removed several items which he had delivered the same day to Watson for examination. On the following day, just before the inquest was summoned, he cautioned Betty Eccles and charged her with 'having caused the death of 3 children by poison.' He asked if she had 'ever had any poison in the house for killing mice or other vermin.' Her response had been that 'to the best of her knowledge, she had not had a bit of poison in her life' and denied ever having bought any from the druggist Thomas Moscrop of Folds Road, Little Bolton. She admitted having bought snuff from Moscrop and 'a short

¹³³ *Bolton Chronicle* 8th October 1842

¹³⁴ TNA PL27/11 C284727 p.20

time ago....some syrup of poppies' but not arsenic. The Inspector stated that she was identified by Moscrops's apprentice Barlow as the person who had brought arsenic from the druggist.¹³⁵

Witness testimony complete, Taylor briefly summed up for the jury, pointing out the ease with which arsenic could be purchased, the importance in the quest for truth of the medical and scientific testimony, and the legal requirements that must be met before a verdict of wilful murder could be returned. He also stated that they must direct their attention to the deaths of William Eccles, Alice Haslam and Nancy Haslam but must 'dismiss the other children [Hannah, Ann and Richard] entirely from their minds.' After consulting for about 10 minutes the jury returned a unanimous verdict of 'wilful murder against the prisoner for having caused the deaths of William Eccles, Alice Haslam and Nancy Haslam by the administering of arsenic.' And, despite the direction of Taylor, returned verdicts on the other two children of 'sudden death, but by what means they came to their death, there is no evidence to show.'¹³⁶ Taylor concluded the inquests by committing the prisoner for trial at the next Liverpool Assizes on a coroner's indictment by-passing the borough magistrates.

Deposited in the Court of the County of Lancashire,
14 October 1842, before
J. Taylor Esq. Coroner for the County of Lancashire.
Verdict, "Wilful Murder"
against Betty Eccles
by administering poison
to William Eccles
Alice Haslam and
Nancy Haslam

Courtesy, the National Archives Office. Crown Copyright.

Ref. PL.27/11 C284727

¹³⁵ TNA PL27/11 C284727 p.25

¹³⁶ Ibid *Manchester Times and Gazette*, 8th October 1842. *Ipswich Journal* 8th October 1842. *Examiner*, 8th October 1842 and *Freeman's Journal and Daily Commercial Advertiser*, 8th October 1842

VI The Trial at South Lancashire Assizes

At Liverpool Assizes on 4th April 1843 the judge was Mr. Baron Parke. Although Eccles had been indicted on 3 murder charges the trial was in respect of one indictment, namely the wilful murder of William Eccles on 26th September by administering arsenic. Eccles pleaded not guilty and, as stated earlier, Parke assigned James Baldwin Brown as her defence counsel. Mr Armstrong and Mr Brandt appeared for the prosecution.

The emphasis in the criminal trial was more polarised than the investigation before the coroner. Although there were fewer witnesses - twelve rather than seventeen - prosecution counsel called new witnesses as to motive and medical and scientific tests. He could choose the evidence to be considered, and how that evidence was to be presented in court. Therefore he arranged for the analytical chemist to produce tangible proof of the arsenic 'extracted from the dead body by means of chemical analysis.'¹³⁷ The physical proof was to be brought to the court in the form of glass tubes containing arsenical mirrors, sections of copper stained with metallic arsenic and samples of the coloured precipitates known to be formed by arsenic on interaction with certain chemicals.¹³⁸ Defence Counsel would have limited say in the evidence provided. He was only assigned at the beginning of the trial and, although he would have access to the depositions, he would only have a few minutes to confer with his client. He had no instructing attorney and was generally expected 'to try and pick up the case as he went along.'¹³⁹ Therefore his ability to scrutinise evidence and cross-examine witnesses, both characteristics of the emerging adversarial system, was hampered. However, the 1836 Prisoners' Counsel Act did allow counsel to deliver opening and closing speeches¹⁴⁰ and to that extent

¹³⁷ Burney, 'Testing Testimony: Toxicology and the Law of Evidence in early nineteenth-century England' in *Studies in History and Philosophy of Science* vol 33 2002 p.300

¹³⁸ Watson, *Poisoned Lives* p.19 'much of the value of the Marsh and Reinsch tests lay in the fact that they gave chemists and toxicologists physical proof of poison which could then be presented to a jury.'

¹³⁹ Bentley, *English Criminal Justice* p.114

¹⁴⁰ David Cairns, *Advocacy and the makeup of the adversarial criminal trial 1800-1865* Oxford University Press 1998 pp6-31 Cairns attaches great importance to the 1836 Prisoners' Counsel Act in giving rise to adversarialism and to modern advocacy

he had greater powers than he would have done if he had represented Eccles at the inquest where he could not have addressed the coroner and jury. At the Assizes he submitted a closing speech to the jury but had not made an opening speech not having had access to the depositions before being assigned to defend the accused.

After hearing evidence from the druggist and his apprentice the court turned to medical evidence from Denham. This was the same as that given to the coroner, but Denham went on to say that 'from internal appearance [he] would attribute death....to some irritant poison' explaining that, in his experience, 'four grains and a half of arsenic was the smallest quantity--- to produce death' and Watson had told him that he had found 28 grains.¹⁴¹ He set out symptoms of arsenic poisoning:

The effects of arsenic taken internally would be a sense of pain in the stomach and vomiting. I found no food in the stomach. Supposing there had been food in the stomach, I should have expected it to have been discharged by the operation of the arsenic. Arsenic would have the effect of communicating a pinched appearance to the countenance.¹⁴²

He was cross-examined by Brown and asked if he was aware of the work of the eminent French toxicologist Matthieu Orfila (1787-1853), a pioneer in using the Marsh test to try to detect small amounts of arsenic absorbed in the tissues and organs of the dead. Denham's response was:

The serious appearance of the countenance would be a natural effect of pain in the stomach. Inflammation of the stomach is a very rare complaint. I know that white powder has been found in the stomach and by eminent chemists frequently mistaken for arsenic. I am acquainted with some of the writings of Professor Orfila, but I am not aware that he declared some powder to be arsenic which afterwards proved to be some other substance.¹⁴³

When re-examined by Armstrong, Denham said that arsenic acts upon the nervous system and 'would produce inflammation of the stomach such as was exhibited in the stomach of the deceased.' Dr. Howarth, a Bolton physician, had been present as 'a mere spectator' at the post-mortem carried out by Denham and, although not a witness at the inquest, he was called to give evidence at the Liverpool

¹⁴¹ *Morning Herald*, 6th April 1843

¹⁴² *Liverpool Mercury*, 7th April 1843, *Bolton Free Press*, 8th April 1843. *Liverpool Albion*, 10th April 1843

¹⁴³ *Liverpool Mercury*, 7th April 1843

Assizes. He stated that as 'a mere spectator' he took no notes 'but, in my opinion....arsenic was the cause of death.'¹⁴⁴

When Watson gave evidence his testimony was restricted to his chemical analysis of the stomach contents of Eccles and did not extend to the other deaths that had been the subject of the inquest. At the request of Armstrong, he was more specific in disclosing the tests whereby he had been able to detect arsenic poisoning. He had employed the 3 precipitate tests.¹⁴⁵ As explained earlier these, sometimes referred to as the 'liquid tests', operated on the basis that when arsenic came into contact with a specific chemical solution it formed a distinctive coloured precipitate. For example, he had used the lime-water test, which produced a white precipitate indicating arsenic. The next test was nitrate of silver which produced a bright yellow, known as silver nitrate, also indicating arsenic. He had used sulphurated hydrogen gas which produced a yellow colour and was evidence of arsenic. He had also used the method suggested the previous year by Hugo Reinsch whereby the stomach contents or organic samples were deposited on copper foil to produce a green colour indicating arsenic. Finally, he had applied the test announced by Marsh in 1836 and given wide publicity in the 1840 trial of Marie Lafarge for the murder of her husband, Charles Lafarge. As stated earlier that test was based on the fact that the stomach contents can be boiled and then mixed with either sulphuric acid or hydrochloric acid. Zinc is then added and the chemical reaction produces hydrogen. That hydrogen reacts with any arsenic to produce arsine in the form of a gas. By means of a U-shaped glass tube with a stop cork at one end the arsine can be controlled. When the stop cork was opened the arsine escaped through it and, if ignited, a glass or porcelain plate was held over the stop cork so as to collect any metallic arsenic deposited on it.¹⁴⁶ If the plate was clear, then, no arsenic was present. However, Watson did not use the modified version known as the Marsh-Berzelius apparatus to detect small

¹⁴⁴ *ibid*

¹⁴⁵ Burney, *Poison detection* p.88 'chemists routinely based their hunt for arsenic on a group of tests that sought not to reproduce it in its metallic form, but to guarantee agreed-upon signs of its presence.' 'the relationship between reagent and chemical body guaranteed by reference to rules laid down by a community of practitioners.'

¹⁴⁶ Watson, 'Criminal Poisoning in England and the Origins of the Marsh Test for Arsenic' in 'Criminal Poisoning in England and the Origins of the Marsh Test for Arsenic' in José Ramón Bertomeu-Sanchez and Augusti Nieto-Galan (eds) *Chemistry, Medicine and Crime. Mattieu J. B. Orfila (1787-1853) and His Times*. Science History Publications USA. Sagamore Beach 2006 p.193

quantities of arsenic. Watson stated that, after all the tests, he was satisfied about the presence of arsenic, that he had collected the amount of arsenic deposit at the last test made, which was the Marsh test, and that it weighed 28 grains. He produced a portion of the white powder discovered within the stomach, and also specimens of the results of the tests made and the glass tubes used, as visible evidence of poison.

Brown, on behalf of the prisoner, explained concerns about the reliability of the tests employed by Watson.¹⁴⁷ The latter replied:

[he] knew that great doubt existed with respect to Marsh's test when there was a small quantity ... [and he] was aware that, by recent experiments, arsenic had been discovered in substances in which it had not before been known to exist, and there was also a great difference amongst medical men on the subject.¹⁴⁸

He referred to the multiplicity of the tests he had undertaken and the positive results, saying, 'I have perfect confidence in the tests I applied.'¹⁴⁹ He was then asked by the judge about the quantity of arsenic in the stomach and estimated about '35 grains altogether'. At this stage, Denham was recalled to inform the court how quickly such a large quantity of poison would have taken effect and the surgeon stated that 'the poison generally [would have] operated about an hour after it was taken.'¹⁵⁰

To obtain a conviction for murder Armstrong had to show, to the jury's satisfaction, that the boy William Eccles, 'well at dinner time and...dead at eight o'clock', died from arsenic administered with malice aforethought in the form of a 'damson dumpling.' He needed to show how the prisoner not only administered the poison in the food but also how she acquired it. He therefore called as witnesses both Barlow and Moscrop. The latter had not given evidence at the inquest. Before the coroner Barlow had not been explicit as to which of them had sold the arsenic to the prisoner. At the time he stated that it was Moscrop. In response to a question from Brown he replied that 'Moscrop

¹⁴⁷ He did not refer to the trial of Robert Donnall for murder in 1817 which trial had shown the precipitation test for detecting arsenic to be unreliable. Catherine Crawford, 'A scientific profession: medical reform and forensic medicine in British periodicals of the early nineteenth century' in Roger French and Andrew Wear, *British Medicine in an Age of Reform*. London 1991 p.207 and p.226 n. 18

¹⁴⁸ *Liverpool Mercury*, 7th April 1843

¹⁴⁹ *Liverpool Albion*, 7th April 1843

¹⁵⁰ *Liverpool Mercury*, 7th April 1843

was present and had a conversation with [her].’ He also confirmed that as druggists they ‘[did] not require the signature of the persons who come to witness the buying.’ Moscrop was called and,

gave precisely similar evidence to that of [Barlow] with the exception that he was unable to identify the prisoner as the person who purchased the arsenic. He agreed with Brown that it was ‘usual, in summer, for the purpose of destroying bugs and fleas, to use arsenic in whitewashing.’¹⁵¹

Having established the purchase of the arsenic, Armstrong intended to prove a motive for murder. Many child poisoners in the 1840s poisoned for money, often very small sums¹⁵², where mill owners or mill workers operated death clubs to pay the burial fees of workers and their families. Armstrong told the jury, ‘there was expectation of getting money from a club for the burial.’¹⁵³ He called John Turner, the book keeper at Messrs Eden & Thwaites to give evidence. Turner, who had not given evidence at the inquest, said that the firm employed about ‘140 hands and the hands [had] a club of which William Eccles was a member.’ On 10th September the prisoner had come to him for money to bury her daughter, Alice Haslam. He told her that ‘the club was for the burial of children whose parents were employed at the works, or of children employed there’ and that ‘the parents of William and Richard would be entitled to the benefit of the club in the case of their death; they would be entitled to 50 shillings if the child was more than twelve years of age.’¹⁵⁴

Inspector James Harris gave evidence substantially identical with that given to the coroner but with greater emphasis on the accessibility of arsenic and on Moscrop’s evidence. He stated that, after arresting the prisoner, he searched the home and took away certain items for analysis. He reported that she had told him she had never had any poison in her life, that she knew Moscrop but had only bought from him snuff and medicines.

The evidence having been concluded, Brown addressed the jury in what the local press described as ‘a spirited defence’ of a ‘hopeless case’. He told the jury that, where facts were capable

¹⁵¹ *ibid*

¹⁵² Watson, *Poisoned Lives*. pp88-9

¹⁵³ *Liverpool Mercury*, 7th April 1843, *Era*, 9th April 1843 ‘for the purpose of obtaining “burial money” allowed by the masters of the mills’

¹⁵⁴ *Liverpool Albion*, 10th April 1843

of two interpretations, they should be given that in terpretation most favourable to the prisoner. He said it was not up to her to explain matters and not her duty to establish any motive. It was the element of intent by way of 'malice aforethought', and not motive, that was integral to a charge of murder. He submitted that it had not been proved that the prisoner obtained arsenic from Moscrops who had not identified her. Brown suggested that, 'All the circumstances...were consistent with the supposition that the deceased got the poison somewhere else, in the interval between leaving his home and his appearance at Messrs Eden and Thwaites, or that it had accidentally found its way into his food'.¹⁵⁵ He did not question medical and scientific testimony but how the poison entered the deceased's body, 'the case was altogether too doubtful to found a verdict of guilty against the prisoner'.¹⁵⁶

Mr Baron Parke's summation of evidence started by saying the case could not be proved 'by direct testimony' as most of the evidence was circumstantial. After commenting on cause of death he said 'there could be very little doubt as to [it]'. Medical and toxicological evidence had established arsenic poisoning. If the jury was satisfied that death was from arsenic poisoning they must examine the chain of circumstantial inferences, including motive, put forward by the prosecution:

They would then consider whether that poison might have been accidentally taken; or whether the circumstances warranted them coming to the conclusion that it had been administered by the prisoner. If they had any doubt in their minds they were bound to give the prisoner the benefit of doubt and they would not find her guilty unless they had a moral certainty of her guilt.¹⁵⁷

The jury retired for 1 ½ hours and then proclaimed the prisoner guilty. In sentencing her to death Parke delivered, according to *The Times*, 'a most impressive address'.¹⁵⁸ He stated he was satisfied 'from the legal evidence in the case' that she had 'been guilty of the detestable crime of depriving [her] stepson of life, for the purpose, probably, of receiving some small amount of

¹⁵⁵ *Liverpool Mercury*, 4th April 1843

¹⁵⁶ *The Times*, 6th April 1843. *Freeman's Journal and Daily Commercial Advertiser*, 8th April 1843

¹⁵⁷ *Liverpool Albion*, 10th April 1843

¹⁵⁸ *The Times*, 6th April 1843

money.¹⁵⁹ He referred to the series of deaths exposed by the coroner at the Eccles and Haslam inquests concluding she had been responsible for the deaths of probably 5 other human beings.¹⁶⁰ His comments fuelled Victorian fears, voiced in political and journalistic spheres, about the extent of secret poisonings, referred to as 'The Crime of the Age,'¹⁶¹ and gave new life to parliamentary debate (begun in 1819) about the need to regulate the sale of poisons. The trial showed that, although the crime of poisoning required both medical and chemical evidence, it was the chemist rather than the surgeon who was the expert witness with the claim to specialist knowledge. Eccles never appealed.

VII The Public Execution at Kirkdale Gaol, Liverpool

The execution of Eccles outside Kirkdale Gaol, Liverpool at 12 o'clock on 6th May 1843 had, for the assembled crowd, all the ritual of a 'scaffold death' but without the closure of a public scaffold confession of arsenic poisoning. According to the *Liverpool Journal* the hanging was witnessed by 'no fewer than twenty to thirty thousand people.'¹⁶² A *Liverpool Albion*¹⁶³ editorial expressed disgust at the crowd's repulsive behaviour, akin to that seen by Charles Dickens at the 1840 Courvoisier execution and recorded in *Barnaby Rudge*.¹⁶⁴ The local press reported:

From eleven o'clock, the roads leading to the gaol were crowded with people, chiefly of the most dissolute orders. Carts, cars and coaches bore their loads of individuals, male and female, scoffing, swearing, laughing, shouting and bandying ribald jests with those on foot, the chief theme of the discourse being the approaching scene of death it is impossible to convey to those who did not witness it an adequate idea of the disgusting effect of such a

¹⁵⁹ *Liverpool Mercury*, 7th April 1843. *Lloyd's Weekly London Newspaper*, 9th April 1843 reports the inquest with the heading 'HORRIBLE CASE OF CHILD MURDER BY A MOTHER FOR THE SAKE OF THE BURIAL MONEY'. *Liverpool Albion*, 10th April 1843

¹⁶⁰ *Bolton Evening News*, 28th December 1959. Quidnunc refers to Parke's assessment of the number of deaths but states that rumours in Bolton were '10 victims including her [first] husband and her children.'

¹⁶¹ *Illustrated Times*, 2nd February 1856. Burney 'A Poisoning of No Substance: The Trials of Medico-Legal Proof in Mid-Victorian England' in *Journal of British Studies* vol.38 January 1999 pp167-70

¹⁶² *Liverpool Journal*, 13th May 1843. *Leeds Mercury*, 13th May 1843 gives the figure of 40,000 persons as attending the execution. *Jackson's Oxford Journal*, 13th May 1843

¹⁶³ *Liverpool Albion*, 8th May 1843. *Mercury Chronicle*, 8th May 1843. *Derby Mercury*, 10th May 1843 'not proved by very direct testimony yet fully established upon the clearest circumstantial evidence.'

¹⁶⁴ Phillip Collins, *Dickens and Crime*, London 1962 pp224-5

scene. It seemed [as if] thousands [were] hurrying forward, in high glee, to see [Betty Eccles] hanged by the neck.¹⁶⁵

However, another press reporter referred to the crowd as not 'very ill behaved' with 'the worst folly evinced being that of highly wrought and absorbing curiosity.' The noisy vending of trial and execution broadsides and the chanting of sardonic ballads, referred to as 'death-verses,' played lip service to conventional morality. They did have a message. They sought to identify the felon with the just administration of the law. A murder by arsenic poisoning, especially where a child and burial club money was involved, fuelled the Victorian imagination, with its manic fear of death by poison as the crime of the century.¹⁶⁶ Public executions had become, in effect, public entertainment. Topographical and physical imagery rendered the horrible familiar and identifiable with the people. A death scaffold had become the object of plebeian commentary.¹⁶⁷ Eccles had been convicted of one murder but the press and broadsides made out otherwise.¹⁶⁸ One pamphlet, headed *Elizabeth Eccles, the Female Monster*, stated that she had confessed to her husband that she would have poisoned the whole family. A ballad of thirteen verses included the following:

To the Burial club she did apply
For burying money they did deny
For dark suspicion filled their mind,
That something wrong they soon should find¹⁶⁹

Another pamphlet is headed *The Execution of Betty Eccles for the Murder of a Family, by poison, consisting of a Husband, eight children, a step-son, and nurse child, at Bolton, in the County of*

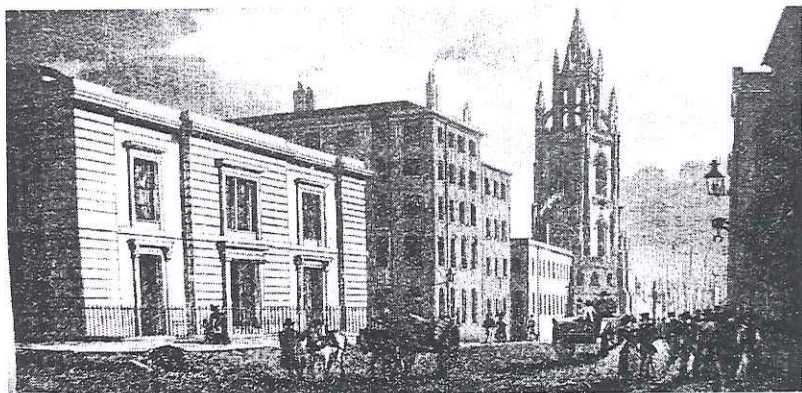
¹⁶⁵ *Liverpool Albion*, 8th May 1843. *The Era*, 9th April 1843

¹⁶⁶ John Bellamy, *Strange Inhuman Deaths. Murder in Tudor England*. Sutton Publications Ltd. Stroud 2005 pp34-5

¹⁶⁷ V. A. C. Gatrell, *The Hanging Tree. Execution and the English People 1770-1868*. Oxford University Press 1996 pp156-196
Thomas W. Laqueur, 'Crowds, Carnival and the State in English Executions, 1604-1868' in A. L. Beier, David Cannadine and James M. Rosenheim (Eds) *The First Modern Society: Essays in Honour of Lawrence Stone*. Cambridge University Press 1989 pp305-55

¹⁶⁸ Knelman, pp32-3

¹⁶⁹ *Ibid* pp59-9. Carlyle wrote in a similar vein of the 1840 Sandys inquest pp3-5. 'The Stockport Mother and Father think and hint: Our poor little starving Tom, who cries all day for victuals--- if he was out of his misery at once; he will dead, and the rest of us kept alive?' It is thought and hinted: at last it is done. And now Tom being killed and all spent and eaten, is it not little starving Jack that must go, or little starving Will?-- What a committee of ways and means.'



The Sessions House, Chapel Street, Liverpool, with St Nicholas Methodist Church in the Background. The trial of Betty Eccles took place at the Sessions House before Mr Baron Parke 4th April 1843. The South Lancashire Assizes were held here from 1835 until the new County sessions House, on the east side of the Walker Art Gallery was completed in 1884.

Picture courtesy of Liverpool Record Office



**Betty Eccles on her way for Execution,
attended by the Chaplain of the prison
and two Sheriff's Officers.**

Courtesy of the John Rylands Library, Manchester University. Ref 166193

Lancashire, who was executed in front of Kirkdale Gaol, on Saturday, May 6.¹⁷⁰ Accompanying verses referred to Eccles as 'a wicked woman' who had committed 'a horrid crime'.

A wicked woman we're inform'd
Before a Jury did appear,
To answer for a horrid crime,
The poisoning of her children dear.

Their author accepted as fact that her crime extended to mass murder although she had been convicted one murder and, according to one reporter, had confessed to the prison chaplain on 3rd May that she had poisoned her step-son but no other member of her family:

A mother so cruel never was known,
In former ages in this land,
Nine children to their graves were borne,
Put to death by their mother's hands.

The press coverage of the inquest and the trial ending with a public scaffold execution¹⁷¹ ensured that, although earlier inquests like the 1827 Scott inquest,¹⁷² the 1840 Sandys' inquest¹⁷³, the 1841 Edge inquest¹⁷⁴ and the 1842 Roberts inquest¹⁷⁵ had all exposed arsenic poisoning, the Eccles

¹⁷⁰ *The Execution of Betty Eccles for the Murder of a Family, by Poison, Consisting of Husband, Eight Children, a Step Son and a Nurse Child at Bolton in the County of Lancaster, WHO WAS EXECUTED IN FRONT OF KIRKDALE GAOL, on Saturday, May 6th*: J. Plant, Printer, 6 Close Street Nottingham 1843. The Pamphlet cites the report of the execution published in the *Liverpool Albion* and sets out in full a 6 verse ballad sold to the assembled crowd.

¹⁷¹ *Life, Trial, Confession and Awful Execution of William Buckley at Liverpool this day, for the Horrid Murder of his Wife, at St Helens, November 26th 1842. And of BETTY ECCLES, Poisoning HER CHILDREN AT BOLTON, LANCASHIRE*. Printer J. Taylor, Liverpool 1843 The John Rylands University Library Manchester, Archives Collection R 166193. The anonymous pamphleteer makes no reference to any speech or confession by Eccles. Usually Scaffold speeches were welcomed especially if they included a confession since they provided a chance to achieve closure, to salve conscience and to prove that the process of law had achieved the correct verdict. However, in the Eccles' case, despite the entreaties of the prison chaplain on the previous day, the Liverpool pamphleteer records no confession. 'The morning of the execution having arrived, [Eccles] had the sacrament administered to her, the procession then moved towards the platform, the chaplain reading the burial service as the procession moved along. Having reached the drop. The unfortunate female who wept bitterly was then placed under the fatal beam, and the halter being fixed round her neck- the cap was pulled over her eyes and a few moments was spent in prayer, the signal was given- the bolt was drawn, and in a short time she ceased to live.' P.8. The crowd, far greater than the numbers who had attended the inquest and trial, came from all over Lancashire to witness the might of the law and the punishment of crime in the form of the execution ritual. The response of the crowd was spontaneous. It had not expected a scaffold speech by way of confession.

¹⁷² *The Times*, 10th September 1827, 25th March 1828

¹⁷³ *The Times*, 23rd October 1840, 3rd November 1840 and 4th, 5th and 6th August 1841

¹⁷⁴ *The Times*, 23rd August 1841. Although found guilty of murder by arsenic poisoning at the inquest, Ann Edge was found not guilty at Chester Assizes on 9th April 1842 TNA. ASSI. 61/11/C339304

inquest historically took centre stage, with Betty Eccles as Lancashire's first female serial child killer for monetary gain.¹⁷⁶ The waxwork effigy exhibited in Sharples' Museum, Bolton, unfortunately destroyed by fire in 1852, had a factually incorrect notice appended that she had been executed 'for the murder of her own children...so that she may get money from a burial society' but, for the popular press, that notice was correct.¹⁷⁷

**WHOLESALE POISONING OF CHILDREN.
COMMITTAL OF FOUR PARENTS FOR WILFUL
MURDER.**
A most barbarous and monstrous system of poisoning children by their parents for the sake of the lucre which is allowed from a Burial Society, on the death of a member, has been discovered in this town within the last few weeks, and which, while it stamps the offenders with murder, leaves room for cogitation how far the principles of the above benevolent societies are founded on safety and propriety.

Press Reportage of the Sandys Inquests

The detailed report in the *Stockport Advertiser* 30 October 1840 was prefaced by the above first paragraph, which exposed the popular suspicion of a link between child murder and burial clubs

VIII Burial Clubs and Death Payments

In the 1840s burial clubs, otherwise known as 'funeral briefs' or 'death briefs', together with collecting societies, sick clubs and friendly societies, grew rapidly in the impoverished communities of the North-West. They provided alternatives to the largely unregulated life insurance offices that proliferated in early Victorian England. Both burial clubs and insurance involved quasi-money payments, sometimes as periodical payments or membership levies, and sometimes the result of an

¹⁷⁵ *The Times*, 12th August and 14th August 1842

¹⁷⁶ *Bolton Evening News*, 28th December 1859. The press reported that it was 'clear that she had also poisoned two children by her former husband for the same object.' *Morning Chronicle* 8th May 1843 and *Caledonian Mercury*, 8th May 1843

¹⁷⁷ Knelman, pp12-13 'the best way to find out about murder trials is to read the newspapers--- newspapers are events-driven, but they do not by any stretch of the imagination document all that goes on in a given place on a given day--- newspapers give us what we want to read. If a society wants to read that women who kill are insane or demonical, that is how they will be depicted'. The early Victorian feared secret poisoning by women particularly in the 1840s. That fear was, as Knelman has argued, fuelled by the press and the waxwork effigy of Eccles in Sharples' Museum Bolton typifies such fears. Although the effigy itself was destroyed in the 1852 fire an illustrated Catalogue has survived and is in the Bolton museum.

individual's employment. Both gave an actuarial value to life. Everyone had a price.¹⁷⁸ Yet the poor were unable to afford commercial life insurance which tended to be exclusive to the middle class. They therefore sought alternatives, many of which proved to have direct bearing on the links between burial clubs and child murder which began emanating from the Lancashire-Cheshire marches in the 1840s. They looked to the philanthropic societies and charities that had prospered in a liberal society. They turned to the largely unregulated collecting societies, burial clubs, clothing clubs and local charitable or religious organisations, like Sunday schools, that were emerging in response to the problems of industrialisation.¹⁷⁹ For example, Sunday schools supported by local worthies, sometimes including mill owners, provided help in education, illness and death. By the 1830s many Sunday schools had burial clubs and sick clubs attached. Thomas Lacqueur refers to one Sunday school in the North-West providing coffins for pupils on payment of a weekly half penny. The varied organisations calling themselves burial clubs provided death benefits usually exceeding funeral costs, although they were not intended for profit. Membership was usually small but the clubs themselves were numerous. Not all were working-class-founded institutions. Many functioned around the workplace and were run by employers or employees, or a combination of both. Some were paternal charitable bodies operated by 'the leading gentlemen in the county, the clergy or the factory owners for employees and their families.'¹⁸⁰ Collecting societies, yet another term for burial clubs, were technically friendly societies, if registered as such, although the term usually implied payment of sickness as well as funeral

¹⁷⁸ Viviana A. Zelizer, 'The Price and Value of Children. The Case of Children's Insurance' in *The American Journal of Sociology*, March 1981. Vol. 86 no.5 pp1036-56; R. Pearson, 'Thrift or Dissipation? The Business of Life Assurance in the Early Nineteenth Century' in *Economic History Review*. Vol. 43 1990 pp236-54

Richard C. Lister, *Friendly Societies before 1834: an examination of their role, aims and activities*. Unpublished MA thesis, University of Leeds 1997; Rose, Chapter 15. 'Burial Insurance and Child Murders (1)' pp.136-147. Zelizer, *Pricing the Priceless Child. The Changing Social Value of Children*. Princeton University Press 1994

¹⁷⁹ P. H. J. H. Gosden, *Friendly Societies in England 1815-1875*. Manchester University Press 1961 p.55. Zelizer, *Pricing the Priceless Children*. 'the evidence suggests that in England the insurance of children by burial clubs, which started in the 1830s and 1840s, was sometimes a sordid affair' p.118. She refers to the link between child murder and burial clubs p.120

¹⁸⁰ Laqueur, p.110 'the power of the pauper funeral is--- apparent in the efforts made to avoid it--- beginning in the second half of the eighteenth century the poor began systematic efforts to insure a respectable funeral.' Mathew Boulton was one of the first to set up an insurance club for employees.

expenses.¹⁸¹ Often membership was large. For example, the Blackburn-based Philanthropic Burial Society, used by the Sandys family in the 1840s, had a reported membership of more than 7000¹⁸², and many times more by the end of the century. The weekly payment was one penny and full membership was obtained after 17 weeks. The amount paid on each death was the same. Such societies functioned through collectors who sold the burial insurance and whose income was geared to commission earned. Collectors themselves 'were drawn from among the working class and little in the way of education was sought in recruits [since] the ability to sell and to bring in the premiums was the quality that mattered.'¹⁸³ They collected premiums at home from the women of the family who were probably influenced by their persuasive salesmanship.

Collecting burial clubs won a reputation for self-help, but were one of the weakest and most vulnerable links in the Victorian cult of thrift, and far more open to abuse than the more democratic, more accountable and thus more respectable friendly societies, even if these could not wholly be absolved of suspicion. As stated earlier, these clubs grew most rapidly in areas of industrial growth and impoverishment like Lancashire, Yorkshire and other industrial counties - with membership increasing from under one million in 1815 to over three million in 1849. By 1851 W. R. Greg¹⁸⁴ claimed that nearly half the adult male population belonged to friendly societies of one form or another.¹⁸⁵ However, in a laissez-faire framework, government intervention was a last resort and then only to remove obstacles to self-improvement since 'without private insurance the working-class would be burying more children at the Poor Law's expense - they did not wish to undermine the cherished Victorian totem of "self-help"'.¹⁸⁶ During the period up to the 1840 Sandys inquest and the 1842 Eccles inquest, the pattern of friendly society legislation, which was not retrospective, was to

¹⁸¹ Rose, pp136-138

¹⁸² *Stockport Advertiser*, 30th October 1840

¹⁸³ Gosden, *Self-Help: Voluntary Associations on the 19th Century*. London 1973 p.125

¹⁸⁴ W. R. Greg, 'Inventory for the Working Class' in *Edinburgh Review* 1852 vol. XCV p.407

¹⁸⁵ Perkin, *Origins* p.138. John K. Walton, *Lancashire: A Social History 1558-1939*. Manchester University Press 1987 p.181

¹⁸⁶ Rose, p.144

grant legal security and encourage the independence of members.¹⁸⁷ No legislation applied to burial clubs or sickness benefit clubs operating within the work-place, and the former were small and informal. They were often set up by the local publican in conjunction with the local undertaker. Such clubs were conducted in 'spurious aura of conviviality',¹⁸⁸ but without any actuarial experience so that many collapsed.¹⁸⁹ Sir George Young said that 'the burial club that survives a generation is the exception'. Partly to avoid those dangers children were frequently insured in more than one burial club¹⁹⁰ so as to be able to avoid the dreaded paupers' funeral, with the possibility of the body being handed over to the parish authorities for dissection and anatomists under the 1832 Anatomy Act. Occasionally children were insured in several clubs but under false names as happened at St. Patrick's burial society which had started at St. Patrick's Mission Church in Liverpool in 1822.¹⁹¹

The Victorian ethos was to encourage burial clubs as examples of self-help. Yet, the years 1841-1851, in contrast to that ethos, witnessed a decade of panic about child murder by arsenic poisoning in order to collect burial moneys. Popular concern focused upon the ease with which poisons were obtained. Frequent reference was made in the press to arsenic, 'the poison trade' and 'inheritance money'. It was a key decade in the long standing campaign to reform the medical profession through legislation, to distinguish between 'regular' and quack practitioners' and to regulate the roles of chemists and druggists. It was recognised that any regulation of 'the poison

¹⁸⁷ Gosden, *The Friendly Societies*. P.180

¹⁸⁸ Rose, p.136

¹⁸⁹ Gosden, *Self-Help* p.117. Two features of burial club practices made them attractive to would be murderers- the chance to subscribe in a multiple of a burial clubs and the fact that parents could enrol their infant children with few questions asked. Burney, *Poisons* p.28

¹⁹⁰ Havard, pp51-60. Charles Hardwick, *Insolvent Sick and Burial Clubs: the causes and the cure; or, how to choose or found a reliable friendly society with a large illustrated diagram etc.* Manchester 1863 The secretary of one burial society in Preston informed that the Rev. John Clay that the funeral of one child had cost £3 but that the burial societies had paid out about £17, Harriet Martineau *Health, Husbandry and Handicraft*. London 1861 pp.111-113. Thomas Edward Jordan, *Victorian Childhood. Themes and Variations*. State University of New York Press 1987 p.83

¹⁹¹ Ruth Richardson, *Death, Dissection and the Destitute* London 1988 pp.61-2, 147-8 and 234-5. Tony Walter, *The Revival of Death*. London 1994 p.13. Peter C. Jupp and Clare Gittings, (Eds), *Death England. An Illustrated History*. Manchester University Press 1999 p.225. John C. Belchem, *Irish, Catholic and Scouse: the history of the Liverpool-Irish 1800-1939*. Liverpool University Press 2007 pp.105-133 Belchem refers to 'the infamous St Patrick's Burial Society' (p.105) Belchem, 'Priests, publicans and Irish poor: ethnic enterprise and migrant networks in mid-nineteenth century Liverpool' in *Immigrants and Minorities* 2005 vol.23 pp207-31 St. Patrick's Burial Society in its early years was not registered under the Friendly Societies Acts, it applied only to Catholic families. The benefit was £4.

trade', particularly in arsenic, apart from reforming the medical profession, involved some legislation about the burial clubs. The latter had critics and defenders.

William Baker and Burial Clubs

When in 1851 the Middlesex coroner William Baker wrote his classic compendium of coronial law¹⁹², he devoted one chapter to burial clubs and poisoning. The Coroners' Society of England and Wales, founded in 1846, warned its members to be on guard. Baker had not forgotten the James Merritt inquest held by him at Fountain Tavern, Upper Clapton, Hackney following the suspicious death on 24th January 1850 of Merritt, a turncock worker with a weekly wage of 30 shillings. That inquest had involved the exhumation of Merritt's 60-year-old father, who had died a few months earlier, and an investigation into the recent sudden death of his 8 year old son. It involved Merritt's wife Ann, suspected arsenic poisoning and the payment of £10 death benefit from the Clapton Benefit Society. Baker remembered that the protracted inquest had to be adjourned four times for further evidence. The verdict had been that Merritt had died from arsenic poisoning but there was no evidence about how the poison had been administered. However, the jury had deliberated for half an hour. Their worry was the burial club connection and the financial incentive to kill for £10. After returning verdict, the foreman handed Baker a paper signed by 13 jurors condemning burial clubs:

The jury, before they separated, wished to record their opinion concerning burial clubs as they are at present constituted. They view them with fear, in consequence of their holding out a premium for the frightful crime of secret murder and the facility with which the burial money is obtained. Several cases have recently come to light, the facts of which are startling, and on which their fears are founded; besides the many which we may presume have escaped discovery. We, the jury, are of the opinion the evil tendencies of these clubs from which money is obtained upon the death of a member [should be curtailed] by being differently constituted either by the act of the governors or through some legislative measure which should be passed either to guide or control them.¹⁹³

¹⁹² William Baker, *A Practical Compendium of the Recent Statutes, Cases and Decisions affecting the Office of Coroner* London 1851 Chapter VI is headed 'Burial Clubs and Friendly Societies' pp52-71. Baker sets out on pp67-71 the text of the 1850 Friendly Societies Act and states that 'the attention of Parliament having been drawn to [burial clubs and friendly societies] it is gratifying to find that some attempt has been made, in the Friendly Societies Act lately passed, to check the enormity of the evils which have sprung from such societies' [emphasis added]

¹⁹³ *Daily News* 12 February 1850; *Morning Chronicle* 12 February 1850; and *Manchester Examiner and Times* 13 February 1850. Although Baker and the Jury had emphasised the burial club link during the inquest, the subsequent criminal trial, which unusually was not the result of a coroner's referral, centred around expert scientific evidence. Correspondence from Henry Letheby, Professor of Chemistry at the London Hospital and Medical officer of Health to the City of London, together with references by John Bright in the House of Commons, related to the efficacy of Letheby's evidence about the

In many ways, the above recommendations corresponded with Baker's views.

Looking back over some twenty years experience as coroner, Baker urged increased vigilance. He wrote that, whereas hitherto instruments of death 'left its traces behind', now these were invisible. He was thinking of child murder and burial clubs when he wrote:

Now villainy is so refined, and so many means have been discovered whereby life may be taken, and the murderer leaves scarcely a clue to his discovery, that it seems almost indispensable that every sudden death should be inquired into with the most searching scrutiny.¹⁹⁴

He warned that 'more stringent measures are demanded to rescue infants from the innumerable 'death lists' scattered throughout the Kingdom. Few know how monstrous it is'.¹⁹⁵

Referring to cases of murder for burial club moneys cited by the Preston prison chaplain, Clay, the Essex poisonings and the inquests held by his colleague Codd, Baker wrote:

Let it be remembered that we have here only a portion of the positive murders resulting from the temptations offered by the burial clubs. No one can guess how many more victims, infants especially, have been poisoned or otherwise destroyed for the sake of the coveted burial money, though neither inquiry nor suspicion may have been excited; nor how many children, entered by their parents in burial clubs, are, when attacked by sickness, suffered to die without any effort being made to save their lives. But that the predominant feeling in the mind of a parent whose sick child is too often fixed on the money which can only be obtained by that child's death, no one can doubt who has seen the working of their societies.¹⁹⁶

Baker contended that many child deaths followed neglect and constituted a species of culpable homicide for burial moneys as much as the deliberate administration of poison and that many such killings went undetected because inquests were not being held.¹⁹⁷

time when arsenic had been taken and the merits of capital punishment. It was not about the evils of burial clubs encouraging murder. *The Times* 2 February 1850, 16 February 1850, and 8 March 1850. Letters from Letheby and Bright were printed in *The Times* 15 and 17 July 1850.

¹⁹⁴Baker, p.382. Baker made extensive use of Clay's pamphlet. Clay pp5-7, for example, the 1846 Pimlett Inquests, the 1846 Rodda Inquests and the 1848 Spratty Watts Inquest.

¹⁹⁵Ibid, p.53 a few years later the constitutional historian and lawyer Joshua Toulmin Smith referred to the subtle methods of destroying life, unknown in earlier ages, and the importance of inquests. J Toulmin Smith, *The Right Holding of the Coroner's Court; and some recent interferences there with; being a Report laid before the Royal Commissions appointed to inquire into "The Law now regulated the Payment of Expenses of Holding Coroner's Inquests."* London 1859 pp50-2

¹⁹⁶Baker, pp.54-5

¹⁹⁷Ibid p.157

Middle and Upper Class Opinion and Burial Clubs

An editorial in *The Times* acknowledged that 'the deadly tendencies of burial clubs [could] never be accurately measured.' A lengthy and anonymous letter headed 'Burial Clubs' challenged both State and public:

The sacrifice of the innocents must be stopped at once and forever. If, in this Christian land and time, we do not allow our children to pass through the fire, in idolatry of Moloch, neither must we suffer them to enter burial clubs for the love of Mammon.¹⁹⁸

The Irish press referred to burial clubs in England as 'the social leprosy which is eating into the vitals of [that prosperous country].' Alongside Baker, Clay actively criticised burial clubs. As an Anglican priest he worked for twenty-five years in what was called 'burial club land'. He was 'the most authoritative voice against infant life insurance from his Preston base in the heart of burial club country in the North West.'¹⁹⁹ Clay wrote to William Brown, Liberal MP for South Lancashire:

The deadly tendencies of Burial Clubs can never be accurately measured; but the extent of their direct and indirect influence for mischief and demoralisation may be imagined, if we ascertain the number on the death list of a particular neighbourhood, and then ascertain the mortality of that class – infants – which swells those numbers.

He agreed with Baker that legislation was required to regulate the money payments on child deaths, and referred to payment of burial money as an inducement to murder and 'a foul blot on our specious civilisation.' He spoke of a lady friend who had offered to send medical help to the sick child of a woman she employed and the response had been 'Oh! Never, ma'am; it's in two burial clubs.' He estimated that two-thirds of Preston's five year olds from working-class families were enrolled in the

¹⁹⁸ *The Times*, 29th January 1850 and 27th June 1854 'where mothers are found willing to slay their own children--- for the sake of the few paltry shillings they may obtain from a death club can we at all admit to the propriety of putting a practical stop [to it]?' An opposite viewpoint was expressed by the *Preston Chronicle* when considering Clay's objections to burial clubs in Preston. *Preston Chronicle*, 16th December 1843 and 13th January 1844.

¹⁹⁹ Rose, p.139. Clay wrote to *The Times* 18th January 1849 referring to an Editorial in that paper dated 20th September 1848 about 'the atrocity of the crimes which Burial Clubs were yet permitted to encourage.' The letter is anonymous but, as Rose states (p.201 n.9) it bears Clay's hallmark. Clay refers to 'A moral epidemic far more formidable than any plague which we are likely to see imported from the East. We are hardly bold enough to hazard any suggestion of the number of victims to this diabolical practice, but we can assure our readers that the amount, as estimated, though of course on uncertain grounds, by those best competent to judge, would appear to them either incredible or horrifying'. [emphasis added] Five years later in his pamphlet *Burial Clubs and Infanticide in England*, Preston 1849. He wrote to the South Lancashire MP 'no one can guess how many more victims- infants especially- have been poisoned or otherwise destroyed for the sake of the coveted burial money, though neither inquiry nor suspicion may have been excited' p.6 and p.8. Fraser, p.61 'He was convinced that the existence of these clubs was a powerful inducement to crime of a most heinous type.' Fraser p.21, GHH Glasgow, *The Reverend John Clay and Burial Clubs c1848-55*, Hudson History Settle 2010, pp 15-18.

Preston Original Legal Friendly Benefit Society alone, that in 1844 their death rate was 55.4% and that he suspected that the high infant death rate was due to burial insurance. He remembered Chadwick's report the previous year and the example cited of the Manchester family where six infants had died and some had been insured in ten burial clubs yielding on that particular death £34.3s.²⁰⁰ He maintained that it was not right that parents should profit from the death of their children and that no child should be insured in more than one burial club.

Contemporary responses to the idea of burial clubs as a working-class form of self-help through insurance were varied and uneasy. The issues were complex for several reasons. First, they involved the efficacy of the principles of *laissez faire*, or a free market society, on the one hand, set against the desirability of social reform through public action on the other. Second, they required consideration of the interplay between badly regulated burial clubs designed to provide the poor with the means of alleviating their misery and poverty and the opportunities such clubs offered by encouraging child neglect or murder for the sake of death benefits. In the 1840s the harshness of the 1834 Poor Law Amendment Act, the failings of the workhouse system and the changes in settlement laws combined to make life very hard for the poor. Pauperism and starvation, as exposed by the starvation inquests²⁰¹, were a harsh reality, with many unable to afford the necessities of life. Upper and middle-class observers, influenced by sensational press reporting, had an uncomfortable choice: they could conclude that a suspicious child burial club death was due to the moral failings of those who neglected or poisoned their children, or that it had been produced by the failures of the *laissez faire* state to do anything about regulating burial clubs and alleviating poverty. Either way, *laissez faire* was having some odd effects. Motivation might vary from poverty to greed, but few outside the working-class radicals, and perhaps some traditional Tories, realised that one source of the problem was the morally

²⁰⁰ *Interment in Towns Royal Commission Report 1843* (509) XII.395 p.61 In Preston 30,000 persons were stated to be enrolled in 6 burial societies. By 1874 Preston and the adjoining area had a population of 86,000 but there were 108,120 members of burial societies. Multiple burial insurance was, therefore, common. It dated back to the 1840s *The Lancet* 1861. Vol 11 14th September p.258. Lynda Bracken, *The Development of Measures for the Protection of Working Class Children in Manchester 1850-1908* Unpublished PhD thesis University of Manchester 1994 p.136

²⁰¹ *The Times* 26 August 1840 - the Samuel Daniels Inquest; *The Times* 6 November 1840 - the Elizabeth Fry Inquest; Christopher Hamlin, *Public Health and Social Justice in the Age of Justice*, Cambridge University Press 1998, pp.143-7.

distorting impact of the New Poor Law, with its shaming reputation, upon the operation of self-interest at the bottom end of society. The poor faced an invidious combination of pauperism, ignorance and what a contemporary called, 'a sense of hopelessness, misery and utter moral degradation'.²⁰² At a time when the family unit was fragile, when families were large and high child mortality accepted, many contemporaries could see how the transition from caring for a child at risk of starvation to helping that child into the next world could be rather easy to make for some who were vulnerable.

To the medical historian, John Havard, burial clubs were: 'a sordid chapter of social history--- embalmed in the parliamentary papers of the period.' Usually the local public house had its own informal burial club, and Havard writes graphically on the subject:

The less respectable of the clubs were controlled by the undertakers and the publicans, The publican as treasurer would collect the money from parents wishing to insure against the funeral expenses of their children in the event of death, and he would hand the money to the brewer or to anyone else willing to give him interest at 4 or 5 per cent. The incentives to insure children in these clubs was great as, although the cost of a child's funeral was only between twenty and thirty shillings, the club would pay out between £3 and £5 in the event of death.²⁰³

Such clubs, which extended to sick clubs, were unregulated. Friendly Society regulations did not apply to them. Without regulation membership might involve a levy on members on the death of a member, a weekly contribution of a penny or half-penny or a graduated scale of benefits depending on the length of membership. Sometimes benefits extended to include ill-health and even unemployment.²⁰⁴ Some children were enrolled in 19 different clubs.²⁰⁵ In the mid-1840s the mortality rate in Manchester of children under five was 50%. Most were insured.²⁰⁶ The 1854 Select Committee on the Friendly Societies Bill estimated that between 62 and 64% of children dying in

²⁰² Joseph Kay, *The Social Condition and Education of the People in England*, London 1850, vol 1, p.447.

²⁰³ Havard, p.51. Clay, pp8-9

²⁰⁴ David Eastwood, *Government and Community in the English Provinces, 1700-1870* London 1997 p.40. Roberts, pp 85-9

²⁰⁵ *Interment in Towns Royal Commission Report 1843* (509) XII pp54-64 and Appendix pp235-38

²⁰⁶ *State of Large Towns. Royal Commission Second Report 1845* (610) XVIII p303 and Appendix Part 2 p.54

Preston were insured with burial clubs.²⁰⁷ Infant deaths were, according to one survey, 'too common a circumstance to be brought before the coroner'²⁰⁸ Apathy or wilful neglect and bad housing conditions probably accounted for most deaths²⁰⁹ but many were probably the results of criminal acts and the secret poisoning of children became one of the most recurrent panics of the Victorian period when it was perceived that such criminal acts resulted 'from the temptation offered by burial clubs.'²¹⁰ One correspondent of *The Times* wrote:

No one can guess how many more victims - infants especially - have been poisoned or otherwise destroyed for the sake of the coveted burial money, though neither inquiry nor suspicion may have been excited; nor how many children, entered by their parents in burial clubs, are, when attacked by sickness, suffered to die, without any effort being made to save their lives.²¹¹

The national and local press fuelled secret fears of poisoning for money.²¹² Deviant killers of children, for often paltry sums by way of death benefits, initially featured in areas of industrial growth such as Lancashire where the Friendly Society movement and burial societies like the Blackburn Philanthropic Burial Society (founded 1839) and the Liverpool Victoria Burial Society (founded 1843) flourished.²¹³ The 1842 Eccles inquest and the 1846 Pimlett inquest, to be considered later, exposed the abuses in the form of serial killers seeing, in the rudimentary death insurance available from clubs and societies, a motive for murder.²¹⁴ As the editor of *The Times* wrote such a serial killer for monetary gain 'gave an impetus to similar crimes' in other parts of England.²¹⁵

²⁰⁷ *Report of the Select Committee of the House of Commons on the Friendly Societies Bill 1854* VII. Rose, p142

²⁰⁸ *State of Large Towns*, p.66

²⁰⁹ E. Berdoe, 'Slum Mothers and Death Clubs: A Vindication' in *The Nineteenth Century*. April 1891 pp560-3. Liverpool Record Office, Hope papers 352 HEA 2/2 6th May 1887

²¹⁰ Havard, p.51

²¹¹ *The Times*, 18th January 1849. Letter to the Editor

²¹² *Southport Visiter*, 7th October 1848. Rev. Benjamin Waugh assured the 1888 House of Lords Select Committee that 'a thousand children were murdered every winter for the insurance policies on their lives.' *The Times*, 6th October 1888

²¹³ Simon Cordery, *British Friendly Societies 1750-1914* Palgrave Macmillan 2003 p.72 and p.823. Cordery, 'Friendly Society and the Discourse of Respectability in Britain 1825-1875' in *Journal of British Studies*. Vol 34 no 1 January 1995 pp35-58

²¹⁴ *Morning Chronicle*, 5th October 1842, *Bolton Chronicle* 8th October 1842, *The Times*, 6th October 1842

²¹⁵ *The Times*, 12th May 1846

An anonymous writer to *The Times* referred to 'the deadly tendency of burial clubs' as 'a bad influence' on 'the uncultivated minds of poor parents.' He referred to several notorious cases of child murder by arsenic poisoning including the Pimlett inquests and the Constable inquest. He urged the abolition of all burial clubs.²¹⁶ Another correspondent saw in burial clubs not just an incentive to kill by the premeditated act of arsenic poisoning but also an encouragement to commit infanticide by neglect.²¹⁷ "Poor little fellow, he will be happier elsewhere" is said with a tear as the few pounds burial money is pocketed'.²¹⁸ The correspondent was echoing the views of the contemporary historian, controversial letter writer, journalist and principled social reformer, Harriet Martineau, who in her three volume *History of England during the Thirty Years Peace 1816-1846*, based primarily on printed sources and published in 1849, referred to wholesale child-murder for burial club moneys. She was judgemental in linking child-murder with burial clubs. She wrote numerous letters and leading articles on the subject, which she printed in the London *Daily News* and in '*Once a Week*'. Without mentioning Preston by name she wrote about a town where the majority of children died before reaching the age of five, of a town of some 100,000 people but with some 39,000 children insured in burial clubs and with instances of multiple insurance. She cited the Rev. John Clay and his correspondence on the subject writing that 'to make [child death] profitable [by burial club moneys]...was to offer a premium on neglect and even murder.' Clay had revealed that parents were ten times more likely to enrol their children in burial clubs than in sickness clubs. On the other hand, some defenders of burial clubs like the editor of the *Preston Guardian*, reflecting the ideas of the

²¹⁶ *The Times*, 18th January 1849 'If the foul reproach of infanticide [has] fallen upon the English nation, better look the evil boldly in the face than deny its existence, and permit the evil to spread until remedy be beyond possibility or hope.'

²¹⁷ *The Times*, 4th August 1891. Clay, P.14 'indifference to life or the purposed neglect of it.'

²¹⁸ Clay referred to 'Burial Club Slaughter' saying that 'a demonical *mania* seemed to have obtained possession of certain minds which had learned nothing in a civilised age but its worse than barbarous depravities and corruption.' Elizabeth Sanders Arbuckle (Ed), *Harriet Martineau in the London 'Daily News'. Selected contributions, 1852-1866*. Garland Publishers Inc. New York & London, Appendix, pp315-430; Julie-Marie Strange, *Death, Grief and Poverty in Britain 1870-1914* Cambridge University Press 2005, p.231.

Leeds physician Samuel Smiles, argued that burial clubs and friendly societies encouraged the poor to save and that working-class thrift provided social benefits by lessening the cost of poor relief.²¹⁹

Another form of burial society only indirectly associated with murder was the sick benefit club. The latter was another aspect of factory life often instigated by the employer.²²⁰ The factory or mill frequently competed with the public house as a centre for local life.²²¹ Patrick Joyce, analysing paternalistic and deferential approaches to factory life, has pointed out that in smaller units 'feelings ranged between acute class conflict and something like the camaraderie of equals' and that, in the case of larger units, 'primitive sick clubs, savings banks and provident funds were set up'.²²² Many of the latter were formed and controlled by the workers²²³ but others were formed and operated by employers as at the Eden & Thwaites mill where young William Eccles was employed.²²⁴

'The Burial Club': The Poetry of Barry Cornwall

The correlation of death benefits and the different forms of burial clubs and murder featured in contemporary literature as well as the press.²²⁵ It was referred to as 'the hitherto unheard of crime' of

²¹⁹ G. R. Porter, *Progress of the Nation*. London 1851 pp 454-5. Samuel Smiles, *Self-Help* London 1859. The manual, although published in 1859, was a product of the 1840s. It originated in talks to a mutual improvement society that started in Leeds in 1844. Editorial entitled 'Burial Societies' in *Preston Guardian*, 23rd October 1847.

²²⁰ Gosden, *Self-Help* p199. Gosden refers to the Humane Sick and Burial Club at Ashton-under-Lyne and proposals to organise a burial society at all 'the ragged schools' in Manchester as stated in the evidence of John Ogden to the 1872 Royal Commission. He links some burial clubs with church schools and notes the laxity about rules for both enrolments of children by parents and the payment of burial moneys to parents.

²²¹ Patrick Joyce, *Work, Society and Politics. The Culture of the Factory in Late Victorian England* London 1980 p.181 'factory life was the centre of the community.'

²²² *Ibid.* p.xx, p.170 and p.191 'the paternalism of the family firm was vastly more important than is generally recognised.' Eden and Thwaites of Bolton, where the boy William Eccles worked, was an example of that paternalism.

²²³ The Blackburn Philanthropic Burial Society was founded in 1839 by the workers and not by the owners of the Blackburn mill.

²²⁴ *Parliamentary Papers* 1872 Vol.XXVI Question 422. Robert Roberts, *The Classic Slum. Salford Life in the first quarter of the Century*. Penguin Books Reprint, Harmondsworth 1983 pp85-7. Roberts describes the local funeral clubs associated with public houses. 'Our own, founded 1st April 1815 in a public house with the licensee as treasurer, reached a membership a century later of more than sixty thousand.' The death benefit was a bottle of whisky and £15 (p.86)

²²⁵ Elizabeth Hurren and Steve King, 'Beggings for a burial: form, function and conflict in nineteenth-century pauper burial' in *Social History* vol. 30 no 3 August 2005 pp325-7. Hurren and King focus on Lancashire as 'England's most parsimonious Poor Law county' and their images of life in the work house and 'pauper funeral stigmatization' help to explain why Lancashire was the breeding ground for burial societies and why Preston with a total population of about 86,000 had

burial club poisonings and was castigated as 'the mercenary calculation of the civilised age'.²²⁶ A northern solicitor Bryan Waller Procter (1787-1874) who achieved fame as an early Victorian poet writing under the pseudonym of Barry Cornwall, and who was a friend of Charles Lamb and Charles Dickens, described his perception of infanticide parents in a poem entitled 'The Burial Club, 1839'²²⁷. The first verse read:

Shoh!--- there's another gone,
How purple he looks but wait!
We'll tumble him into his coffin'
And bury the body straight.

He concluded by showing how contemporaries associated burial clubs with not just the murder of one child but with the emergence of several prolific female serial killers. The final verse epitomised both past and present:

I was once, I confess, chicken-hearted,
His moans made me tremble and shrink:
But I thought of the club and the money,
Grew bolder and gave him the drink.²²⁸

The poem was written while Robert Standring, 'the first known burial insurance poisoner', was being indicted at Chester Assizes for the suspected murder of his daughter for £8 burial money.²²⁹ Cornwall had recorded in verse what, as a northern solicitor, he saw in life. Josephine McDonagh writes:

108,120 members of burial clubs (Gosden, *Self-Help* p.116) The figures indicate double insurance providing monetary motives for killing children.

²²⁶ Burney, *Poison Detection* p.30 Clay referred to burial clubs and 'death lists'. 'The humane public must be prevailed upon to look at this foul blot on our specious civilisation, and to remember that in *hundreds of thousands of instances*, the prospect of "burial money" is creating direct and powerful inducements to parental neglect and cruelty.' [emphasis in original] p.1 Clay went on to urge legislative action, 'In conclusion, I... urge that the time is come when the legislature should direct its attention to measures which shall remove the many temptations to immorality and crime'. He argued that the law which was 'slow, and apparently unwilling to restrain the actions of those numerous and widely spread influences which excite ignorant natures to criminal conduct' should 'abolish every "death list" in the land, rather than, by allowing them to have to hang such wretches as Rodda and Chesham' [emphasis in original] Clay, *Burial Clubs and Infanticide* p.16

²²⁷ TNA. HO. 45/10069/B5959 'Insurance of Children'

²²⁸ Bryan Waller Procter, *An Autobiographical Fragment and Biographical Notes with Personal Sketches of Contemporaries, unpublished lyrics and Letters to Literary Friends*. London 1877 pp226-227. Procter, otherwise Barry Cornwall, was born in Leeds on 21st November 1787, a friend of Robert Browning and Charles Dickens and, in turn, a solicitor, a barrister and a metropolitan Commissioner of Lunacy.

²²⁹ TNA Assi 65/1 Cheshire. *Regina v Robert Standring* 1839. *Derby Mercury*, 3rd April 1839 and *Freeman's Journal and Daily Commercial Advertiser*, 4th April 1839.

With its chilling mixture of curiosity about the aesthetic effects of poison on a child's body (its colour and shape) and brusque concern for the economic benefit of poisoning, the poem is clearly intended as an indictment of what was considered by many to be a widespread practice amongst the working class.²³⁰

The truth of Cornwall's words, that they 'thought of the club and the money', was sensationally exposed in the 1839 Standring murder and the 1840 Sandys' murders. Although Cornwall's poem was not published until 1877, it was written in 1839 about the time of those murders, and like Carlyle earlier he probably had the murdered children in mind. The poem was in private circulation in the 1840s at a time when the *Bolton Free Press*²³¹ was likening the murders to the serial killings carried out by Burke and Hare for Edinburgh anatomists and 'the resurrectionists' a few years earlier.²³² A leader in the *Preston Chronicle* inferred that the Sandys' murders were not just for burial club moneys but also for the possible sale of child cadavers to anatomists for dissection - an inference that the disinterments proved to be false.²³³ The objectives were different but the popular revulsion was the same.

Perhaps, because the deaths of the Sandys children involved Irish families with their alienation and ethnic migrant identity, they attracted rather less national publicity than the murder of Eccles. However, the inquests and trials featured prominently in *The Times* and also in the evidence of the dangers associated with burial clubs given before several Select Committees. For example, the evidence of Henry Coppock, the prosecuting attorney at the Sandys trial, before the 1854 Select Committee on the Friendly Societies Bill (Question 493. P.32) is significant. Probably, the alleged and proven murders by Betty Eccles attracted more publicity and abhorrence because the deaths resulted not in acquittals, and a conviction and transportation, but in the popular satisfaction of a gruesome spectacle of public execution albeit without any salutary admission of guilt.

²³⁰ Josephine McDonagh, *Child Murder and British Culture 1720-1900*. Cambridge University Press 2003 p.123 When in the 1850s the Poet Laureate Alfred Tennyson in the poem entitled *Maud* referred to the Mammonite mother who murdered children for burial money, he was giving voice to popular fears about burial clubs.

²³¹ *Bolton Free Press*, 30th October 1840

²³² Richardson, pp140-1

²³³ *Preston Chronicle*, 31st October 1840 'POISONING OF CHILDREN AT STOCKPORT- BURKE AND HARE OUTDONE'

The Sandys and Eccles murders were urban deaths and in rural areas burial clubs differed significantly from those in towns. Different demographics and geographical factors applied. For example, Essex burial clubs were much smaller than those in urban Lancashire. They were scattered throughout the villages and usually centred on the local public house. Often, unlike urban areas, they were run from the public house by local tradesmen. In urban areas they not only centred on the public house but also the work place. In Victorian towns the latter was as much the epicentre of the community as the public house. The workplace, whether factory or mill, was exclusive to workers and their families. Death benefits were usually a fixed amount even when linked to local friendly societies. By contrast, the death benefits payable by burial clubs not limited to the workplace were often unfixed. They tended to be smaller and often dependent on the number of members. Also the financial status of such clubs could be precarious. Hence, especially in urban areas, multiple memberships were common. Further, as mentioned earlier, when a burial club was 'pub based' usually the publican was the treasurer and that entailed financial risks. The publican collected subscription. He paid the benefits.²³⁴ Sometimes such benefits were partly paid in kind.

IX Robert and Ann Sandys, The Stockport Dilemma: 'What Shall We do to Escape Starvation?'

The Sandys' murders took place in autumn 1840 in Stockport, 'a town known for the deprivations its inhabitants suffered.'²³⁵ At the time, under the heading 'Wholesale Poisoning of Children', the editor of the *Stockport Advertiser* wrote:

A most barbarous and monstrous system of poisoning children by their parents for the sake of the lucre which is allowed from a Burial Society, on the death of a member, has been discovered in this town within the last few weeks, and which, while it stamps the offenders

²³⁴ Rose, p.140. Rose describes how Sandys' parents obtained the burial moneys from the Philanthropic Burial Club on the day of Elizabeth's death without any doctor's certificate. They stated that the child had died from 'inflammation'. Stockport's Town Clerk described the procedure as follows 'the officers met at the public house at 12 o'clock at noon; they got the men there at their dinner hour, and the sooner they got quit of the payments the better.' Rose writes that 'in the Sandys' case, typically, they made no check.'

²³⁵ Watson, *Poisoned Lives*, p.89 Watson refers to the Sandys' murders as 'the first insurance-related child murders to come before the courts.'

with murder, leaves room for cogitation how far the principles of the above benevolent societies are founded on safety and propriety.²³⁶

Robert and Ann Sandys lived with five children in one cellar in Petty Carr Green, Chestergate. Next-door, in another cellar, his brother lived with his wife Honor and two children. Robert worked as a bear-mat maker earning at most 15 shillings a week, even with his wife helping him. They lived in 'very impoverished circumstances.'²³⁷ Food cost between 9 and 12 shillings, leaving only between 3 and 6 shillings for rent and clothing. Their children were the twins Robert and Edward aged six, Mary Ann aged four, Jane aged two and Elizabeth aged six months. All the children were insured with the local unregistered Benevolent Burial Society operating from the Bull's Head, Market Place, Stockport. A penny a week was paid for each child and, if they remained members for seventeen weeks, a payment of £3.8s 6d was made on death. So far as the Benevolent Burial Society was concerned a child's life had therefore an actuarial value of £3.8s 6d. The society did not ask too many questions when claims were made. In addition to funeral money, 2s were paid for drinks. As a child's funeral, assuming it was not a pauper funeral, cost £1, or 14s if no burial suit was used, as with the Sandys' children, for an outlay of 17d the parents could expect a profit of one month's wages.²³⁸

On 12th October 1840 Mary Ann Sandys and her sister Jane were taken ill following a meal of bread, cabbage, tea and boiled milk given them by their godmother, Bridget Riley. Mary Ann died within 24 hours and the family dog died after eating vomit. Recent deaths in the family had never been investigated and local suspicions were that the child 'had been poisoned for the funeral money.'²³⁹ The death was reported to John Hollins, the 83 year old Cheshire county coroner for the Stockport district. The following day, Hollins, who had been elected coroner by the county freeholders unopposed in December 1787 but was described by Stockport's Town Clerk and prosecuting attorney Henry Coppock as 'old and incompetent', and who, a few years earlier, had been

²³⁶ *Stockport Advertiser*, 30th October 1840

²³⁷ *The Times*, 23rd October 1840 and 3rd November 1840

²³⁸ Watson, p.90 *The Times* 23rd October 1840, *Stockport Advertiser* 30th October 1840

²³⁹ *Manchester Guardian*, 23rd October 1840. *The Times* 23rd October 1840

criticized in the local press, opened an inquest 'on view of the body and before a respectable jury.'²⁴⁰ at the Vernon Arms, Vernon Street Stockport. The elderly and infirm Hollins, who died a few months later, partly due to illness induced by the unfolding trauma of the 'horrid conspiracy to murder by poison,' thought it expedient to accept an offer of assistance from Coppock. He was wise to do so since the inquest proceedings were protracted with lengthy sittings, sometimes according to press reports, of nearly twelve hours a day.

At the preliminary hearing Hollins refused permission for an attorney, W. Vaughan, to represent the parents on the unusual premise that Vaughan's hearing possibly conflicting evidence²⁴¹ would prejudice any subsequent trial. After hearing evidence for 4 ½ hours, Hollins adjourned the inquest, 'in order that a post-mortem examination might be made on the body; and also on the body of the infant [Elizabeth], sister to the deceased, who was supposed to have died through unfair means three weeks previous.'²⁴² The suspicions were that the parents 'were periodically sacrificing their offspring for the burial money.'²⁴³ Hollins ordered baby Elizabeth's exhumation. Suspecting arsenic

²⁴⁰ *Manchester Times and Gazette*, 21st May 1836 'those who have had experience of the way [he] conducts inquests will not be surprised--- at the irregularity of proceedings' Sometimes verdicts seemed unusual. For example, in the 1838 James Walker inquest, involving a 3 year old child who had fallen downstairs and injured himself, no medical evidence is recorded and the verdict is 'natural causes'. *Manchester Times and Gazette*, 4th August 1838. A few days later an 18 year old Elizabeth Staneway, who had not previously been ill, died suddenly. The newspapers report of the inquest does not refer to medical evidence and Hollins recorded a verdict of 'Visitation of God'. *Manchester Times and Gazette*, 11th August 1838. In the following month Hollins recorded a verdict of 'natural death' on an unidentified body of a female aged about 17 years where there was a suspicion of arsenic poisoning. An exhumation followed. *Manchester Times and Gazette*, 15th September 1838. Rose, p.58. Mr Hollins, the coroner for Stockport in 1840 at the time of the Sandys poisoning case was described by Henry Coppock, the town clerk, as "past the prime of life and in fact perfectly incompetent to conduct the investigation". Coppock stated that '[Hollins] allowed him to assist at the inquest.' *Parliamentary Papers 1854 Select Committee on the Friendly Societies Bill* Question 498 p.32 On the 25th January 1843 Coppock wrote to Chadwick beginning with a statement about the Sandys' inquests and stating that he had 'no doubt that infanticide to a considerable extent [had] been committed in the borough of Stockport.' He further said that it had been influenced by various motives involving moneys from burial societies and relieving parents of the burden of child support. His letter, headed 'Letter from the Town Clerk of Stockport on Infanticide committed partly for the sake of burial moneys', is printed as Appendix no 10 in 1843 *Royal Commission Report Interment in Towns* p.235. Unlike Chadwick, Coppock was of the opinion that 'burial societies [were] of great use if under proper regulation and inspection' p238. His letter was intended to alert Chadwick about child murders in Stockport and it did not directly feature Hollins. The latter had died on 27th June 1841 'at an advanced age'. *Stockport Advertiser*, 2nd July 1841, *Macclesfield Courier and Herald*, 3rd July 1841. The death occurred before the resumed trial at Chester Assizes, *The Times*, 4th August 1841 and *Chester Chronicle*, 5th August 1841

²⁴¹ *Stockport Advertiser*, 23rd October 1840

²⁴² *Ibid* 30th October 1840. *Manchester Times and Gazette*, 17th October 1840

²⁴³ *The Times*, 23rd October 1840. The report is headed 'Suspicious Cases of Poisoning Children to obtain the Burial Money.'

poisoning he ordered that John Rayner, surgeon and analytical chemist attached to Stockport Infirmary, who had given evidence in several cases of criminal poisoning at the Assizes, undertake chemical analysis of body parts.²⁴⁴ Rayner stated at the resumed inquest and at the Assizes that he had analysed the stomachs of both children using the 4 liquid tests and Marsh's test, that he had found arsenic and that he was clear that both deaths were due to arsenic poisoning. George Turner, president of the Philanthropic Burial Society, stated that on 24th September 1840, the day following Elizabeth's death, Robert Sandys applied for and obtained the burial money. The baby had become a full member of the burial society about 14 days earlier. Immediately after the death of Mary Ann, Sandys had applied to Turner for the burial money for the child, saying 'he wanted to bury the child as quickly as possible as there was to be an inquest over the body.'²⁴⁵ A collector of the society told the coroner and jury that he thought that statement 'unusual', especially as Sandys had been asking him when Mary Ann would become a full member and therefore entitled to burial money. He had told him that she had become a full member on 11th October 1840. Two days later she was dead. The inquest into what the local press called 'a horrid conspiracy to murder by poison', lasted three consecutive days with Hollins 'sitting from 10 in the morning to 12 at night' hearing detailed testimony from 33 witnesses.²⁴⁶ The coroner 'summed up very minutely and at great length.' The jury returned a verdict of murder against Robert and Ann Sandys in respect of Mary Ann and the baby Elizabeth.²⁴⁷

On a coroner's indictment, the 1841 Sandys trial²⁴⁸ illustrated changes taking place in procedural and evidential law partly attributed to the early Victorian pandemic of secret poisoning for burial moneys. Apart from advocates playing more active roles in court, the transformation included the emergence of a new class of expert scientific witnesses in the context of what Golan has called the

²⁴⁴ *Stockport Advertiser*, 30th October 1840. *Examiner*, 1st November 1840 reporting the inquest headed the same with the words 'Poisoning Of Children By Their Parents'

²⁴⁵ Watson, pp167-9 'although no pre-eminent expert appeared before the 1830s, individuals gained local reputations in such matters' Rayner, along with William E Image, Mark Edward Poskitt and Benjamin Sykes, was one of those individuals.

²⁴⁶ *The Times*, 29th October 1840

²⁴⁷ *Stockport Advertiser*, 30th October 1840

²⁴⁸ TNA, Assi 65(2) Cheshire. Copy inquest papers

Adversarial Revolution.²⁴⁹ The latter was, according to high court judge and legal historian Sir James Fitzjames Stephen (1829-1894), writing in 1863, 'the most remarkable change' in English criminal law history. It involved greater participation by lawyers, both in the conceptualisation of evidence and in the court room through the examination of witnesses, the development of the art of cross-examining and the establishment of the right to argue on points of law. It produced the development of the hearsay doctrine limiting testimony to personal knowledge whilst, at the same time, making an exception of expert witnesses who were allowed to express opinions. The expert witness was, however, subject to cross-examination in order to establish the truth. It diminished the judicial role as hitherto judges had acted also as examiner, cross-examiner and decider of evidence. The Adversarial Revolution, usually identified with Sir William Garrow (1760-1840), was the genesis of the evidentiary and procedural rules utilised in Sandys' trial.²⁵⁰

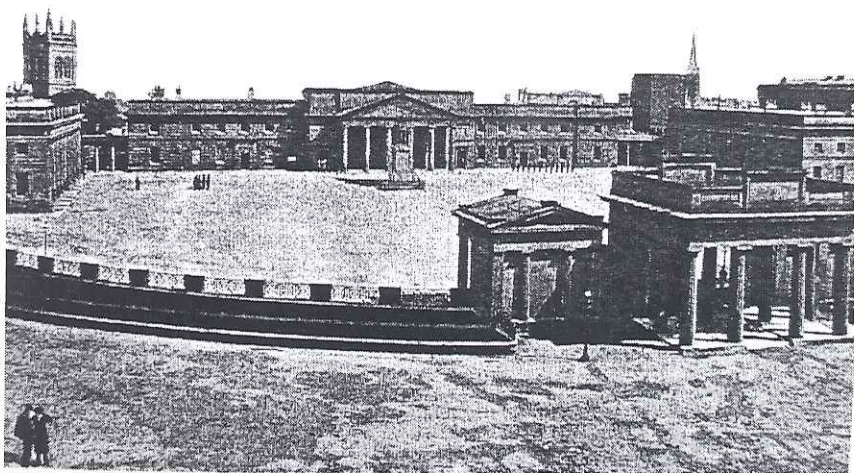
In the Sandys trial, defence counsel challenged, in turn, the Attorney-General's application to traverse the indictment, the wording of the indictment, the scientific evidence of expert witnesses, the admissibility of any sworn depositions before the coroner, the affidavit of Stockport's Town Clerk and then proceeded to address the jury about the standard of proof needed for a conviction. The case showed how murder trials had become more complex. Until the early Victorian period, felony trials traditionally lasted a few hours with parties presenting their own cases.²⁵¹ By contrast, the Sandys' trial lasted 3 days, with more than forty witnesses and required three counsels. The grand jurors, at the pre-trial examination of the evidence to establish a prima facie case and issue 'a true bill', were 12 in number - 6 from Birkenhead, 4 from Tranmere and 2 from Lower Bebington. None had knowledge of

²⁴⁹ T. A. L. Golan, 'The History of Scientific Expert Testimony in the English Courtroom' in *Scientific Context* Vol 12. 1 1999 pp9-11 'the Adversarial Revolution is associated with the expanding presence of lawyers in criminal proceedings--- [they] slowly reshaped the processes of criminal litigation as they increasingly took over the examination of witnesses, established the right to argue points of law, and perfected the techniques of cross-examination--- the parties gained control over the production of the evidence in court.'

²⁵⁰ J. M. Beattie, 'Garrow for the Defence' in *History Today*. Vol 41 Issue 2 February 1991 pp49-53, John Hostettler, *Sir William Garrow and the development of adversarial Criminal Trials*. Unpublished PhD thesis. University of Sussex 2007 and Hostettler, *The Origins and History of Adversary Trial*. Waterside Press 2007

²⁵¹ J. H. Baker, *An Introduction to English Legal History*. London 1971 p.279. 'The judges charge was usually short and uninformative, since there was no requirement that the judge summarise the evidence--- the unseemly hurry of Old Bailey trials in the early nineteenth century was a disgrace.' Beattie, *Crime and the Courts in England 1660-1800*. Princeton University Press 1986 pp345-76. Bentley, *English Criminal Justice* p.107

the Sandys' family from Stockport.²⁵² As will be explained later the grand jurors' function was to decide if the coroner's bill of indictment constituted sufficient evidence for the case to proceed to the trial or petty jury.



Chester Castle, Venue for the Cheshire Assizes (Courtesy Chester Local Studies Library). The trial of Robert and Ann Sandys took place at Cheshire Spring and Summer Assizes, held at Chester Castle on 6 April 1841 and 3 August 1841

The Sandys trials proceeded by way of two indictments and two trials. Even if there were acquittals at the first trial the second would take place. The first indictment of the parents, Robert and Ann Sandys, was for the wilful murder by poison of their 4 year old daughter Mary Ann. The second was a similar indictment for the wilful murder by poison of their 6 month old daughter Elizabeth. She died three weeks before her sister. In both trials brother and sister-in-law, George Sandys and Honor Sandys, were arraigned as accessories before and after the fact. All pleaded not guilty.²⁵³ The trial for the alleged murder of Mary Ann began at the Spring Chester Assizes on 6th April 1841. It was before Mr Justice Coltman. The Attorney-General and Mr Townsend appeared for the prosecution and Mr

²⁵² *Chester Chronicle*, 6th August 1841

²⁵³ *The Times*, 3rd April 1840, 23rd October 1840 and 4th, 5th and 6th August 1841. *Manchester Chronicle*, 5th August 1841 and *Chester Chronicle*, 6th August 1841

Welsby was assigned by the judge to represent the two accused. The assignment indicated the gravity of the charges since, in the 1840s, it was exceptional for the accused to have any representation. Further, if there were two accused, as in the Sandys trials, and an assignment was made, it was on the basis that counsel represented both accused regardless of possible conflicts of interest.²⁵⁵

The trial began with the Attorney-General seeking to postpone since Welsby had entered a plea of not guilty. He sought to traverse the indictment on the basis that a key witness was the 6 year old brother of the deceased who had given evidence to the coroner but not the grand jury. The evidence was 'material evidence'. Coltman agreed with the Attorney-General. The boy's 'testimony was most essential for the ends of justice.' He disregarded Welsby's opposition to the application and directed that the boy should give evidence by way of affidavit to be prepared by Coppock and the trial postponed to the Summer Chester Assizes.²⁵⁷

The trial was resumed at Chester on 3rd August 1841. The presiding judge was Mr Justice Erskine. The Hon. Sir Thomas Erskine (1788-1864), son of the former Lord Chancellor, was renowned as a criminal lawyer. He had been educated at Trinity College Cambridge, joined Lincoln's Inn and been called to the bar in 1813.²⁵⁸ He had been a chief judge in bankruptcy for 10 years until, in 1839, according to *The Times* correspondent, he was 'unexpectedly elevated to the Ermine' or 'because he [was] not a Whig MP.'²⁵⁹ He became a judge of common pleas and was assigned to the Western Circuit. His judicial experience of criminal law was confined to two years on that circuit. Legal representation for prosecution and accused were the same as at the previous hearing. The

²⁵⁴ *The Times*, 26th July 1841. Bentley, p.110

²⁵⁵ *R v Fitzpatrick and Fitzpatrick*. *The Times* 22nd August 1818 and *R v Daw and Daw*. *The Times*, 28th March 1825

²⁵⁶ *R v Taylor* (1840) 4JP509 and *R v Bridgeman* (1840) 4JP557. Welsby referred to both these cases on coroners' depositions and postponement of trials.

²⁵⁷ *The Times*, 8th April 1841, *Manchester Times and Gazette*, 10th April 1841

²⁵⁸ *ODNB* Vol. 18 p579. E. Foss, *Biographia Juridica: a biographical dictionary of the judges of England 1066-1870*. London 1870

²⁵⁹ *The Times*, 28th December 1838

Sandys' trial in August 1841 heard basically the same evidence as was given at the inquest, but there were more witnesses and the evidence was repeatedly challenged by Welsby for the accused.²⁶⁰

Welsby began by objecting to the prosecution attorney, who was Stockport's Town Clerk, putting in evidence witness statements made by Robert and Ann Sandys at the inquest at a time when Mary Ann's godmother, Bridget Riley, was in custody on suspicion of the child's murder. Of that evidence he said, 'It [is] clearly not a confession, but testimony given on oath in the character of witnesses against another party, and was therefore clearly not evidence.' He argued the point at length citing *Regina v Owen*²⁶¹ and *Regina v Wheeley*²⁶² and dicta of Lord Hale. After hearing the Attorney-General and Townsend, Erskine decided, 'he would receive the evidence tendered, but as there were conflicting authorities, he would reserve the point for the judges' consideration, if it was necessary.'²⁶³

Welsby again clashed with the Attorney-General when the latter sought to produce evidence that Elizabeth died from poison when the trial related to the death of Mary Ann. He told Erskine that 'it was irrelevant to the present inquiry and a distinct felony.'²⁶⁴ Erskine said 'he could not exclude it' but 'the proof of poison ought to be clear, and not doubtful' whereupon the Attorney-General stated that he intended to prove that Elizabeth had died from the effects of poison and 'that similar poison had been administered to Mary Ann.' Rayner was recalled and, cross examined by Welsby, admitted 'there have been tests applied to detect poison which are now rejected as not sufficient.'²⁶⁵ He described the tests he had undertaken over four or five days analysing the stomach contents and bowels. He found in every instance the presence of white arsenic and not antimony which was sometimes mistaken for it. He pointed out that he had been practising for 12 years, 'had devoted

²⁶⁰ TNA. Assi 65/2 Cheshire. Inquest testimony into the deaths of Elizabeth, Mary Ann and Catherine Sandys. Watson, pp90-1

²⁶¹ *R v Owen, Ellis and Thomas* (1840) 9 CP 238

²⁶² *R v Wheeley*, (1838) 8 CP 250

²⁶³ *Chester Chronicle* 6th August 1841

²⁶⁴ *R v Sandys* (1841) Car M 345

²⁶⁵ *The Times*, 4th August 1841. *Morning Chronicle*, 5th August 1841. *Freeman's Journal and Daily Commercial Advertiser*, 6th August 1841

considerable time to chemical pursuits and had been engaged in six or seven cases of this character.'

He concluded that Mary Ann died 'from the effects of arsenic':

The morbid appearances observed after death showed that an irritant poison had been administered; arsenic was detected in all its forms, not only from the tissues of the stomach and bowels, but from the contents; the arsenic obtained was not that said by some chemists to exist in the body- nor from the tests employed.²⁶⁶

The law reporter noted that Welsby, in cross-examination, led Rayner through 'all the evidence relating to the tests' but 'without in the slightest degree affecting the examination-in-chief'.²⁶⁷

Addressing the jury for nearly two hours, Welsby argued that it was most probable that the children had taken the poison accidentally, asserting 'his conviction that it was impossible the prisoners could be guilty of the crime laid to their charge, the supposition was horrible, and the only motive which could be attributed far too insignificant'.²⁶⁸ Erskine summed up the evidence 'with great minuteness', addressing the jury for nearly three hours. The jury 'after a short consultation' acquitted the prisoners.

On the following day Erskine proceeded with the second indictment of Robert and Ann Sandys. The indictment was that they administered arsenic to their daughter, Elizabeth Sandys, at Stockport in the County of Chester on 20th September last, whereby she became ill and died on the 24th of the same month.' Welsby immediately argued that the indictment was 'bad in law' because:

In stating the cause of death, after averring that the prisoners had administered a certain deadly poison called arsenic, whereby the deceased became mortally sick and distempered in her body, of which said mortal sickness the said Elizabeth died, it did not state that she died of the poison.²⁶⁹

Erskine's response was that 'it states that she died of a mortal sickness.... produced by poison' to which Welsby replied, 'there was no distinct allegation in the indictment that she died of the poison, and his Lordship would find that all the precedents required such an allegation'.²⁷⁰ He cited the

²⁶⁶ *Chester Chronicle* 6th August 1841

²⁶⁷ *Ibid*, Watson p.168 'Rayner was a hospital-based surgeon [his] training allowed [him] to do both autopsy and analysis and [his] performance under pressure impressed legal officials.'

²⁶⁸ *The Times*, 5th August 1841, *Morning Chronicle*, 5th August 1841

²⁶⁹ *The Times*, 6th August 1841, *Freeman's Journal and Daily Commercial Advertiser*, 6th August 1841

²⁷⁰ *Ibid*, *Morning Chronicle*, 5th August 1841

authority of Thomas Starkie, Downing Professor of Law at Cambridge and author of the standard treatise on the law of evidence.²⁷¹ However, Erskine maintained he needed 'a direct authority' before he would agree to alter the indictment's wording. The trial would proceed and Welsby 'must move in arrest of the judgement hereafter, if it should be necessary.' Welsby's application had failed but he had taken centre stage in an adversarial confrontation.

The Times report of the second trial refers to the evidence as 'the same as detailed in the former trial' and that Welsby afterwards made 'a most eloquent appeal to the jury':

The case amounted only to one of suspicion- a suspicion which it would be unsafe to act upon, even in a case of common larceny. He, therefore, felt confident that they would give the prisoners the benefit of the doubt which existed as to their committal of the murder, and not pronounce them guilty of such dreadful, such unheard-of cruelty, as the indictment imputed to them.²⁷²

Erskine summed up 'the case at length' and the jury retired for an hour and then returned a verdict of wilful murder against Robert Sandys but acquitted Ann Sandys since the jurors mistakenly believed she was acting under the directions of her husband. Robert Sandys was sentenced to death²⁷³ but Welsby, having 'moved a motion in arrest of judgement' in objection to the wording of the indictment, the case was postponed to the Spring Chester Assizes. At those Assizes Mr Justice Maule dismissed Welsby's motion and confirmed the death sentence²⁷⁴ which was later commuted by the Home Secretary to transportation to Australia.²⁷⁵

²⁷¹ Thomas Starkie, *A practical treatise of the law of evidence and digest of proofs, in civil and criminal proceedings*. 1833 2nd Edition London

²⁷² *The Times*, 6th August 1841. *Manchester Times and Gazette*, 7th August 1841.

²⁷³ Watson, p91. Coppock, Letter to Chadwick dated 25th January 1843 printed in Appendix to Edwin Chadwick, *Supplementary Report on Intramural Interment*. Parliamentary Papers 1843. XII. Coppock refers to a conversation with one of the jury at the Sandys trial who stated that 'they acquitted her because they thought that she acted under the control of her husband.' Coppock commented that 'the judge and counsel had been silent on this point, satisfied with their own knowledge, that in murder the wife, though acting with her husband, is guilty and punishable, and thinking the jury as wise as themselves.' P.237. In the same Report the surgeon and registrar for Chorlton-on-Medlock referred to the recent murders of children for burial moneys at Stockport and Little Bolton. P171 whilst the Salford registrar stated that he had 'heard of many suspected cases of the wilful neglect of children on whose lives sums were obtainable from different burial societies.' P173 S. E. Finer, *The Life and Times of Sir Edwin Chadwick*. London 1952 p231

²⁷⁴ *The Times*, 14th April 1842, *Manchester Times and Gazette*, 10th April 1841

²⁷⁵ *The Times*, 30th April 1842. Sandys had made a plea for mercy to the Home Secretary on two grounds: 1) his alleged innocence and 2) the indictment had not accused him of administering arsenic to Elizabeth.

The Sandys inquests and trials were important for several reasons. They were the first of a series of alleged murders by poison, linked to burial clubs and insurance moneys, regularly reported in newspapers and in *The Annual Register of World Events* throughout the 1840s.²⁷⁶ They heralded the *cause célèbre* of the William Eccles inquests. One national paper referred to 'an atrocious conspiracy to poison husbands and children'²⁷⁷, linked the crime primarily to women, and wrote of 'the extraordinary and fearful system of poisoning that has excited so much alarm throughout this part of the country.'²⁷⁸ The inquests held before Hollins illustrated the latter's position as county coroner, and his relationship with the county magistrates as the holders of the purse strings so far as post-mortem expenses were concerned. Hollins had been elected a county coroner by the freeholders without opposition in 1787. His fees and expenses included the fee for one medical witness per inquest, at rates of £1.1 for testimony only, and £2.2 if it involved a post-mortem under the 1836 Medical Witnesses Act. In accordance with the 1751 Act, this had to be paid out of county rates subject to the approval of the justices in quarter sessions in respect of inquests 'duly taken.'²⁷⁹ If the county justices, concerned about the rates burden, considered an inquest had been unnecessary the coroner was not paid. As previously stated, if a dispute resulted in legal action, the courts usually upheld any decision of the magistrates. The latter exercised financial control over coronial investigations.²⁸⁰ The medical

²⁷⁶ *Annual Register* 1847 Part 2, p101. Knelman, 'The Amendment of the Sales of Arsenic Bill' in *Victorian Review*, vol17 number 2 Winter 1991 p3 and p9. 'This crime appears to be fearfully prevalent; scarcely an Assizes passes in any of the circuit without a trial for murder by this means.' Knelman, 'The Victorian Slaughter of the Innocents' in *History Today* vol48 Issue 8 August 1998 p9

²⁷⁷ *The Times*, 2nd September 1848

²⁷⁸ *The Times*, 5th September 1850. Alfred Swaine Taylor, *On poisons in relation to medical jurisprudence*. London 1848. In the Preface Taylor refers to the rapid increase in poisonings.

²⁷⁹ Burney, *Bodies of Evidence* p3

²⁸⁰ 1971 *Report of the Committee on Death Certification and Coroners* Cmnd. 4810 p112. 'The eighteenth and nineteenth century justices on the whole took the view that the coroner was never intended to enquire into sudden deaths unless there was manifest evidence of violence, whilst the coroners contended that their jurisdiction was to include all sudden and unexplained deaths. The justices were able to give practical effect to their view of the law by refusing to pay the coroners' fees for inquests which they considered were not "duly held".' *R v Great Western Railway Company*. English Reports vol.114 pp533-6. In the 1960s the medical historian Havard concluded that county magistrates obstructed coroners in the medico-legal investigation of death and gave an impetus to arsenic poisoning for financial gain (Havard, Chapter IV p51) as evidenced by coroners like Codd and Pilgrim. Havard's conclusions were questioned by Olive Anderson in her classic study, *Suicide in Victorian and Edwardian England*. Oxford 1987 p17 n26. However, Prichard agrees with Havard (pp29-31) and recent research by Pam Fisher has re-enforced Havard's conclusions. Fisher, 'Getting away with

historian, John Havard, has argued that they obstructed county coroners in the performance of their duties and has accused magistrates of 'facilitating and inviting the concealment of murder.'²⁸¹

The Sandys trials again highlighted the changes taking place in the adversarial system with the enhanced role of the advocate and the increasing importance of medico-scientific evidence. The series of exhumations ordered by the Stockport coroner illustrated how toxicology and chemical analysis had become especially important in such post-mortems: they provided, with a degree of scientific exactitude, evidence for a physically invisible cause of death which could be proved in a court of law. Although the judge still held centre stage, at the time of the Sandys' trials, the forum was gradually shifting from judge and jury to medical and scientific experts.

The horror of the deaths of the Sandys children featured in the work of the literary essayist and historian Thomas Carlyle and the poet Alfred Tennyson. Carlyle referred to the plight of 'the Stockport Mother and Father.' Echoing Cornwall's poem, he wrote 'it is thought, hinted, at last it is done' but, recognising how widespread the problem was, he then said, 'perhaps you had better not probe farther into that department of things.'²⁸² Tennyson wrote of the 'Mammonite mother who killed her babe for a burial fee.'

The fears produced by the Sandys murders were reproduced in the 1842 Eccles' murders but with background variations. The Eccles' inquest took place before a borough coroner and not a county coroner and the trial was at Liverpool not Chester Assizes. The Eccles' case involved Taylor as Bolton's borough coroner appointed by the post-1835 reformed council as a 'fit and proper person' to

murder? The Suppression of coroner's inquests in early Victorian England and Wales.' In *Local Population Studies* np78 Spring 2007 pp47-63

²⁸¹ Havard p38. In Lancashire and in Essex the Coroner was only to be notified when the police considered there were reasonable grounds to suspect a violent or unnatural death.

²⁸² Knelman, *The Amendment* pp4-5 'the arsenic poisoning of children, particularly of infants, seems to have been a quietly accepted method of controlling the size of a family and, sometimes, through membership in a burial society, of augmenting the family income into the bargain.' In *Past and Present*, published in 1843, Carlyle conjectures that 'the parents put their children out of the way one by one in order to keep the rest of the family alive.' Knelman, *Twisting* pp49-53 Rebecca Smith was hanged in 1849 for the arsenic poisoning of her son Richard and she confessed to the prison Chaplain to having similarly killed eight of her children because of fear of starvation. *Salisbury Journal* 11th and 25th August 1848. She was described in *The Globe* of 18th August 1849 as 'the annual and deliberate destroyer of her own offspring.' Yet the motive was real poverty and not burial club greed. Vernon has suggested that starvation or 'hunger first became news during the 1840s' with evidence emerging from burial clubs and coroners inquests. Vernon p17

hold the office,²⁸³ and he submitted his quarterly accounts for fees and disbursements to a borough recorder and not county magistrates. Unlike most county coroners, he had no need to argue about his fees or about the expenses of medical fees and the fees for toxicology.²⁸⁴ Another variant was that Eccles' death involved burial moneys coming from employment at a place of work whereas, in the case of the Sandys' children, the burial moneys emanated from membership of a burial society.

Burial societies, under the guise of industrial friendly societies, featured prominently a few years later in the neighbouring town of Runcorn. The national focus was on the Pimlett inquests.²⁸⁵ Again coronial investigations, as in the Sandys inquests, disclosed abject poverty as a common denominator. They reflected changing social conditions intermixed, following the 1834 Poor Law Act, with real underlying fears about harsh workhouses, pauper funerals and the possibility of anatomical dissection. The Norfolk poisonings, to be discussed later, lacked apparent motive²⁸⁶ but the local press characterised the Pimlett child murders as 'Infanticide at Runcorn to obtain burial moneys'.²⁸⁷

The Pimlett inquests were on James aged 10 months who died on 6th March 1846, and Richard aged 4 ½ who died on 21 March 1846. A third child had been taken ill on 27th March 1846. Mary Pimlett, the mother, had purchased arsenic and Dr. Brett, lecturer in chemistry at the Liverpool

School of Medicine, testified to the presence of arsenic in both James' and Richard's bodies 'in quantities more than sufficient to cause death.' The father, Joseph Pimlett, was a ship's carpenter and member of the Weaverham New Friendly Society which, on a child's death, paid money towards funeral expenses. The mother had also enrolled both boys as members of the Liverpool Victoria Legal

²⁸³ E. P. Hennock, *Fit and Proper Persons, Ideal and Reality in the 19th Century Urban Government*. London 1973 p1

²⁸⁴ Glasgow, 'The 1839 Election of Bolton's First Borough Coroner. A Tactical Ballot.' Pp44-58

²⁸⁵ *The Times*, 12th May 1846. *Derby Mercury* 20th May 1846 and anonymous Letter to the Editor of *The Times* headed 'Burial Clubs' printed in *The Times* 18th January 1849

²⁸⁶ *The Times*, 5th August 1846

²⁸⁷ *The Times*, 12th May 1846. *Bristol Mercury*, 16th May 1846. *Derby Mercury*, 20th May 1846. *Daily News*, 8th August 1846 and *Preston Guardian*, 15th August 1846

Burial Society, a collecting society providing funeral benefits and founded three years earlier.²⁸⁸ It was a self-help or friendly society but something of an oddity within that movement since it was profit-making.²⁸⁹ The subscription was 1d a week for children over five and a half-penny for younger children. The children were therefore insured with both a friendly society and a commercially-run collecting society. At the inquests, the Liverpool Victoria Legal Burial Society's collector confirmed the children were members and that he had paid the mother £1.5s on the death of one child and £5 on the death of the other.²⁹⁰ The Society had a strong following in the North-West. Like the Royal Liverpool Friendly Society and the Blackburn Philanthropic, it was a local death club 'partaking more of the nature of industrial assurance companies than of friendly societies in the usual sense of the term.'

X Arsenic Poisoning in South-East England: The Mystery of Jonathan Balls and a Possible Burial Club Connection

Jonathan Balls and his Grandchildren

A few years before the 1848 Essex poisoning cases, in the adjacent county of Norfolk, an investigation incited by popular demand, into the mysterious death of Jonathan Balls on 20th April 1846, exposed a series of unusual murders of grandchildren. The killings had no apparent motive. The inquests disclosed no obvious link with burial clubs apart from the nexus of poverty. However, partly because of an outspoken jury, they resulted in national publicity, disputes between central and local government, and the intervention of the Secretary of State, Sir James Graham.²⁹¹ The inquests became relevant to the study of child murder in the 1840s since, in several ways, they represented a turning point in coronial investigation and in the relationship between local government and Westminster. First, the inquests showed how some coroners could be influenced by county magistrates in deciding

²⁸⁸ *The Times*, 19th August 1847 Job Mather Inquest. The deceased was a file maker and he was insured in 3 burial clubs- Foresters Club for £12, Tradesmen Club for £1 and Workmens Club £7. *Liverpool Mercury*, 20th August 1847 and *Manchester Times and Gazette*, 21st August 1847.

²⁸⁹ R. Pearson, 'Thrift or Dissipation? The Business of Life Assurance in the Early Nineteenth Century' in *Economic History Review*. Vol 43 1990 pp236-54

²⁹⁰ Baker, p53 and pp152-4

²⁹¹ *The Times*, 20th May 1846

whether to hold inquests. Second, they showed how some coroners resisted popular pressure to investigate children deaths at a time when infant mortality rates were high. Third, they emphasised the important role of the jury representing, when diligent, the voice of the people expressing concern about the apparent serial poisoning of 12 grandchildren that only came to investigation when the perpetrator went too far and poisoned his wife. Fourth, they exposed popular opposition to the idea of magistrates, rather than coroners, investigating suspicious deaths in the interests of economy. Fifth, they indicate the importance of medical and scientific evidence regardless of the cost. For example, in the inquest on grandchild, Elizabeth Pestle, jurors insisted on having the evidence of three surgeons irrespective of the additional costs incurred.

The coroner involved in the Balls family inquests was John Pilgrim. He had been a county coroner for 32 years. When elected unopposed on 1st April 1814²⁹² he was working as a confidential law clerk with Sewell and Blake, attorneys of Norwich. Prior to 1926 no professional qualifications were required of a coroner other than the need to be an independent freeholder.²⁹³ Once elected, he held office for life and could only be dismissed by the Lord Chancellor's Office for abuse of office or mental incapacity.²⁹⁴ Pilgrim's appointment was part-time and, in addition to the coronership and his work with Sewell and Blake, he acted as a parliamentary election agent. He had acted thus 'for most of the Tories in that part of the country' and, as such, had been involved in the 1835 Ipswich election campaign. That campaign had, unfortunately for Pilgrim, resulted in charges of bribery and in him being dismissed by Sewell and Blake for alleged embezzlement.²⁹⁵ *The Times* referred to the 'atrocious Ipswich case' and stated that the coroner, after a period of imprisonment in Newgate, had been reprimanded by the Speaker of the House of Commons and discharged. He was described in the

²⁹² TNA C202/246/11

²⁹³ G. H. H. Glasgow, 'The Election of County Coroners' in *Legal History*, Vol20 1999 no3 p.108 n.199

²⁹⁴ Rudolph E. Melsheimer, *Sir John Jervis the Office and Duties of Coroner*. Fourth Edition London 1880 pp78-80

²⁹⁵ *The Times*, 2nd June 1835 and 4th June 1835 *Ipswich Journal*, 6th June and 20th June 1835. *Liverpool Mercury*, 12th June 1835 and *Bristol Mercury*, 13th June 1835. Pilgrim was imprisoned in Norwich Gaol for embezzlement and then committed to Newgate for breach of privilege.

Commons as 'a mere underling in the nefarious transactions.'²⁹⁶ In a petition from Newgate, Pilgrim asserted he had acted under orders. Unsurprisingly, therefore, when investigating deaths he tended to be deferential to county magistrates seeking to save expense on the rates by curtailing the number of inquests. The possible failings are revealed by the investigations following Balls' death.

The facts are as follows. Jonathan Balls, aged 77, and on parochial relief, died on the 20th April 1846, a few days after the death of his granddaughter Elizabeth Pestle aged 8 months. Both were given pauper funerals and locally buried in St Mary's churchyard. Rumours abounded about poisoning but Pilgrim initially refused to hold inquests on the strength of rumours. He was reluctant to do so when payment for his fees and expenses, including medical fees, would be in doubt, especially given the resolution passed by the Norfolk county magistrates at the July 1844 Quarter Session recommending 'that every coroner in this county, when requested to hold an inquest should require a certificate from the magistrate, or from a minister or churchwarden or overseer or guardian of the parish stating the necessity (in his opinion) of it being held.'²⁹⁷ This had been published in every county newspaper and sent to every parish officer, and to Pilgrim. The latter had been told that such certificates should be sent to the county magistrates with his quarterly returns for the payment of fees and reimbursement of expenses. Without that certificate Pilgrim had to 'make strict inquiries into the necessity of any inquest.' He had no certificate for Balls and Pestle. However, as the *Ipswich Journal* stated, 'public feeling having become so strong and numerous communications having been sent to [him] Pilgrim at length took the matter up.'²⁹⁸ He ordered the exhumation of both bodies.²⁹⁹

On 11th May 1846 at Hill-house, Happisburgh, Pilgrim opened inquests into the deaths of Balls and the baby Pestle. He heard evidence from the baby's mother, a woman who had purchased arsenic for Balls, and from three surgeons. He then adjourned the inquest for more exhumations to be

²⁹⁶ *The Times*, 11th July 1835. Ipswich Record Office. HA87/L1/2/4 Affidavit of Pilgrim about bribery and the 1835 Ipswich election.

²⁹⁷ *Ipswich Journal*, 23rd May 1846, *Northern Star and National Trades' Journal*, 30th May 1846 and Norfolk Record Office c/54/9 p97. Parliamentary Debates 166/49

²⁹⁸ *Ipswich Journal*, 23rd May 1846. Watson, *Assaulting the Past* p297

²⁹⁹ *The Times*, 19th May 1846, 30th May 1846, 3rd June 1846 and 4th June 1846

made and for more witnesses to be summoned.³⁰⁰ The inquests were resumed on 19th May with their scope being extended the death of Balls' wife Elizabeth and two of his grandchildren, Samuel and Ann Elizabeth Pestle. The jury decided that all five deaths were 'from the effects of poison' but stated that 'how administered there was no evidence to show.'³⁰¹ The popular belief expressed in newspaper was that Balls, who had some years earlier been charged with arson to obtain insurance moneys³⁰² and was suspected by the Vicar of St. Mary's Church, Happisburgh, of systematically poisoning relatives for financial gain, had not been sufficiently 'identified' and that it had been 'lost sight of by Pilgrim and the jury.'³⁰³ Pilgrim's summing up to the jury included the following directions:

If anyone was implicated, the finger of suspicion must certainly point to the deceased Jonathan Balls but he was beyond the reach of the law. He recommended [the jury] to return such a verdict as would enable to have the matter further inquired into should such circumstances arise as required it. It was a case of great suspicion.³⁰⁴

He ordered further exhumations of the grandchildren including Maria Lacey, Maria Green, Martha Green, William Green and Hannah Peggs, and intimated he would hold further inquests.³⁰⁵ Balls had 7 children (3 daughters and 4 sons) and many grandchildren. Within the previous ten years no fewer than 12 grandchildren had died suddenly in suspicious circumstances. Only in the case of Maria Green, who had died in 1836, had Pilgrim held an inquest. No post-mortem had been carried out and the verdict had been natural causes. The *London Medical Gazette* referred to the inquest as 'being slovenly conducted.'³⁰⁶

The events at Happisburgh caused consternation at Westminster. Although central government was normally loath to interfere with county magistrates, Sir James Graham, the Secretary

³⁰⁰ *Liverpool Mercury*, 22nd May 1846, *Ipswich Journal*, 25th May 1846 and *Northern Star and National Trades' Journal*, 25th May 1846.

³⁰¹ *The Times*, 20th May 1846

³⁰² *Norfolk Chronicle and Norwich Gazette*, 6th June 1846

³⁰³ *The Times*, 1st June 1846

³⁰⁴ *The Times*, 20th May 1846

³⁰⁵ *Illustrated London News*, 23rd May 1846

³⁰⁶ *London Medical Gazette*, Vol 37 1846 p1087. Article entitled 'The Poisonings in Norfolk- Coroner's Inquest.'

of State, sent government officials to consult with the magistrates, Colonel Oates the Chief Constable for Norfolk and with Pilgrim. At the further inquests held by Pilgrim a government official was present, and occasionally asked questions and made observations. On 5th June 1846 inquests were held into the deaths of Mary Lacey, Maria Green, William Green and Hannah Peggs. The difficulty in identifying poison following exhumations, when burial had taken some years earlier, often made positive conclusions impossible. The jury's foreman, Mr R. Atkinson, before informing Pilgrim of the jury's verdict, was forthright in his comments about poisoning and inquests.³⁰⁷ The jury felt that Pilgrim had not held inquests frequently enough. Everyone wanted to keep county expenses low but not at the sacrifice of human life. The jury asked for better regulations for reporting deaths to the coroner, more frequent post-mortems and better regulations over the sale of poisons. The jury concluded that Lacey and Maria Green had died from poisoning by arsenic but 'by whom administered there was no evidence to show.' So far as the deaths of Martha Green, William Green and Hannah Peggs were concerned, as the medical evidence was inconclusive, the verdicts were open.³⁰⁸ Pilgrim stated that, 'there was a general suspicion that the deceased Jonathan Balls was a party to the commission of these shocking acts but whether any other parties were implicated remained a powerful mystery.'³⁰⁹

So far as the public was concerned, the suggestion was that Balls committed suicide after poisoning his 8 month old granddaughter, Elizabeth Pestle, because the baby's mother had indicated she wanted a post-mortem and he feared his crimes were to be exposed.³¹⁰ It was thought Balls had

³⁰⁷ *Daily News*, 15th June 1846

³⁰⁸ *Norfolk Chronicle and Norfolk Gazette* 23rd May 1846. Following the Balls and Green inquests, at the instigation of the Secretary of State Pilgrim undertook several further investigations about arsenic poisoning. In June 1846 Mary Reade was exhumed and chemical analysis revealed the presence of arsenic. At an earlier inquest no post-mortem had been undertaken and the verdict recorded had been natural causes. The national press referred to 'another case of poisoning' *The Times*, 26th June 1846. In March 1847 Pilgrim held inquests into the deaths of Pearson and Everett, both of them having died in 'mysterious circumstances.' Analysis of the stomach contents disclosed arsenic and the inquest verdict was that they had died 'from poisons wilfully administered by person or persons unknown.' *Norfolk Annals* p462

³⁰⁹ *Examiner*, 6th June 1846

³¹⁰ *Caledonian Mercury*, 18th June 1846

poisoned 12 or more of his grandchildren, his wife, possibly his parents and two of his sons.³¹¹ In fact, after exhumations, positive evidence of poison was found in seven of his grandchildren.

The inquest reports of the poisonings at Happisburgh did not mention burial or sickness clubs. However, police investigations of the deaths had been questioned by the Secretary of State and no member of the constabulary gave evidence at the inquests presumably because, since the suspected murderer was dead, no one would be charged with a crime. Identification was by the family and the witnesses were the daughters, together with the surgeons who undertook the post-mortems. Investigation was about causes of death, not how they happened. The question of who was the serial poisoner was not fully addressed. Any parental involvement with burial or sickness clubs was not mentioned. It was left to the press to speculate about Balls³¹² as the suspected murderer and the motivation for his crimes.³¹³ Pilgrim had said 'it was a case of great suspicion' but went no further. One press commentator said that money could be the only possible motive.³¹⁴ Another referred to the 'inconvenience' suffered by Balls, frequently being required by his daughter to look after the grandchildren. Another suggested that, as the daughters financially supported their father,³¹⁵ Balls came to feel that, if the children died, the daughters would have more money to give him.³¹⁶ No mention was made of the grandchildren being enrolled in burial or sickness clubs. However, when Pilgrim referred to possible other parties being implicated, presumably the reference was to the parents and, obliquely, to such clubs. Certainly, the 1846 Balls, Pestle and Green inquests did not have the financial connotations of the 1848 Geering murders in rural Sussex.

³¹¹ Fisher, pp149-150

³¹² *The Times*, 19th May 1846 and 20th May 1846

³¹³ *Northern Star and National Trades' Journal*, 23rd May 1846

³¹⁴ *Northern Star and National Trades' Journal*, 30th May 1846 'his daughter having frequently solicited him to take care of [the grandchildren]'

³¹⁵ *Norfolk Chronicle and Norwich Gazette*, 16th May 1846, 23rd May 1846, 6th June 1846 and 13th June 1846

³¹⁶ Fisher, p150

The 1848 Geering Murders

In 1848 in the Sussex village of Guestling, the Guestling Benefit Society attracted national publicity when the entire Geering family suddenly died one-by-one within a few months of each other. The inquests lasted three days, were presided over by Coroner Nathaniel P. Kell, clerk to the Battlemoor division of the county magistrates, were held in the White Horse Inn, and attended by many other Sussex JPs. They established that the deaths were caused by arsenic poisoning. Analytical analysis by A. S. Taylor revealed arsenic within the viscera. All had been members of the Guestling Benefit Society and Mary Ann Geering collected £5.3s 4d on the death of her husband Richard, £5 on the death of each of her two sons.³¹⁷ The amount payable was not, as in the case of the Pimlett children, a fixed sum but a contribution of 1s from each of the other members of the society. Mary Ann Geering was indicted for these murders and an attempted murder, tried in August 1849 and convicted of the murder of her husband.

Burial money was the motivation but it was prompted by extreme poverty and despair and the harshness of the 1834 poor law reform, the associated spectre of the workhouse and the dissolute behaviour of the widow. All this became evident to the jury and its particularly activist foreman, who forced his way past a death certificate from the 'charity doctor' who had seen the husband just once, had treated him for a bilious attack, had not seen the body after death, and had signed off the primary cause as hypertrophy of the heart, 'more as a matter of form', and on what he had been told by Mary Ann Geering.³¹⁸ They heard evidence of Mary Ann Geering's extreme poverty – with 45 pawn tickets being found in her home, the pawnbroker stating he had threatened legal action, and *The Observer* reporter noting her 'frequent want of money' leading Geering to 'pawn the best clothes of her husband and sons every Monday morning... (and) redeeming them on Saturday night'.³¹⁹ This ha-

³¹⁷ *The Times*, 30th April 1849, 7th May 1849, 15th, 16th, 17th and 18th May 1849, 1st August 1849, 2nd August 1849, 3rd August 1849. East Sussex Record Office SHE/2/7/38 [15th May 1849] Archives of Charles Sheppard & Sons draft inquest papers includes correspondence with A. S. Taylor. The inquisition refers to Geering as being 'instigated by the Devil' to murder presumably for burial moneys.

³¹⁸ *Hastings and St Leonards News*, 18 May 1849

³¹⁹ *The Observer* 26 1849; see also *Morning Post* 3 August 1849

resulted in three healthy male wage earners being murdered, in the words of Watson, 'for what today seem small one-off payments.'³²⁰

Journalists reported the Geering inquests in detail under headings such as 'MURDER FOR BURIAL FEES' and 'BURIAL CLUBS INCITE MURDER'. A *Morning Chronicle* editorial, reproduced in several local papers, likened the 'GEERING POISONINGS' to 'similar dealings in Essex' stating there was 'a universal belief that there was an informal practice of poisoning relatives for burial moneys' and urging legislation to regulate burial clubs.³²¹

The 1848 William Constable Inquest at Wix, and the Trial of Mary May at Chelmsford

Assizes

In its extensive and often sensational reportage and editorialising, the London press increasingly connected the various poisonings scattered across the country, coming to portray them as part of a much wider systemic problem connected to burial clubs. A *Times* editorial highlighted another such scandal in the William Constable inquest at Wix, suggesting it was 'an example of the working of [the system] as it stands in agricultural districts'³²² and likening the accused, Mary May, to the perpetrator of the same sort of crimes exposed by the Sandys inquests at Stockport and the Eccles inquest in Bolton. Although burial clubs were, according to the *Morning Chronicle* editorial of 25th September 1848, more extensively operated in industrial towns than in rural areas, where 'arsenic was not freely and fatally distributed, burial clubs as 'an organised system of revolting murder' were in full operation. None of this is exactly surprising since poverty and the New Poor Law, though somewhat

³²⁰ See *Morning Chronicle*, 3 August 1849; Watson, *Poisoned Lives*

³²¹ Watson, *Poisoned Lives* p88. Yet £5 in 1848 would be the equivalent of £25 today. *British Mercury*, 19th May 1849, *Ipswich Journal* 19th May 1849, *Preston Guardian* 11th August 1849 citing *Morning Chronicle*. 11th August 1849 urged regulated sale of poisons and in burial clubs. 'When we bear in mind the revolting facts of a similar character that only last year were disclosed in Essex- and when we bear in mind the circumstances of suspicion which has led to almost universal belief that the infamous practice of poisoning relatives for the sake of burial fees prevails throughout the United Kingdom to a fearful extent- we cannot refrain from expressing out most earnest hope that immediately on the re-assembling of Parliament some vigorous steps may be taken to stay the progress of this moral plague.' [emphasis added]

³²² *The Times*, 20th September 1848. *Morning Chronicle*, 25th September 1848 'anything more calculated [than burial clubs] to develop the hidden wickedness of the heart--- cannot easily be considered.'

different in origins and operation, were just as dramatic in their impacts upon life and perceptions they were in urban areas.



St Mary's School Room, Wix.³²³

The resumed inquest on William Constable took place here on 5th July 1848. In this artist's impression, Mary May is shown giving evidence to HM Coroner, William Codd in front of the jury and the public, with more spectators outside. The inquest was open to the public but the room was full.

On the 20th September 1848, a *Times* editorial focused on the William Constable inquest for several reasons. First, that inquest resulted in Mary May's conviction for murder and her execution in Chelmsford. Second, the case triggered a series of coronial investigations ordered by the Secretary of State, Sir George Grey, assisted by the eminent analytical chemist Professor Alfred Swaine Taylor, against the background of a by-then acquiescent Essex county magistracy.³²⁴ Those investigations revealed 'a horrible system of poisoning going on in [the hundred of Trendring] for some time past.'³²⁵ Third, that system, according to *The Times*, 'exposed a large number of women who [had] adopted the practice of poisoning their husbands and children for the purpose of obtaining the fe

³²³ Courtesy *Chelmsford Chronicle* and produced from D. Budds, *Arsenic and Old Wix*, Colchester 1995, p.7.

³²⁴ *The Times*, 5th July 1848

³²⁵ *Southport Visiter*, 9th September 1848

which are granted by what are in [Essex] termed "death lists"³²⁶. Fourth, motivations varied. By no means did all poisonings involve burial money. Some reflected social conditions. Some sought to end starvation. Knelman writes:

Newspaper reports of trials in the 1840s indicates that [poison] was being used by some parents in desperate financial straits to do away with children--- the murder of infants--- seems to have been widely used by the poor as a sort of retroactive, hopeless method of birth control.³²⁷

Other poisonings were directed at unwanted relatives. Sometimes the reason only became apparent during the coronial investigations, as in the death of William Constable.

William Constable, otherwise Spratty Watts, lived with his half-sister Mary May and her second husband Robert May and two children in a small cottage in Harwich Road, Wix. Another lodger, James Simpson, also lived there. Constable was a pedlar and sheep drover; Robert May a farm labourer, often without work, and his wife sold bread and occasionally made candles. The family was extremely poor relying mainly on parish relief. Constable was taken ill suddenly on 8th June 1848 with violent sickness and diarrhoea dying three days later.³²⁸ He was given a pauper's funeral in Wix churchyard. Soon afterwards rumours circulated that he had died of poisoning and the death was reported to William Codd Junior, coroner for the Eastern Division of Essex who was also an attorney in private practice, clerk to the commissioner for taxes, clerk to the magistrates for the Denghie Division and clerk to the trustees of the Turnpike Trusts.. His coronership had already witnessed dramatic change. Codd himself had been elected to the post by the county freeholders some five years earlier following petitions and an affidavit submitted to the Chancery Court for the removal of his father, William Codd Senior, from the coronership on the grounds that the latter was not mentally fit for his duties. These duties had become particularly arduous in the 1840s when the belief prevailed that the systematic poisoning of children and husbands for profit existed throughout the county, amounting in popular conceptions to 'the Essex Poisoning Club'. Unlike his father, Codd Junior was

³²⁶ *The Times*, 21st September 1848. A two column leader in *The Times*, 22nd September 1848 urged abolition of burial clubs

³²⁷ Knelman, 'The Amendment of the Sale of Arsenic Bill' in *Victorian Review*. Vol17, 1 Winter 1991 p1. I am grateful to Liz Johnston for this reference.

³²⁸ *The Times*, 1st July 1848

determined to investigate thoroughly any suspicious deaths reported to him. Accordingly, he opened an inquest into Constable's death, at the Waggon & Horses public house, Wix, on 1st July 1848.³²⁹

Constable's body was, on Codd's orders, exhumed from the churchyard in St. Mary's Church, Wix, and placed in an old building at the rear of the church usually containing the funeral bier and burial implements. There William Thompson, surgeon from Manningtree, assisted by Mr Bird, surgeon from Harwich, carried out a post-mortem. Thompson reported that, due to decomposition, they 'could not speak with any certainty as to the cause of death until the stomach was analysed.'³³⁰ Codd therefore ordered that the stomach contents should be analysed by Taylor, and he adjourned the inquest for Taylor to attend after completing forensic tests at Guy's Hospital, London.³³¹

With the permission of the Vicar of St. Mary's, the resumed hearing was held at the School House Wix, since 'so many people wanted to attend the adjourned inquest that the Waggon & Horses could not accommodate them.'³³² Taylor stated he had examined the stomach contents and, 'the result...showed most clearly that the death was occasioned by arsenic, eight grains of that poison - a quantity sufficient to destroy two grown up persons - being found in different parts of the stomach.'³³³

George Wilkins gave evidence, based on his personal knowledge as Vicar of St. Mary's Church and on evidence from the parish records. Constable was 38 years old, illegitimate and the half-brother of Mary May. The latter had married a man called Everett and reputedly had borne 16 children. Everett had died suddenly as had 14 of the children. Inquests had not been held on those deaths. She married Robert May in 1842 and, at the time of the inquest, they had one daughter aged 3. Wilkins proceeded to give vital evidence saying that May had asked him for a certificate that her half-brother was in good health a fortnight before his death, saying that she had 'entered' Constable's name in a burial club at Harwich on 13 May 1848 and that the club, named the New Mourners' Friend Society,

³²⁹ TNA C202/236/3. Essex County Records Office Q/80.39.396 and Q/SBb.529/39. 31/QROc3 and 31Q/Roc4. His father had disputes with the county magistrates about the payment of his fees Q/SBb 506/83 and Q/SBb 506/12

³³⁰ *The Times*, 3rd July 1848. Fisher, pp205-6

³³¹ *The Times*, 6th July 1848. *Chelmsford Chronicle*, 7th July and *Essex Standard*, 7th July 1848

³³² *The Times*, 5th July 1848

³³³ *Ibid.*

had accepted her as a member and Constable as her nominee, and would pay her £10 on his death provided he was in good health when nominated.³³⁴ May had been introduced to the New Mourners' Friend Society by Susannah Forster, headmistress of the Church school, who had taken her to the local shoe maker, the latter being collector for the mourning club. May was illiterate and the headmistress and the collector had attended to any required paper work. On the Sunday Constable died, May went to the headmistress asking her to help with a letter on her behalf to the mourning club asking for the £10 payable on death. She wrote:

I have to record the death of my brother William Constable....at a quarter past twelve this day. He was taken with strong inflammation. Dr. Thompson of Manningtree attended him. He was at work in the hayfield on Tuesday last when he was taken with a pain in the head and sickness. Susannah Forster saw him a short time before he died.³³⁵

Forster provided the above evidence to the coroner, producing a copy of the letter, saying Robert May delivered the original to the burial society at Harwich on the Sunday afternoon. Codd then recalled as a witness Mary Faint who stated that, as a close neighbour of May, she had visited Constable early on the Sunday morning when he complained of sickness and said he was dying. She said that, accompanied by May, she had gone to the Registrars' Office at Manningtree and that William Rayner, the District Registrar, had accepted as the cause of death 'decline over a period of three months'. Codd cautioned that the witness probably 'knew more...than she was willing to state'.³³⁶

James Simpson, who shared a room with the deceased, told Codd that May had said to him that she had become a member of a burial club and that she had enrolled her half-brother as her nominee. At the time of his illness she told Simpson, 'Please God take him away, She would have £10

³³⁴ *Bell's Life in London*, 17th September 1848 and 24th September 1848

³³⁵ *Chelmsford Chronicle*, 7th July 1848. The letter is printed in Don Budds, *Arsenic and Old Wix. The true account of Mary May and Hannah Southgate tried for murder in Victorian times*. Colchester 1995 p8. Budds' book is based on contemporary newspaper reports and not on the Assizes Records. Vronsky has pointed out that 'a panic was fanned by the press reports, that hinted that secret societies of female serial killers exchanged recipes for poisoned dishes that could be served to husbands, children, and other family members to profit from burial club payments or to simply relieve oneself of them.' Vronsky, p.104. *Manchester Times and Gazette*, 11th July 1848 'Poisoning for Burial Fees. Suspicious Deaths of Fourteen Children.'

³³⁶ Budds pp8-9

out and get a suit of mourning and bury him respectable, and if she had any money to spare, she would get a donkey and cart.³³⁷

The reference to a donkey and cart was to the practice of 'higgling', the local description of itinerant travellers selling poultry and dairy produce. He told Codd that she said that he was 'to say nothing on the subject [at the inquest]'.³³⁸ However, he also said that May had asked him to tell the coroner that Constable had found a bottle in a field, drunk from that bottle and been taken ill. At this stage Codd adjourned the inquest for a second time and the local press reported that rumours were circulating that May had buried 14 children and a husband in suspicious circumstances linked with death clubs.³³⁹

At the resumed hearing Faint was recalled as a witness for a third time and then she told Codd that she remembered May saying that she had purchased some arsenic from the chemist at Manningtree to kill rats.³⁴⁰ May was seen to 'shake some powder' into Constable's beer and give it to him whereupon 'almost immediately afterwards he was attacked with the fatal malady with which he died'.³⁴¹ At the end of the inquest Codd briefly summed up the evidence and asked May, who was not legally represented, if she had to say anything, after having cautioned her as to her rights. She replied, 'All I have to say is I never done the crime. I never gave him anything in my life only what I should not mind taking myself'.³⁴² After a short adjournment, the jury of 15 men under the foremanship of

³³⁷ Roy Clark, *The Harwich Death Club*. History Notebook no11 Essex Police Museum p3

³³⁸ *The Times*, 6th July 1848. *Chelmsford Chronicle*, 7th July 1848. *Liverpool Mercury*, 11th July 1848. *Manchester Times and Gazette*, 11th July 1848, *Caledonian Mercury* 13th July 1848. *Preston Guardian*, 15th July 1848 and *Jackson's Oxford Journal*, 15th July 1848

³³⁹ *Essex Standard*, 14th July 1848. *Chelmsford Chronicle*, 28th July 1848. Rose, p143 'newspaper accounts are somewhat obscure but suggest burial club connections' and Rose goes on to say that 'the same motivations were at work in the more remote rural areas as were imputed to Merseyside.' Knelman referred to 'a sort of sisterhood of poisoners.' Knelman, *Twisting in the Wind* p63. The report in *Liverpool Mercury*, 11th July 1848 is headed: 'MURDER BY POISON: BURIAL MONIES'.

³⁴⁰ Clark, p2 'there appears--- to be no evidence that she actually possessed [arsenic]. None was produced, no container analysed for traces of the poison.'

³⁴¹ *The Times*, 25th July 1848. *Essex Standard*, 28th July 1848

³⁴² Budds, p9

John Boggis, a local farmer, returned a verdict of wilful murder and the coroner committed May to Chelmsford Court Gaol for trial at the next Assizes.

The Trial of Mary May

The trial judge at the Chelmsford Assizes was Chief Baron Pollock, who was very much an establishment figure. He was a member of 'the most famous and most extensive of all legal dynasties [of the early Victorian period].'³⁴³ He was a fellow of Trinity College, Cambridge, a member of the Middle Temple and Tory MP for Huntingdon since 1831. He had been knighted in 1834, twice Attorney-General in the administration of Robert Peel and had been elected Chief Baron of the Exchequer in 1844. He had expressed opinions similar to those of Chadwick about the dangers of burial clubs.³⁴⁴

At the trial in the Shire Hall, Chelmsford, May pleaded not guilty. By then the case had become a *cause célèbre* and the court room was crowded to excess with women occupying most of the seats available to the public.³⁴⁵ In the 1840s prisoners were regularly tried for murder, convicted and executed without any defence counsel. However, in view of the public phobia at that time about female deviances and poisoning, and by virtue of the 1836 Prisoners' Counsel Act³⁴⁶, Pollock assigned Mr Sergeant Chadwick Jones and Mr. T Chambers to defend May, but without the assistance of an attorney. The prosecution was undertaken by Mr Ryland and Mr Rodwell. Ryland set out the case for the prosecution calling the same witnesses as at the inquest including the analytical chemist Taylor.³⁴⁷ The latter's evidence was not disputed. At that time Taylor's expertise as a toxicologist and medico-legal expert had never been questioned - it was not challenged until the 1856 trial of Dr William Palmer - and Taylor was in regular attendance as an expert witness at criminal poison trials

³⁴³ Polden, p265

³⁴⁴ *The Times*, 27th July 1854. Gosden, *Self-Help* pp130-1

³⁴⁵ *The Times*, 25th July 1848. *Essex Standard*, 28th July 1848. *Chelmsford Chronicle*, 28th July 1848

³⁴⁶ *R v Gregor and Lambert* (1844) 1 Cox.346 *R v Geering*, *The Times* 2nd August 1849

³⁴⁷ N.G. Coley, 'Alfred Swaine Taylor, MD, FRS (1806-1880): Forensic Toxicologist' in *Medical History*, Vol35 1991 pp409-27. Coley, 'Forensic Medicine in 19th-Century Britain' in *Endeavour*, vol22 1998 pp143-7

outside London where he was based.³⁴⁸ However, the evidence given by Faint at the inquest, after having been recalled three times, was circumstantial. The crucial point was whether Constable had died following arsenic administered to him in his food by May. To reinforce that point Ryland called as an additional witness William Everett, aged 10, May's son by a previous marriage. The boy stated he had seen his mother 'shake some powder' into Constable's beer. He thought that it was the soda that his mother often put into stale beer. In addition Ryland called a local baker, Charles Tweed, who stated that May had asked him to circulate a story that Constable had been drinking from a bottle he had found in a field. Ryland sought to establish, as a motive for murder, the £10 burial money payable by the New Mourners' Friend Society. He produced a copy of its rules and told the court:

It will appear some two or three weeks before [Constable's death] the prisoner.... applied to a society, the rules of which I hold in my hand and which society met at Harwich, about six miles from Wix, to insure a life in that society, the party insuring having certain fees on making selection of their own nominee - as it was insuring the life of that nominee: the rules being that whenever one of the nominees died the person insuring received a sum of money....the prisoner expected to receive £10 from being connected with the society.³⁴⁹

He then noted that, when May saw the society's officer and was asked her name, age and health, she gave her age as 29 and her nominee as Constable and his age as 35. Ryland said these entries were made in a book with a witness present and that May paid the officer the initial subscription:

It does not appear that anybody but herself and another party would have been in the office when this insurance was made. Not one word of this was heard until the deceased had been taken ill [on 8th June] and you will then find extraordinary expression made use of at different times with respect to the deceased, this insurance, the probability of his death (for she seemed very soon to have formed the opinion that he would not get over it) and of the benefit she would derive from it if it pleased God to take him...if they believed the witnesses, this insurance, and the receiving of this £10 seemed to have been the constant subject on her mind.³⁵⁰

³⁴⁸ Watson, *Poisoned Lives* pp26-27 and Watson, 'Medical and Chemical Expertise in English Trials for Criminal Poisoning, 1750-1914' in *Medical History* vol50 2006 p384. From a database of some 500 cases of criminal poisoning 1750-1914, Watson found that Taylor appeared as toxicologist expert in 31.

³⁴⁹ *The Times*, 25th July 1848, *Essex Standard*, 28th July 1848

³⁵⁰ *Chelmsford Chronicle*, 28th July 1848

He then read out in court the letter written on May's behalf to obtain the burial moneys on the day Constable died and said May had given false ages for both Constable and herself. He quoted from the society rules: 'no person should be admitted as a nominee where age is 45 or under 14', and concluded:

It may be difficult to imaginethat, for the sake of £10, any one being would poison or hurry another into eternity upon so miserable and horrible and hateful a motive; but, hateful, horrible and miserable it is, it may go some way as appearing a motive for the act.³⁵¹

He maintained that 'money appeared.... uppermost in [May's] mind' and 'that there was every reason to believe that the prospect of obtaining it was the motive for the commission of the dreadful crime imputed of her.'³⁵²



The Shire Hall, Chelmsford (the venue for Assize Courts until the 1971 Crown Courts Act).

The print here is dated 1794. Courtesy Essex Record Office.

³⁵¹ *Essex Standard*, 28th July 1848

³⁵² *The Times*, 25th July 1848

At the conclusion of the prosecution's case Mr Sergeant Jones, on behalf of May, made 'a most earnest and eloquent appeal' to the jury. Jones did not question Taylor's evidence about arsenic poisoning. He said that 'the very nature of the crime with which she was charged [was] one calculated to raise a strong feeling against her, although she [might] be entirely innocent.' The motive was stated to be 'some £9 or £10' of burial money but 'the amount of evidence against the prisoner [was] much less than might have been expected in such a case as this.' Jones said:

We come to the motives for committing this act if she has committed it ...it appears she entered herself as a member and her brother as a nominee, in this burial club. How did it suggest itself to her that there was such a society in existence, or that she should desire any benefit by becoming a member of it?...first of all....by Mrs Forster, who evidently brought out the subject first, and not the prisoner. Mrs Forster...had been a member of this society and her own brother a nominee, who informed the prisoner of it, and it appears to have been the first time she knew anything of it and formed the intention of becoming a member.³⁵³

Counsel further noted that Forster took May to Harwich and introduced her to the Society's agent. With regard to any false statements about age he said it was 'well known that there [were] a number of persons in the agricultural districts who did not know their own ages.'³⁵⁴ He had no doubt Constable had died of arsenic poisoning but it did not follow that May had administered it:

Unless you are satisfied that the evidence laid before you goes to the exclusion of all reasonable and fair doubt that the prisoner administered the poison to her brother [you must] acquit her upon this indictment.... it is impossible not to feel deep anxiety in a case of this description: and although there may be circumstances of great doubt and some suspicion, yet you will acquit her of this grave offence unless you are irresistibly led to the conclusion of her guilt.³⁵⁵

Pollock then summed up the evidence for the jury, and referred to the trial as 'undoubtedly one of the deepest importance.' He spoke of the consensus that Constable had 'died by arsenic'. He made detailed references to Taylor's evidence. He went through all the other evidence commenting on various points particularly on May joining the burial club. He reminded the jury they had 'a most serious duty to perform', a duty both to the prisoner and to the public. 'If you came to the honest conclusion that on your conscience you are satisfied that she committed this crime... the verdict must

³⁵³ *Chelmsford Chronicle*, 28th July 1848

³⁵⁴ Gosden, *Self-Help* pp126-7

³⁵⁵ *The Times*, 25th July 1848

be guilty.' The jury retired and after 90 minutes returned with a guilty verdict. May was hanged at the County Gaol, Springfield, Chelmsford on 15th August 1848 before a crowd of about 10,000 from all over Essex, many chanting and singing the 8 verses of 'The Ballad of Mary May' hurriedly compiled for the occasion. The chorus included the following:

In a burial club I entered him,
On purpose to slay;
And to obtain the burial fees
I took his life away.³⁵⁶

XI A Sisterhood of Poisoners? The Essex Poisoning Club and Others

Although May had always pleaded not guilty, the press reported 'a private eleventh-hour confession' where she told of 'a sort of sisterhood of poisoners', all intent in getting rid of unwanted husbands and children by poison 'for the purpose of obtaining the fees which are granted by what, in this part of the country, are called "death clubs"'. She was reported as saying: 'If I were to tell you I know all I will give the hangman work for the next twelve months.' The local Vicar found from his records that 14 of her children had died suddenly. As a result the authorities set about further inquiries: was there, in fact, a 'sisterhood of poisoners'?³⁵⁷ Were burial clubs involved? Did the club extend beyond Essex? To what extent was it gender-related? Did it replicate the Sandys and Eccles poisonings?

Supported by Secretary of State, Sir George Grey, the county coroner Codd ordered further exhumations in all cases of suspected poisoning in any possible way connected with May, Hannah Southgate, or the infamous 'sisterhood of poisoners'. Apart from May's first husband and all her 14 deceased children, he also ordered the exhumation of Thomas Ham, Nathaniel Button and Messrs Palmer Reade and Brudger.³⁵⁸ All took place in the autumn of 1848 and stomach contents were sent to Taylor at Guy's Hospital for analysis. Owing to decomposition Taylor could not ascertain the cause of death in most cases. However, *The Times* saw, 'every reason to fear that husbands and children of a

³⁵⁶ Budds, p17. Knelman *Twisting in the Wind* p63

³⁵⁷ Ibid p63. *The Times*, 21st September 1848. *Daily News*, 3rd October 1848. Knelman, *The Amendment* p2. Burney, *Poison Detection* p31. *Irish Quarterly Review* no11 June 1851 p171

³⁵⁸ *The Times*, 29th August 1848, 31st August 1848 and 1st September 1848

great number of women who were on habit of intimacy with Mrs May.... have been destroyed.³⁵⁹
This was shown in the case of the deaths of Thomas Ham and Nathaniel Button.

Thomas Ham: 'A Species of Thuggism'

Thomas Ham was the husband of Hannah Southgate and had died suddenly the previous year.³⁶⁰ Following the revelations at the May trial the coroner ordered exhumation and held an inquest.³⁶¹ Stomach samples were sent to Taylor for analysis. He found sufficient arsenic to account for death. Ham belonged to the local burial club and evidence was provided by Phoebe Read that Hannah Southgate, who was then Hannah Ham, had told her that she would poison him, that May had called upon her advising her about how to poison her husband and that the day after Ham died she overheard May remark to Southgate 'well, it's a good job Tommy is dead' and Southgate replied 'well, it's a good job, for he was a nasty little blackguard, and there was no going near him.' After Codd had addressed the jury on the evidence, the jury retired for 30 minutes and returned a unanimous verdict of 'wilful murder' against Hannah Southgate, the widow of Thomas Ham.³⁶²

Nathaniel Button: 'An Indeterminate Death'

For the coroner and analytical chemist the problems of decomposition, following disinterment years after burial, became apparent in the case of Nathaniel Button who died very suddenly on 30th September 1844. The editorial in *The Times* headed 'The Late Poisonings in Essex' stated:

No suspicion was at the time attached to the death, and probably nothing would have been heard of it had it not being for the cases already reported, and from the fact that Mrs Button had been "asked in church" for another marriage, with a man....who, after disclosures had been made, wished the ceremony to be postponed "to see whether they would pull Button

³⁵⁹ *The Times*, 31st August 1848. One provincial paper, *Southport Visiter*, 7th October 1848 included an article entitled 'Burial and Murder Clubs' saying 'recent revelations connected with the wholesale poisonings in Essex show that men, women and children have been murdered by their nearest relatives for the sake of the money allowed by sick and burial clubs for the families of its members.' It referred to the Editorial in *The Times* calling for the suspension or the regulation of such clubs 'to prevent this species of THUGGISM.'

³⁶⁰ *The Times*, 29th August 1848, 31st August 1848 'a most diabolical system'

³⁶¹ *Southport Visiter*, 9th September 1848 referred to 'a horrible system of poisoning' for burial moneys.

³⁶² *The Times*, 29th August 1848, 31st August 1848 and 5th September 1848

up³⁶³ Button's wife was a friend of May and she had insured her husband with the May Bush Friendly Society. That club was named after the May Bush public house at Great Oakley. It operated as a non-profit-making unregistered mourners' club from those premises. On the death £8 was payable and, immediately after her husband's death, his wife applied for the money.³⁶⁴

Codd held an inquest on Button on 2nd October 1848. He told the jury of 12 at the Nelson's Head Inn, Ramsey, that Mr Bird, the surgeon, had made a post-mortem examination of the body and taken the viscera and other samples to Taylor for analysis. Arsenic had not certainly been detected. Codd read the jury 'the very able and elaborate report of the learned Professor' saying it was for them to decide 'whether the case could with propriety be carried any further, or the pursuit of it attended with any good practical result.' The jury considered it could not, declaring:

That the deceased, Nathaniel Button, on 28th September, in the year of our Lord 1848, was taken ill with violent retching and diarrhoea, of which he shortly afterwards died, but how such retching and diarrhoea were produced there is not sufficient evidence.... to show³⁶⁵

When Codd recorded the verdict he took the opportunity to correct 'some misapprehension' arising with regard to the cases of poisonings and burial clubs. He referred to those other cases which had produced rumours of arsenic poisoning for burial club money causing him to issue exhumation orders, namely, Palmer, Reade and Brudger; along with other cases like Brown and Gup. He said he had investigated the same without being able to find sufficient evidence to proceed to inquests. He could not discover evidence of arsenic poisoning or links with burial clubs. However, he 'certainly thought there were strong grounds for believing that many children had been unfairly dealt with' and 'he was determined to do all....in his power to extinguish the iniquitous system which there was every reason to believe had been for some time past practiced in that locality.' He urged medical men to 'pay more attention to the symptoms of parties where called upon to attend.' Those exhortations did not fully satisfy the press.³⁶⁶ Two days later the *Ipswich Journal* reported that 'similar circumstances almost

³⁶³ *The Times*, 14th September 1848

³⁶⁴ *The Times*, 21st September 1848. The village carpenter who made the coffins was an official of the burial society. He stated that the society paid 'all the bills consequent on the funeral' and paid Button's wife what was left.

³⁶⁵ *The Times*, 14th September 1848 and 4th October 1848

³⁶⁶ *Morning Chronicle*, 3rd October 1848, *Caledonian Mercury*, 5th October 1848. Budds, p16. Codd referred to the exhumation orders re Palmer, Reade and Brudger. 10 children had been disinterred. 6 children had been 'dropped off

daily come to light' but was undecided on whether further exhumations should take place, whilst the *Manchester Times* and *Manchester and Salford Advertiser and Chronicle*, referring to 'those dreadful poisonings', stated that 'most, if not all, owe their origin to the existence to what in this part of the country are called "Death Clubs".' On the other hand, the Editor of the *Caledonian Mercury* on 5th October 1848, reporting the Button inquest, asserted that there was no foundation in any belief that there was a wholesale system of poisoning linked to burial moneys. Popular reaction was, therefore, mixed and especially so in seeking motivation for alleged poisonings.

Was the Motive Funeral Moneys?

Unlike the Sandys and Eccles inquests in Lancashire and the Pimlett inquests in Cheshire, where deaths by arsenic poisoning were directly linked to burial clubs, the motivation behind poisoning in South-East England is less transparent. Sometimes burial clubs are not reportedly involved. The pecuniary motive is not always self-evident. The 1843 Simeon and Jonas Mead inquests before the Bedfordshire coroner Ezra Eagles and the subsequent conviction of Sarah Dazely at the Assizes for murder by arsenic poisoning did not disclose any apparent motive.³⁶⁷ Using poison involved premeditation and perhaps she killed to remove unwanted impediments. Knelman suggested that, in contrast to more affluent areas, rural 'life was cheap, poison widely available and food in short supply...and [therefore] that sort of response was.... not illogical.'³⁶⁸ In the Somerset village of

short' and rumour was that they had been 'white powdered', namely poisoned by arsenic. *The Times* reported that 'from the fact that none of the children had been ill more than one day or 30 hours at the most, the whole of these bodies are to be disinterred.' The Editor concluded that 'most, if not all [of these cases] owe their origin to the existence of what are, in this part of the country, called "death clubs". These clubs are composed chiefly of the class of person to whom those alluded to belong, and the manner in which the business is managed may be thus described:- a person, man or woman, enters one of these clubs agreeing to pay a sum of 7d a quarter, at the same time appointing a nominee at whose death the subscribing party received £10 or £8. [Palmer] was a member of one of these clubs, and, so were also the other persons whose names are implicated in these shocking affairs.' *The Times*, 14th September 1848 and 4th October 1848. *Bell's Life in London* 24th September 1848 and 8th October 1848.

³⁶⁷ *The Times*, 22nd April 1843. Sarah Dazely was convicted of the murder of her husband William Dazely by arsenic poisoning and was hanged at Bedford on 5th August 1843. Previously she had been married to Simon Mead who had died suddenly in June 1840 and 'she bragged that she had 7 husbands in 10 years.' All had died suddenly but Knelman concludes 'she seems to have killed rather vacantly and automatically, simply to do away with impediments as they presented themselves.' Knelman, *Twisting in the Wind* p56

³⁶⁸ *The Times*, 18th March 1841. William Brown inquest- boy aged 7 years without food for three days and without shelter. Father gave him arsenic in water from a nearby pond to put an end to his suffering. *The Times*, 24th July 1844 Joyce

Pickney the 1843 Sealy inquest disclosed that Mary Anne and Faith Sealy poisoned their father for two reasons. First, they wanted the £8 burial club money; second, they wanted freedom from parental control.³⁶⁹ The 1845 Henry Freeman and Mary Dimond inquests in Somerset and the revelation that 29-year-old Sarah Freeman had poisoned with arsenic her husband, her son, her brother and her mother are capable of various interpretations. She wanted rid of her husband. She obtained 'upwards of £20' from the Masons' Arms Death Club at Bridgenorth. Having done so, she asked her lover to marry her. But no evidence was given that other family members allegedly poisoned by her - and the Bristol analytical chemist William Herapath testified to arsenic poisoning in all the bodies - belonged to any burial club.³⁷⁰ Possibly therefore Freeman's motivation was partly burial money and partly that psychotic inner demon that, according to some criminologists, impels the modern serial killer.

A few months later Freeman's crimes paled into insignificance compared with 35 year-old Sarah Chesham's activities in the Essex village of Clavering. A friend of both May and Savage, acquitted of murdering her two sons, both enrolled in burial clubs, since it could not be proved Chesham administered the arsenic to the children, she returned to Clavering where the village, seem[ed] long ago to have taken it for granted that [she] had poisoned her children, and yet said little more about it than if she had killed her pigs.³⁷¹

The national press saw her as 'an accepted and reputed murderess' who embarked on a practice of advising villagers how to poison without detection. The advice was proffered to a cabal of

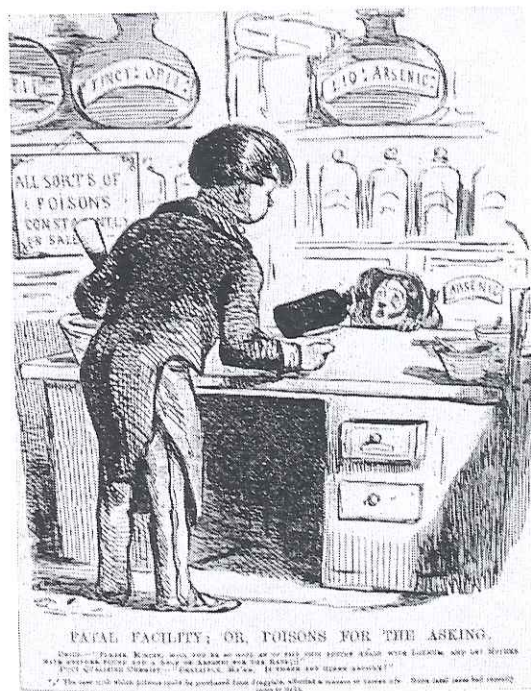
Inquest. Mother in workhouse confessed to poisoning three children because of lack of food. *The Times*, 18th August 1849. *R v Smith*. Rebecca Smith was hanged for the murder by arsenic of her month old son Richard. She 'lived in great poverty', had born 11 children but only one survived. After her conviction the bodies of some of the children were disinterred. Arsenic poisoning were found in two of the bodies and Smith had confessed to the prison chaplain that she had poisoned 8 of them because 'they might come to want.' Starvation could lead to child murder 'if there was one less mouth to feed, there would be more for the rest of the family.' Watson, *Poisoned Lives* p88. Carlyle, *Past and Present* pp3-5

³⁶⁹ *The Times*, 22nd April 1843. *R v Jane Scott*. TNA PL 27/10 Box 1 Lancashire. Jane Scott poisoned her parents by mixing arsenic in their porridge. She confessed to other poisonings including that of her illegitimate four year old son but her motives were complex and do not have apparent links to burial clubs. Watson, *Poisoned Lives* p101. Knelman, *Twisting in the Wind* p54

³⁷⁰ *The Times*, 13th January 1845, 14th January 1845, 20th January 1845 and 24th April 1845. Vronsky, pp102-3. 'In the press much was made of the fact that, despite the evidence that members of the same family were dying in the same way, no investigation by the coroner was undertaken. The coroner's office was accused of economising on the conduct of tests at the expense of working-class citizens.'

³⁷¹ *The Times*, 21st September 1846

women intent upon either poisoning their children for burial club moneys or getting rid of inconvenient relatives.³⁷² Motivation varied: Chesham was often the advisor, not the perpetrator.



Poison for the Asking? Courtesy Bodleian Library, Oxford 2706d.10. *Punch* 8 September 1849

The cartoonist's reference to 'a menace to human life' and 'some fatal cases that had recently come to light' doubtless related to Sarah Chesham and the Clavering poisoning case of 1847, the trial of Mary May in 1848 and the Essex poisoning club murders in the 1840s. The issue of *Punch* 28 April 1849 referred to 6 hangings of females in the past 6 weeks.

³⁷² Sarah Chesham, called Sally Arsenic, emerged in Clavering as a female arsenic killer more prolific than Eccles in the early 1840s. She was a friend of May and Savage. She was suspected of having killed her sons Joseph (aged 10) and James (aged 8) both of whom she had enrolled in a burial club. The elder son died on 19th January 1845 and the younger son on 22nd January 1845. She had collected the burial moneys. At the Cheshire Assizes she was acquitted only because the arsenic identified in the bodies by Taylor could not be proved to have been administered by her. However, nearly four years later, she was tried and found guilty of murdering her 43 year old husband, Richard, a farm labourer 'by small doses of arsenic in small amounts'. Lord Campbell pointed out that she had been indicted not for murder but for administering poison with intent to murder. *The Times* described her as 'the professional murderess' - 'the head of a poisoning ring, in which women advised and assisted one another' in the use of arsenic as 'a weapon in the hands of a weaker vessel by which an ill-favoured husband or a troublesome family might readily be put away'. Chesham was stated to have been involved in 12 to 15 murders and, although burial club moneys were relevant factors in the deaths of her two sons in 1845, that motive did not apply to subsequent murders. An Editorial in *The Times* described her as 'a murderess in the full swing of her profession for four years' and said that, latterly, 'there was no passion, no resentment, no prospect of plunder.' It went on to say that 'there was not even the pretext of poverty'. The conclusion was that 'our village poisoners are worse than reptiles of the field who discharge their venom only in self-defence.' Chesham killed 'for killings sake.' *The Times*, 5th September 1846, 19th September 1846, 24th October 1846, 8th March 1851, 26th 1851 and 7th June 1851. *Chelmsford Chronicle* 4th April 1851 *Annual Register*, 1851 p396. Burney, *Poison*, pp26-7 and pp31-2.

XII Poisoning Statistics in the 1840s. The Assizes Court

The frenzied press coverage in the 1840s of criminal arsenic poisonings linked with ubiquitous and polemic burial clubs³⁷³ prompted the House of Commons in 1850 to ask the clerk of each Assizes Court urgently to complete a return of all persons, male or female, tried for murder or attempted murder in the United Kingdom by the administration of poison for the years 1839-49.³⁷⁴ The return was to be more comprehensive than the 1839 Coroners' Return.³⁷⁵ The form required details of the number of persons tried for murder, listing male and female separately, the number of persons poisoned or attempted to be poisoned and the number of convictions. The clerks complied with the request but responses varied. For example, the clerk of the Assizes for the Home circuit was brief giving no names or details of indictments. The Norfolk clerk did not distinguish between murder and attempted murder. The Oxford clerk listed only the numbers named in the indictments as did the clerk of the County Palatine of Lancaster. The North Wales Chester circuit went further with 6 columns categorising the person by name, for what offence tried, whether convicted or acquitted, number of persons named in the indictment as having poisoned or attempted to poison, county and date. The Return was presented to the Commons in July 1850 and provided considerable information. For example, in Essex two men and two women were tried for murder and acquitted; on the Northern Circuit in 1843, 2 men and 1 woman were tried and acquitted, and in 1847 one man and one woman were tried and convicted. In the County Palatine of Lancaster in 1843, three women were tried and two convicted but in 1847 two women were tried and convicted. On the North Wales and Cheshire circuit 16 persons (5 men and 11 women) were tried for murder by poison, and 4 women and 1 man convicted. During 1839-1849, 141 persons were tried for murder by poison, comprising 91 women and 50 men. *The Times* alleged that, taking all reports in the 1840s, female poisoners outnumbered

³⁷³ Burney, *Poison* p36 n36. *The Times* reported ¼ of poisoning trials recorded in Parliamentary returns 1839-1849

³⁷⁴ *Parliamentary Papers. Returns of the Number of Persons tried in the United Kingdom for Murder and Attempts to Murder, by the Administration of Poison, for the Year 1839 to 1849* 23rd July 1850 paper 599

³⁷⁵ *Parliamentary Papers. Return from Coroners on England and Wales of Inquisitions where Death was caused by Poison, 1837 and 1838* paper 565

male poisoners by 6 to 4, and the researches of George Robb have shown that women were over 10 times as likely to kill by poison as men.³⁷⁶

However, statistics do not reflect the true extent of murder by poison. To Victorian jurors, whether at inquests or Assizes, murder was a crime incompatible with womanhood, and jurors tended to treat women more favourably than men.³⁷⁷ Many suspicious deaths went either unnoticed or unreported. County and borough police forces were often ineffective as watch committees and magistrates sometimes preferred economy to efficiency. Neither the judiciary nor the magistrates were enthusiastic about having more coroners' indictments and more prosecutions.³⁷⁸ The relationship between inquests and assizes proceedings has to be examined.

Indictments by Coroners

No accurate statistics about committals on bills of indictments to Assizes by coroners during the decade of 1841-51 are available. Only one Parliamentary Return listed the number of inquests held for the years 1843-49³⁷⁹ and it did not record the verdicts reached or the coronial committals made. Further, the 1850 Return to the House of Commons relating to poisoning trials did not refer to coroners and committal to the Assizes courts.³⁸⁰ As previously mentioned Eccles and May were committed for trial at the assizes following the inquests. They were not referred to local magistrates for preliminary examination. Both the coroners involved, namely Taylor and Codd, were acting

³⁷⁶ George Robb, 'Circe in the crinoline: domestic poisoning in Victorian England' in *Journal of Family History* vol22.2. 1997 p177

³⁷⁷ Seaborne Davies, *Modern Approach to Criminal Law*. London 1948 p301. Mark Jackson, *Newborn Child Murder. Women illegitimacy and the Courts in eighteenth century England*. Manchester University Press 1996 p144 Jackson's reference to acquittals on 'ambiguous evidence' applied equally to the 1840s. Julie-Marie Strange, *Death, Grief and Poverty in Britain 1870-1914*. Cambridge University Press 2005 pp230-32

³⁷⁸ *R v Kent* 1809 English Reports, Vol103 pp992-3. *R v Great Western Railway* 1842 3 Q.B. 333 and *R v Carmarthenshire JJ* 1847 English Reports, vol116 pp302-5. The judiciary invariably supported the magistrates in coronial disputes. The Coroners' Society of England and Wales in its second Annual Report commented on the growing hostility of magistrates to coroners. (*Annual Report* 1847 vol1 p29) That hostility 'often caused difficulties for the individual coroners who had to pay the costs associated with such cases from their own resources.' (*Annual Report* 1846 vol. 1, p.1. and Prichard, p30) It resulted in some coroners being hesitant about holding inquests.

³⁷⁹ *Return of the number of Inquests held by Coroners in Counties, Cities and Boroughs in England and Wales, 1843-49* B.P. 1851 (148) XLIII. 403

³⁸⁰ *Return of the Number of Persons tried in the United Kingdom for Murder and Attempts to Murder by the Administration of Poison from the Years 1839 to 1849*. Ordered by the House of Commons to be presented 23rd July 1850

lawfully in bypassing the magistracy.³⁸¹ According to Sir John Jervis' authoritative nineteenth-century work on coronial law, the findings of the inquest jury and its verdict recorded by the coroner were tantamount to the findings of a grand jury.³⁸² However, according to the 1849 Report of the Royal Commission on the Criminal Law,³⁸³ coroners' committals were seldom relied upon as they were referred to by circuit judges at assizes to the grand jury for them, in effect, 'to filter the accusations--- before they were heard by a trial jury.'³⁸⁴ The legal process involved three types of jury- the inquest jury, the grand jury and the trial or petty jury.

Grand jurors numbered between 12 and 23. They comprised freeholders and ratepayers and were among the local governing elite but did not have the local knowledge of inquest jurors. They only had the prosecution evidence 'given before them in secret.'³⁸⁵ If grand jurors believed there were *prima facie* grounds for indictment the bill was marked 'true bill' by writing '*billa vera*' on the back and forwarded to the trial court. The hearing was before the trial jurors who were usually of a lower social and financial status than grand jurors, and drawn from freeholders in the court's immediate locality. They were collectively called the petty jury. If grand jurors did not consider the evidence sufficient, the bill from the coroner would be marked 'not found' and the prisoner would be 'discharged by proclamation.'³⁸⁶ At the same time the grand jurors might censure the coroner and the inquest jury for initiating the committal proceedings.³⁸⁷

The increase in indictments for child murder by criminal poisoning in the second half the 1840s was exceptional since, according to the limited statistical data available, prosecutions decreased in that decade. However, that decline may be attributed to that fact that many suspicious deaths were

³⁸¹ Prichard, p29

³⁸² Melsheimer p265

³⁸³ *Parliamentary Papers 1849 [1100] 477 Royal Commission on Criminal Law*

³⁸⁴ Jackson, p177

³⁸⁵ *Parliamentary Papers 1845 [656] XIV 165 Royal Commission on Criminal Law. Minutes of Evidence 475*

³⁸⁶ Jackson, Chapter 6 'Evidence in court: the verdicts of inquests, grand and trial juries' pp133-151

³⁸⁷ *The Times*, 17th July 1844, 8th April 1845 and 10th March 1849

not reported.³⁸⁸ In the wider context, the criminal historian Howard Taylor argued that prosecutions were kept to a minimum in the interests of political economy and that decline might therefore have been statistical and not real.³⁸⁹ Further, police figures were prepared on the basis that excluded cases where the accused was found guilty of a lesser crime at a subsequent criminal trial.

Some historians have stated that many county magistrates - for example in Essex, Kent and Norfolk - deliberately hampered coronial investigations to reduce county rates burdens.³⁹⁰ Clive Emsley suggests that only a small number of poisonings were reported to the coroner for investigation.³⁹¹ The medical historian Mark Jackson suggests that the cost of holding an inquest was greater than the cost of a magistrate's inquiry.³⁹² The criminal historian John Archer argues that statistics show reluctance to investigate the sudden death of children and a hesitancy to treat infanticide, whatever the motive or circumstances, as murder. The latter was, to some extent, 'a construct not of the law necessarily but of medical knowledge and regional culture.'³⁹³ The criminal historian J. J. Tobias concluded that Victorian criminal statistics had limited value.³⁹⁴ Any statistic, therefore, must be considered questionable, and, even after 1857, figures have to be treated with

³⁸⁸ *Parliamentary Debates 1846 vol, 87 3rd series p375*

³⁸⁹ Howard Taylor, 'Rationing crime: the political economy of criminal statistics since the 1850s' in *Economic History Review*, LI.3 (1998) p.586 'It was an open secret that most murders went uninvestigated.' A contrary view is put forward by John E. Archer, 'The Violence We Have Lost? Body Counts, Historians and Interpersonal Violence in England' in *Memoria y Civilizacion* 2. 1999 p.179 'If murders were being rationed, why was it that the police did not find out and cause a stir?' I am grateful to Pam Fisher for drawing my attention to this paper by Professor Archer.

³⁹⁰ Archer, p176 refers to 'the crucial role played by the coroner's court', to 'a continued reluctance on the part of the police and coroners to investigate closely the sudden death of infants.' P179 and 'the discovery of dead bodies which, to all intents and purposes, were those of murder victims which were never counted as such; what Martin Weiner called 'smoking guns', which in the context of nineteenth-century England, were more likely to have been those who had been poisoned or suffocated.' P177. Archer's study of interpersonal violence is based on archival material from the North West of England in contrast to the broader historical surveys undertaken by historians of criminal behaviour such as V. A. C. Gatrell, 'The Decline of Theft and Violence in Victorian and Edwardian England.' In V. A. Gatrell, Bruce Lenmann and Geoffrey Parker (Eds) *Crime and the Law: the Social History of Crime in Western Europe since 1500* London, Europa, 1980. Havard, pp38-66. D. J. V. James, *Rebecca's Children: A Study of Rural Society, Crime and Protest* Oxford 1989 pp105-6. Fisher, 'Getting away with murder? The suppression of coroners' inquests in early Victorian England and Wales' in *Local Population Studies* no78 Spring 2007 pp48-9

³⁹¹ Clive Emsley, *Crime and Society in England, 1750-1900* London 1996 p.42 Roberts referred to 'exonerating coroners' p85

³⁹² Jackson, p89

³⁹³ Archer, pp181-2

³⁹⁴ J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* Harmondsworth 1967 p25

caution.³⁹⁵ However, such statistics, if taken as Archer suggests in conjunction with reports in local newspapers, do justify some conclusions which we will now explore.

Throughout the Victorian period, which George Orwell identified as 'the golden age of English murder', and which James Whorton calls the Arsenic Century, the number of trials of women for indictable offences was significantly lower than those for men but, according to both Mary Hartman³⁹⁶ and Mary Emmerichs³⁹⁷, the percentage of women tried for murder was higher than for other offences and, although lower for women than for men in the years 1840-1845, the figures were higher for women than men in the next decade. Also Emmerichs suggests that, if all women suspected of murder had been tried, the figures would consistently have been higher.³⁹⁸ Knelman does not support that suggestion but argues that, if only poisoners are considered, the proportion of women poisoners was higher than men.³⁹⁹ This proposition is supported by the 1850 Return. Women represented 54% of the total of 235 accused of murder or attempted murder by poison between 1840 and 1850.⁴⁰⁰ According to the Katherine Watson Database covering 540 cases of criminal poisoning in the eighteenth and nineteenth centuries, women outnumbered men by about 3% although in relation to general statistics of violent crimes, thus extending the analysis beyond the specifics of poisoning, women accounted for about 40% of those tried for murder. As Watson has written 'men were three times more likely than women to commit murder but women who did so were far more likely than men to choose poison as their weapon.'⁴⁰¹ Burney's study of the reports of poisoning cases in *The*

³⁹⁵ James T. Hammick, 'On the Judicial Statistics of England and Wales, with Special Reference to the Recent Returns Relating to Crime' in *Journal of the Statistical Society*. Vol.XXX pt.III September 1967 p384. I am indebted to John Archer for this reference.

³⁹⁶ Hartman, p5

³⁹⁷ Mary Beth Wasserlein Emmerichs, 'Trials for Women for Homicide in Nineteenth-Century England' in *Women & Criminal Justice* Vol.5(1) 1993 pp99-109

³⁹⁸ *Ibid* p99

³⁹⁹ Knelman, *Twisting in the Wind* p66

⁴⁰⁰ Watson, *Poisoned Lives* PP. XI-XIV and Watson, *Assaulting the Past* pp.294-6. From her database of 563 cases of criminal poisonings in England and Wales she compiles a table of convicted serial poisoners 1800-2000, of suspected serial poisoners 1800-2000 and of convicted poisoners alleged to have killed other victims 1800-2000

⁴⁰¹ *Ibid* p45

Times provides similar evidence, and he links his statistics with those of Watson.⁴⁰² Of the 49 women executed for murder during 1843-1890, 22 murdered for 'pitiful sums obtained from burial clubs' and 29 used poison.⁴⁰³ Poisoning had become a woman's crime and, following the growth of burial clubs in the 1840s, it was used by murdering mothers to collect funeral moneys. Understandably, therefore, the ensuing debates about legislation to control the sale of poisons, both locally and centrally, had strong gender dimensions.

XIII The State and Friendly Societies circa 1840-51

The growth of central government in response to local needs in the early-Victorian period was described by Oliver MacDonagh as 'the nineteenth-century revolution in government', but one that was characterised by 'a certain indefiniteness'.⁴⁰⁴ To many people, the issue was not whether the state should intervene and instigate social and administrative reforms but how much and how much had to be admitted about the workings or otherwise of the free market when intervention was contemplated. Tensions and conflict arose, with traditional values and institutions being challenged by new social realities in the form of changing living conditions in town and country. However, it was felt impermissible for the state to supersede the philanthropic traditions associated with and complementary to the ethos of self-help. Instead, state intervention constituted what William Lubenow termed 'incrementalist government growth'.⁴⁰⁵ This was made apparent in the attitude of the state to burial clubs and arsenic poisoning.

Burial clubs, sick clubs, collecting societies and friendly societies were basically the same. All were mutual self-help non-commercial societies and the attitude of the state was that they should

⁴⁰² Burney, *Poison* p37 n.44 and n.47

⁴⁰³ George K. Behlmer, 'Deadly Motherhood: Infanticide and Medical Opinion in Mid-Victorian England' in *Journal of Medicine and Allied Science* Vol.34 1979 pp409-10. Hartman, p6

⁴⁰⁴ Oliver MacDonagh, *Early Victorian Government 1830-1870* London 1977 p1 'the revolution in social administration in the middle quarter of the nineteenth century--- transformed a loose old-fashioned polity with few central functions and little central power into a much more actively and nationally regulated society.'

⁴⁰⁵ William C Lubenow, *The Politics of Government Growth. Early Victorian Attitudes Towards State Intervention 1833-1848.* David & Charles Archon Books 1971 pp26-7

be encouraged since, by bettering themselves, the poor ceased to be a burden on the poor rate and parish relief. Burial clubs, known in Lancashire as 'funeral briefs' or 'death briefs' or 'slate clubs', usually centred on the local publican and undertaker. As Clay pointed out sick clubs acted in a similar way to burial clubs. Child membership was common. Peter Gosden wrote that, for parents, joining a funeral brief was, in a sense, a speculation on having many children.⁴⁰⁶

The financial status of burial clubs and sick clubs the main focus of contemporary concerns relative to child murder was uncertain. According to Sir George Young, it was exceptional for a club to survive a generation. Hence the multiple insurance of children described by Clay and referred to in Chadwick's 1843 Report on *Interment in Towns*.⁴⁰⁷ Successful burial clubs expanded beyond their immediate locality and became known as collecting societies, employing agents collecting weekly premiums and canvassing new business. Originally, they paid only death benefit but, in effect, they were life assurance offices catering for the poor under the umbrella of the friendly society movement. One of the largest burial societies cum collecting societies was the Liverpool Victoria Legal Society, founded in 1843, which featured in the 1846 Pimlett inquest where a collector from the society gave evidence. Another was the Blackburn Philanthropic Burial Society, founded in 1839 by local mill workers and most of whose members were children. Many were admitted at the age of 16 weeks on a weekly contribution of 1d with the expectation of a funeral benefit of £4. Again, collectors of the society provided evidence at inquests.

The term 'friendly societies' was corporate but malleable. Parliament had accepted as much when it referred to burial societies and collecting societies as 'other Friendly Societies'.⁴⁰⁸ Understandably, therefore, following the serial killings of children for death benefits in the 1840s, friendly societies were the subject of opprobrium, although less than burial and collecting societies. However, there were also concerns about the supposed radical side of the friendly society movement.

⁴⁰⁶ Gosden, *Self-Help* p.116

⁴⁰⁷ *Royal Commission Report. Interment in Towns 1843 (509) XII*, 395 *London Medical Gazette*, 1st September 1848 p771

⁴⁰⁸ Barry Supple, 'Legislation and Virtue: An Essay on Working-Class Self-Help and the State in the Early Nineteenth Century' in Neil McKendrick (Ed), *Historical Perspectives, Studies in English Thought and Society in honour of J. H. Plumb*. London 1974 pp217-8

Numerous letters to *The Times* urged state intervention either to regulate or to prevent parents insuring their children in order to collect burial moneys. However, friendly societies dated back to the mid-eighteenth century and the intervening years showed how state action had not initiated changes but had instead followed the development of the movement. Parliament had debated and legislated about friendly societies in myriad ways, but had not anticipated changes or, indeed, guided the movement to any significant degree,⁴⁰⁹ except greatly to boost their membership via the New Poor Law.

The first Act relating to friendly societies was the 1793 Friendly Societies Act, known as Rose's Act, permitting friendly societies, whose rules were approved by the county magistrates, to register with them. Registration provided a quasi-corporate status enabling a society to sue or to be sued as a legal entity.⁴¹⁰ It provided the county magistrates with a measure of control over friendly societies just as they had over county coroners and the holding of inquests. However, registration under the Act was voluntary. Between 1793 and 1840 there were 4 statutes⁴¹¹ and 2 Select Committee Reports from the House of Commons.⁴¹² In the decade following, notorious for the serial child murders for funeral money, there were 2 further statutes,⁴¹³ 1 Select Committee Report from the House of Lords⁴¹⁴ and 1 from the House of Commons.⁴¹⁵ The 1846 Friendly Societies Act transferred power from Quarter Sessions to central government with the appointment of a new official known as

⁴⁰⁹ Gosden, *The Friendly Societies in England 1815-1875*. Manchester University Press, 1961 p5.

⁴¹⁰ *Marshall v Brooks*, *The Times* 17th July 1823

⁴¹¹ 33 Geo.3, c.54 1793 *An Act for the Encouragement and Relief of Friendly Societies*.

59 Geo. 3, c.128 1819 *An Act for the further Protection and Encouragement of Friendly Societies and for preventing Fraud and Abuses therein*.

10 Geo.4, c.56 1829 *An Act to consolidate and amend the Laws relating to Friendly Societies*

4+5 Wm.4, c.40 1834 *An Act to consolidate and amend the Laws relating to Friendly Societies*

⁴¹² *Report from the Select Committee of the House of Commons on the Laws respecting Friendly Societies 1825* IV
Report from the Select Committee of the House of Commons on the Laws respecting Friendly Societies 1826-7 III

⁴¹³ 3+4 Vict, c.73 1840 *Act to explain and amend the Acts relating to Friendly Societies*

9+10 Vict, c.27 1846 *Act to amend the Laws relating to Friendly Societies*

⁴¹⁴ *Report from the Select Committee of the House of Lords on the Provident Associations Fraud Prevention Bill 1847-8* XXVI

⁴¹⁵ *Report from the Select Committee of the House of Commons on the Friendly Societies Bill 1849* XIV

the Registrar of Friendly Societies. In the wake of the 1840 Sandys inquests, the 1843 Eccles inquest and the 1846 Pimlett inquests, the Act banned all infant life insurance under the age of 6 years in registered societies.⁴¹⁶ The Act was ineffective for three reasons. First, it only applied to registered societies and most were unregistered. Second, it applied only to new societies emerging after the Act was passed. It did not apply to all the existing heterogeneous burial clubs-cum-friendly societies: registering under the Act was voluntary. Third, no penalty was imposed for failure to comply with the provisions. In other words there was no means of enforcing compliance. One leading coroner described the Act as 'prospective' and wrote:

Clubs already flourishing before the passing of it are still legally privileged to foster the spirit of gambling in children's lives. At all events, the old clubs do take in their helpless victims without the slightest respect for the 9 & 10 Vict. --- there are rules of a burial society, containing 1500 members--- taking in infants lives as may be, when no positive penalty follows.⁴¹⁷

The 1849 Report of the Commons Select Committee contained only brief reference to child murders for burial moneys. It did not reflect either the panic about child poisoning for burial moneys revealed by numerous letters to *The Times* or the views expressed by some High Court judges and many coroners.

Parliament soon realised that the provisions of the 1846 Act had not quelled the moral panic about child murders and tried to remedy matters in the 1850 Act by incorporating some of the recommendations of the 1845 Select Committee. That Committee had suggested a maximum insurance for children of £5. To try to stamp out child murders, therefore, the 1850 Act forbade the insurance of a child under 10 beyond the sum likely to be incurred by a funeral with a maximum limit of £3. On the Bill's Second Reading in the Commons, Mr Sothorn informed the House that he was assured that this provision amending the 6 year limit of the 1846 Act would 'do away with all the fears about child killing for burial insurance' especially as all the moneys were to be spent on funeral expenses. Furthermore, the coroner was to issue a certificate indicating cause of death, and signed by

⁴¹⁶ Letter from John Tidd Pratt, Registrar of Friendly Societies, dated 21st September 1848 and printed in *The Times* 21st September 1848

⁴¹⁷ Baker, pp52-3

the medical attendant stating he had 'no reason to attribute [the] death to poison, violence or criminal neglect'; and that attendant was to produce a certificate stating he did not think the deceased had 'been deprived of life by reasons of any person beneficially interested in obtaining burial money from any society.'⁴¹⁸

The amendments made by the 1850 Act did not diminish public fears about 'burial and other friendly societies' and child murders. As a result of national newspaper publicity, the next Select Committee on Friendly Societies in 1854 gave much more attention to the issue. It was reported in *The Times* for 27th June 1854 and for 3rd August 1854. Evidence was given by four Assize judges including Alderson and Pollock and two coroners. Reference was made to the inquests and trials held in connection with Sandys, Eccles, Pimlett and May. All the judges correlated burial fees and child murder. However, they were only asked how many child murderers had been convicted before them. Similarly, two prison governors were only asked how many prisoners convicted of infanticide were known to them. Pollock, who had been involved with the May trial, queried that approach saying that 'the number of instances where great suspicion existed were far greater than actually came before him' and stated forcibly that 'child murder for the sake of burial money prevailed to a fearful extent.'⁴¹⁹ However, the Committee also heard evidence from various representatives of Lancashire and Cheshire burial and friendly societies arguing that charges were unfounded.⁴²⁰ Thus influenced, the Committee concluded:

From the evidence addressed before them that the instances of child murder where the motives of the criminal has been to obtain money from a burial society are so few as by no means to impose upon Parliament an obligation to legislate specially with a view to the prevention of that crime.⁴²¹

⁴¹⁸ *The Times*, 20th June 1850

⁴¹⁹ *Friendly Societies Select Committee Report 1854* (412) Minutes of Evidence 1052 and 1045. Subsequently, Alderson said that 'burial clubs were the primary cause of two-thirds of child murders that came before his judicially', letter from J. H. dated 10th May 1864 printed in *Preston Guardian*, 14th May 1864

⁴²⁰ *The Times*, 27th June 1854

⁴²¹ *Friendly Societies Select Committee Report. 1854* (412) VII. PV. The Committee stated that they had heard evidence of only 4 convictions for child murder for burial club money in the last 13 years. They had heard evidence that included the evidence of a prosecuting solicitor and two coroners. They had not heard evidence from Taylor (the 1842 Eccles inquest) or from Codd (the 1848 Constable inquest). The coroners who gave evidence were Charles Hudson, the Stockport coroner who had succeeded Hollins in 1841, and Rutter, the county coroner for part of the Salford Hundred and part of the Hundred of West Derby. Hudson stated that he had had 4 cases of alleged child murders. He referred to the S-A-B inquest

The views of the judiciary were thus by-passed and, in the following year, the 1855 Friendly Societies Act raised the limits on funeral benefit to £6 for a child under five years and £10 for a child between five and ten years.⁴²² Further, only the production of a death certificate signed by a qualified medical practitioner was required. The coroner was no longer necessarily needed. However, the legislative provisions did little to appease the prescient fears of an anxious public.⁴²³

XIV The Movement for State Regulation of the Sale of Poisons

These fears resulted in a public outcry that manifested itself in different ways. Burial club killings, especially, resulted in petitions, memorials and resolutions by professional bodies together with editorials in the London and local press, letters to newspapers, and debates in local councils and Parliament. Most resulted in demands for government intervention.

Most newspaper letter writers wanted a register of poisons to be kept by the seller and some, probably themselves chemists or doctors, wanted poisons to be sold only by chemists or doctors under licence. Some wanted white arsenic to be discoloured so as to be easily identifiable and thereby reduce accidental poisoning.⁴²⁴ For the same reasons, some wanted it to be discoloured with soot or indigo or with nitrate of potash, sulphate of iron and powdered nut-galls.⁴²⁵ Others urged an absolute

when arsenic had been found in the bodies of 2 children (Question 654 p.48) and stated that 'the supposed motive was--- £2.10s the amount of the burial money' obtained from 'an unenrolled burial society which had been established at the print works where the father worked' (Question 648. P.48). Rutter stated that he had been a coroner for 22 years and had dealt with several cases of child murder but 'only one--- with reference to burial societies' (Question 734 and 736. p52). Neither Hudson nor Rutter were, therefore, at the epicentre of the suspected cases of systematic poisoning that occurred in the 1840s. Henry Coppock, who had lived in Stockport for more than 40 years, gave evidence to the Select Committee (pp32-41). Coppock had been the prosecuting attorney at the Sandys' trials and he stated that all the children had been connected with burial clubs. The latter encouraged crime (Question 493 p.32). He had encountered other poisoning cases and he urged that 'the coroner or some other person should be called in before [funeral money] is paid out' (Question 627. P47)

⁴²² Gosden, *Self-Help* p130

⁴²³ C. Walford, *The Insurance Cyclopaedia*. London 1870-8 Vol1 pp407-8

⁴²⁴ Letter of W. F. G. Benson, Chymist, dated 15th March 1851 printed in *The Times*, 17th March 1851

⁴²⁵ *The Times*, 17th March 1851

prohibition on its sale to women and children.⁴²⁶ A letter to *The Times* from 'M. D' on 24th December 1843 urged the government to adopt 'some of those preventative and precautionary measures established by law in other countries....[it] should be forbidden for chemists and druggists to vend deleterious goods in any quantity without the authority of a licensed practitioner.'⁴²⁷ Someone calling himself 'No Medical Man' dated 17th January 1845 urged legislation 'to prevent any person from selling drugs but apothecaries or druggists licensed for that purpose.'⁴²⁸ Another correspondent, S. Sturton, demanded that a register be kept of all sales of arsenic and that 'none be allowed to sell [arsenic] except chemists taking out a patent license.'⁴²⁹ ANTIDOTE desired the purchaser to sign a receipt which should make him responsible 'in a pecuniary penalty for any injury to human life arising there from.'⁴³⁰ Another correspondent wanted it to be illegal for poison to be sold to any person other than a medical practitioner unless there was a certificate signed by two householders about the purpose for which it was required.⁴³¹ Another urged that all poisons be kept under lock and key.⁴³² On 14th March 1851 a correspondent calling himself 'A BARRISTER' pointed out that the material issue was the identity of the purchaser and that 'a person who buys poison for wicked purposes seldom purchases [it] where he is known' so that it was important that there should be 'a double witness to the transaction.'⁴³³

⁴²⁶ *Hansard Parliamentary Papers* 1850 Vol 45 pp447-63. *Freeman's Journal and Daily Commercial Advertiser*, 21st April 1851. *Morning Chronicle*, 28th April 1851, Knelman, 'The Amendment' pp1-3

⁴²⁷ *The Times*, 26th February 1843

⁴²⁸ *The Times*, 17th January 1845

⁴²⁹ *The Times*, 10th August 1849

⁴³⁰ *The Times*, 11th August 1849

⁴³¹ *The Times*, 15th January 1845 VIGILANS wrote: 'the frightful frequency of cases of murder by poison--- renders it imperative on the legislature to interfere.'

⁴³² *The Times*, 13th April 1848

⁴³³ *The Times*, 17th March 1851

Editorials reflected similar concerns. They wanted state intervention but were ambivalent about the precise regulatory reforms needed.⁴³⁴ After the 1845 Freeman inquests⁴³⁵ the *Somerset County Herald* deplored the increasing 'tendency to murder by poisoning' and sought remedy by asking for state intervention to ban the sale of all poisons to women.⁴³⁶ *The Times* urged the colouring of white arsenic so that it could not be accidentally mixed with flour and other food.⁴³⁷ During the 1848 Geering inquests, another *Times* editorial stated that it was 'quite time that for the safety of the public that some restrictions were imposed by the legislation on the sale of poisons.' The *Daily News*, again in reference to Geering was surprised 'that the last session of Parliament shall have been allowed to pass without some philanthropic and humane legislator feeling that it was his mission to attempt the application of a remedy'.⁴³⁸ A few months earlier the *Cambridge Independent*, writing about the horrific poisoning of 3 children for burial moneys on the Isle of Ely, had called for action by what Charles Dickens had identified as 'a sluggish and "never-minding" legislature'⁴³⁹ - 'Surely it is the duty of government to impose a heavy penalty upon all chemists who sell poison of any description except the purchaser has some person with him or her to make it illegal to sell arsenic at

⁴³⁴ Burney, *Poison* p.64 The press 'demanded' a solution. 'The dangers of the free trade in poison, and its connection to the epidemic of criminal poisoning that seemed to be ravaging Victorian Britain, were widely denounced in a public press that demanded solution. Reform-minded bodies responded by seeking to reconcile public concern with their own professional considerations.' As Peter Bartrip has pointed out the control of the sale of poisons was repeatedly linked to professional regulation. Bartrip, 'A "Pennurth of Arsenic for Rat Poison": The Arsenic Act, 1851 and the Prevention of Secret Poisoning' in *Medical History*, 1992 Vol.36 p.60. Both Burney and Bartrip point out that the Pharmaceutical Society and the PMSA joined the campaign for reform seeking to raise professional status and income by 'urging a monopoly of practice for its members' and by enlisting the support of the press. *Pharmaceutical Journal* 1845 Vol. IV p.347 and *London Medical Gazette* 1849-50 Vol.10 pp.803-5. Burney, *Poison* p.75 n.66 points out tensions between the general practitioner and the 'scientific pharmacist'.

⁴³⁵ Knelman, pp.58-9

⁴³⁶ *London Medical Gazette*, 1849-50 Vol. 10 pp.803-5 The author of 'Legislative prohibition of the sale of poison' implied that arsenic that accounted for between 1/2 and 1/4 of all poisoning deaths was too readily available to women although it was used in medicine. It was a key ingredient in 'Fowler's Solution' to combat skin disorders, fever and cancer apart from cooking. Bartrip discusses the use of arsenic as 'an everyday substance' in 'How green was my valence? Environmental arsenic poisoning and the Victorian domestic ideal' in *English Historical Review* vol. 109 1994 pp.891-913

⁴³⁷ *The Times*, 1st November 1847 and an editorial in *The Times* 25th September 1847 which suggested adding a 'powerfully nauseous taste' or 'introduction of a strong colouring property would--- deprive it of its power in the hands of a secret assassin.'

⁴³⁸ Knelman, p.65

⁴³⁹ *The Times*, 18th October 1847

all unless it has been coloured'.⁴⁴⁰ The *Morning Advertiser*, referring to 'the increase of secret poisoning' during 'the last five or six years', complained that 'the state fails to instruct the depraved in their duty; neglects to prevent them, as far as its means lie, from the perpetration of a particular crime, and, after leaving the instrument within reach, punishes for inability to resist the horrible temptation'.⁴⁴¹

Letters, press comments and public debates all tended to identify the recent cases of arsenic poisoning of children for burial moneys as inherently female crimes. Peter Bartrip has written that 'in some quarters the need for regulation was perceived in terms of tackling a social problem which was gender and class specific'.⁴⁴² The public outcry involved public concerns about what Dr William Farr, statistical head of the General Register Office, had called 'the extraordinary facility' with which all poisons, not just arsenic could be purchased especially by women and even children.⁴⁴³

Professional bodies also urged state intervention to regulate the sale of poisons. Their demands were embodied in parliamentary memorials and petitions, together with pamphlets and addresses, some circulated amongst MPs. Following the 1848 arsenic poisoning inquests, the Provincial Medical and Surgical Association (PMSA) and the Pharmaceutical Society (P.S.), anxious to protect their public and professional image against competing unqualified chemists and druggists, joined forces. Hitherto the professions had been rigidly divided between physicians, surgeons and apothecaries. However, this time they closed ranks to present to Parliament agreed petitions and memorials containing proposals about the sale of poisons. During the early Victorian period, the emerging medical profession was not sufficiently well organised, or of sufficient status, to strongly influence public opinion. Doctors after all lived in a world where they could rarely offer effective

⁴⁴⁰ Charles Dickens, *Household Words*, 1850-9. Article urging regulation of the sale of poison printed in *The Times*, 12th March 1851. Mary Rawlinson inquest. *Morning Chronicle*, 29th October 1851 and 30th October 1851

⁴⁴¹ Knelman, p67

⁴⁴² Bartrip, p54

⁴⁴³ *Parliamentary Papers*, 1840 Vol. XVII *Second Annual Report of Registrar-General of Births, Deaths and Marriages*. Letter from William Farr Appendix pp43-4. Farr had made more restricted but equally caustic comments about dying neglected children in Manchester in his letter printed in the Registrar-General's First Annual Report.

treatment or even diagnosis because the origins of disease were so fundamentally contested. Nevertheless, this was one area where their expertise was becoming increasingly hard-edged, all the more so as it became increasingly called for in criminal trials, medical support for any legislative action on the matter was vital. This rising status was signalled dramatically by one MP in the Commons in 1850 arguing for a Select Committee to consult doctors and chemists about what action should be taken to alleviate public concerns about secret poisonings.⁴⁴⁴

By the 1840s and 1850s, the key decades in the campaign to reform the English medical professions, the arsenic issue was high-jacked both by the PMSA and the PS to advance their own professional interests through championing the necessity of qualifications, training and registration of members, thereby protecting the public and, at the same time, enhancing their own professional status and excluding dispensing quacks:

At the present time, as the law stands, any man, however ignorant- an individual unable to sign his own name- half of whose shop is stored with butter, bacon, cheese, or tape, shall from the other half have the power of dispensing to any person applying, preparations of mercury, arsenic, opium etc. etc.⁴⁴⁵

The P.S. maintained the best means of public protection was statutory regulation of the qualifications of chemists and druggists. The PMSA was more specific. One member, Dr Jonathan Toogood, had expressed his concerns about the 'diabolical crime' of a local woman, Sarah Freeman, who, as we have noted, had a few years earlier murdered 4 members of her family without any ensuing coronial investigation. This was despite the fact that the deaths involved burial club moneys.⁴⁴⁶ He wrote that his 'surprise is still greater that one member after another of the same family should have been attacked with the same violent symptoms, all terminating in death, without leading to immediate and searching investigation into the cause of such fatality'.⁴⁴⁷ Toogood raised the issue in a letter to the PMSA, claiming he had succeeded in forcing the Bridgwater Town Council to petition Parliament for

⁴⁴⁴ *The Times*, 1st May 1850. Motion by Mr Stanford MP

⁴⁴⁵ *Pharmaceutical Journal*, 1848 Vol. VII p.561 cited in Bartrip, p.60. Burney refers to such accounts as 'the convoluted contemporary attempts to control what by the mid-century had come to be known as "the poison trade".' Burney, *Poison* pp60-2 and p75 n66

⁴⁴⁶ *The Times*, 24 April 1845

⁴⁴⁷ Knelman, p57 Vronsky, pp102-3

a bill to control the sale of poisons; and that he had written to the Home Secretary and delivered his own petition to the Commons but without success. He urged the PMSA to take the matter up.⁴⁴⁸ Accordingly, the issue arrived on the agenda for the PMSA's 18th Annual Meeting at Worcester in August 1849. Here a newly formed Arsenic Committee drafted a petition to the House of Commons. It made 4 suggestions: 1) 'That no Druggist or Shopkeeper be allowed to sell Arsenic without a license, under penalty'; 2) 'That no person be allowed to sell small quantities of arsenic unless combined with some material the administration of which with food would be at once detected by the appearance or taste'; 3) That no person be allowed to purchase Arsenic unless accompanied by a witness'; and 4) That the vendor do keep a book, in which he should make an entry of every sale of Arsenic, to which the purchaser and his witness should affix their names and places of abode, and that this should be attested by the vendor'.⁴⁴⁹ The fourth proposal implied that arsenic should not be sold to women – as Toogood had wanted. Following the 1845 Freeman trial the *Somerset County Herald* had urged a ban on the sale of all poisons to women, and Toogood was endorsing such a ban.⁴⁵⁰

A few months later the PMSA Arsenic Committee entered into negotiations with the PS. As a result the organisations agreed on proposals reinforcing the interests of both professions as well as the public:

First- That the sale of arsenic by retail should be restricted to chemists and druggists, and apothecaries.

Secondly- Arsenic should only be sold to male adults known to the owner, or to their written order.

Thirdly- The vender should enter the sale in a book with the date and the object for which it is required, to which the applicant and a witness, one or other known to the vendor should

⁴⁴⁸ Bartrip p.61 'Toogood wanted the PMSA to take up the matter, restricting itself to the problem of arsenic, "the agent usually employed to effect this diabolical purpose" (of secret poisoning), and especially its "indiscriminate sale--- to illiterate persons".' He went on to say that 'a petition to Parliament from so numerous and influential body as [the PMSA]... would rouse the public mind, and command that attention which an humble individual can hardly expect.' Toogood was not directly urging that arsenic should only be sold to male adults as the Arsenic Committee of the PMSA was to recommend a few months later, although to Knelman (p59) he supported such a provision.

⁴⁴⁹ *Provincial Medical & Surgical Journal* 1849 pp362-3, *Lancet*, Vol. 1 1849 p246 prints the resolutions in full as did Tunstall, p4 *Hull Packet and East Riding Times* 24th August 1849. *Era*, 14th October 1849

⁴⁵⁰ Knelman, p59

sign their names, unless a written order is brought in a handwriting known to the vender, whose order should be posted in a book.⁴⁵¹

These resolutions differed from the earlier draft of the PMSA in several ways. First, they restricted arsenic sale to the pharmaceutical profession. Second, there was no reference to a licence being required or a penalty incurred. Third, there was no reference to the adulteration of white arsenic for appearance or taste. Third, the restriction of sales to male adults was mandatory. That consensus had been endorsed after 'most laborious investigations' by the Arsenic Committee of the PMSA and the Council of the P.S. The PMSA and the PS presented memorials based on these proposals, the PS adding only the profession-enhancing proviso that 'no legislative enactment- could be complete and effectual, unless accompanied with a provision for regulating the qualifications of pharmaceutical chemists'.⁴⁵² In due course the Home Secretary announced that 'the Government had proposals to remedy the evil'.⁴⁵³

Meanwhile, a leading member of the PMSA, James Tunstall produced a pamphlet, entitled *Observations upon the sale of Arsenic and the Prevention of Secret Poisoning*.⁴⁵⁴ There he referred to the 1845 Sarah Freeman inquest and the 1849 Rebecca Smith inquest, and described the GREAT ARSENIC EVIL thus:

The crime of secret poisoning, and the facility with which arsenic and other poisons may be purchased,- in many instances by *children*,- call loudly for the interference of legislation--- [and] and having had the honour of being appointed by the Association to conduct the enquiry, I am but fulfilling my duty by directing public attention to this momentous subject⁴⁵⁵ [emphasis in original]

He urged that 'arsenic [should] not be publically and indiscriminately sold' and once again linked arsenic poisoning to burial clubs:

⁴⁵¹ *Lancet* Vol. 1 1849 pp246-7

⁴⁵² Bartrip, p64

⁴⁵³ *The Times*, 1st May 1850

⁴⁵⁴ Burney, *Poison* pp64-5 Arsenic was a key ingredient used in several of the patent medicines of the Victorian period, for example, 'Fowler's Solution'

⁴⁵⁵ James Tunstall, *Observations upon the Sale of Arsenic and the Prevention of Secret Poisoning*. London 1849 p5 Tunstall urged the PMSA to take up the cause of arsenic regulation. Burney, *Poison* pp64-5

For every crime of this species, there is a motive, and its prolific mother is the DEATH CLUB. In them the dead body bears an ad valorem value of from two to ten pounds (and many victims have been "members" of more than one); these ought at once to be placed under proper regulations, and deprived of their mischievous effects; indeed, if it became necessary to enact fresh laws to prevent the atrocities committed by BURKE and HARE, how much more does it become the duty of the legislature to protect the innocent, confiding and unsuspecting victims of domestic and family murder where, in many cases, the horrid drug is administered in the cooling fever draught with which the dying husband or child quenches the dreadful thirst, produced by the very hand which smothers his death bed pillow!⁴⁵⁶

Tunstall's linkage of death clubs with the murders by Burke and Hare for the fees paid by anatomists for cadavers was an indication of the measure of public revulsion to poisoning for burial moneys.⁴⁵⁷

Tunstall referred to the above as 'a national disgrace' and appealed that

everyone--- feel himself personally interested in this benevolent object, so that this crime-
the greatest blot upon the civilisation of the nineteenth century- shall be at once and
 effectively prevented as far as legislative enactments can prevent crime!⁴⁵⁸ [emphasis
 added]

At around this time, a leading coroner wrote to the Home Secretary referring to the critical situation and saying that 'poisoning by arsenic [had] unfortunately.....assumed in this country a character of the most appalling nature'⁴⁵⁹

The campaign for regulations on the sale of arsenic and other poisons was a recurrent one fluctuating with the spate of sensational criminal poisoning cases of the 1840s. Local debates on the subject sometimes resulted in local action. Following the 1835 Municipal Corporations Act and the 1839 County and District Constables Act, municipal corporations and county magistrates set up borough and county police forces via local legislation.⁴⁶⁰ Such legislation, sometimes linked to local Improvement Acts (for example, the 1825 Rochdale Improvement Act), usually began with a preamble about 'the Security and Benefit of the Inhabitants' and the need for 'good Government and

⁴⁵⁶ *Ibid* p11

⁴⁵⁷ Ruth Richardson, *Death, Dissection and the Destitute*. London 1987 pp96-131

⁴⁵⁸ Tunstall, p12

⁴⁵⁹ *The Times*, 7th September 1849. Letter from William Baker.

⁴⁶⁰ W. L. Burn, *The Age of Equipoise. A Study of the Mid-Victorian Generation*. New York, 1965 pp165-76. J. M. Hart, 'Reform of the Borough Police 1835-56' in *English Historical Review*. 1955 Vol. LXX pp411-27

Police Regulation' and sometimes included restrictions on the sale of arsenic and other poisons, open purchase being seen an incentive to crime. This is particularly true of towns like Manchester, Stockport and Runcorn which featured in the burial club poisoning inquests of the early 1840s.⁴⁶¹ Manchester had had its own Police Commission 'approaching something like government status' since 1792,⁴⁶² and had been incorporated under the 1835 Act since 1838. In July 1844 an Act for good Government and Police Regulation of the Borough of Manchester became law. Clause CC1 enacted:

That every person who shall sell Arsenic or Prussic Acid to any person apparently under the Age of Twenty one years, or to any person whatever, except in the presence of a witness, and without correctly entering in a Book the name and address of such witness and person purchasing, as well as the quantity purchased, and the Purpose for which it is intended, shall forfeit a Sum not exceeding Five Pounds, to be recoverable as any Penalty imposed by this Act.⁴⁶³

Manchester's Act intensified parliamentary debates on the subject and, in some ways, anticipated the 1851 Arsenic Act. Certainly in Manchester the individual was not free to purchase arsenic prior to 1851. Although the provisions of the 1844 Act were arguably not enforced, they were at least theoretically anti-individualistic. However, if the local authority did not enforce the restriction, then the argument was that the state should intervene, even though the Home Secretary's usual reply was that 'he had no power to interfere' - a phrase constantly repeated in Home Office correspondence with county constabularies.

The Government's response to public demands to end to the perceived epidemic of criminal poisonings ravaging the country was episodic. It only responded to events when they occurred and even then only when under pressure. The recent cases of poisonings at Clavering provided the pressure. Although Sir George Grey the Home Secretary had stated in May 1850 that a government bill had already been prepared, it was not until March 1851 that it was given its first reading in the House of Lords.⁴⁶⁴ The Earl of Carlisle as Chancellor of the Duchy of Lancaster introduced the

⁴⁶¹ Bartrip, p59 n23 *The Times*, 26th September 1844

⁴⁶² David Eastwood, *Government and Community in the English Provinces, 1700-1870* London 1997 p81

⁴⁶³ 7+8 Vic, cap.40 1844 *An Act for the good Government and Police Regulation of the Borough of Manchester*

⁴⁶⁴ *Hansards Parliamentary Papers* 1850 Vol. CX columns 1056-8. *Freeman's Journal and Daily Commercial Advertiser*, 14th March 1851

measure on 10th March 1851⁴⁶⁵. Although the bill was called an Act to Regulate the Sale of Arsenic, the preamble of it made clear that the emphasis was on the prevention of crime.⁴⁶⁶ It began with the words 'whereas the unrestricted sale of arsenic facilitates the commission of crime.' The bill consisted of 5 clauses. The first directed that a register be kept with particulars entered by the seller. The second clause stated restrictions on the sale of arsenic under ten pounds weight, directed that it be coloured and specified to whom it could be sold. The third clause provided for enforcement by way of penalties, while the fourth and fifth clauses excluded medical prescriptions from the provisions, and defined the meaning of arsenic.

At the committee stage Carlisle received many communications suggesting amendments. In particular, the PMSA and PS argued the bill, as it stood, would be 'quite inoperative for the purpose intended', viz, the prevention of accidents and offences by the use of arsenic. Accordingly, he amended the bill to incorporate some of the suggestions contained in their memorials and petitions. When, on 24th March 1851, he moved the third reading in the Lords, Clause 2 had been amended to require a register of purchasers - in the form of a schedule with ix columns containing the day of sale, the name and surname of the purchaser, the purchaser's address, his condition or occupation, the quantity of arsenic and the purpose for which it was required.⁴⁶⁷ The purchaser had to sign or, if illiterate, the seller had to put the words 'cannot write'. The purchaser's signature had to be witnessed and the seller had to sign. Clause 3 additionally prohibited sale 'to any person other than a male person of full age'. This had not been debated but was the result of pressure on Carlisle from the PMSA. Judith Knelman has described it as:

[an] oppressive, male-sponsored design [in] response to public pressure for regulation following a rash of poisonings in England in the 1840s, a decade that saw a great deal of economic upheaval, particularly in the rural areas, where crop failures threatened many families with the unsavoury alternatives of starvation or the workhouse.⁴⁶⁸

⁴⁶⁵ *Manchester Guardian*, 19th March 1851. *Glasgow Herald*, 14th March 1851

⁴⁶⁶ P. Hunting, *A History of the Society of Apothecaries* London 1998 p2 Jacob Goldberg, 'Sensational Murders: A Poisoners History of Victorian Society' in *Dartmouth Undergraduate Journal of Science*. Vol. IX No2 Spring 2007 p17

⁴⁶⁷ Burney, *Poison* p64 'It aimed to restrict sales to adults either personally known to the vendor, or in the presence of a witness known to both parties.'

⁴⁶⁸ Knelman, 'The Amendment of the sale of Arsenic Bill' in *Victorian Review* Vol. 17 Number 2 Winter 1991 p1

It reflected popular feelings about women and poisoning for burial moneys, as well as what Frank Prochaska⁴⁶⁹, alongside Josephine Butler, has identified as the masculine element pervading nineteenth-century philanthropic and social legislative reform. The bill was passed in the Lords without debate, and went to the Commons.

The first reading on 7th April 1851 passed without debate, as was customary. However, the same happened on the second reading on 15th April 1851 when a debate would usually have ensued. At that stage the amendment and its lack of Commons discussion came to the attention of the philosopher and protagonist of the women's movement, John Stuart Mill (1806-1873). He was outraged. He noted several local Acts of Parliament, including Manchester's, prohibiting the sale of arsenic to 'any Person apparently under the Age of Twenty-one years' but none discriminated against women. To him the bill was a 'gross insult to every woman in the country.' On 5th May 1851 he wrote to Sir George Grey protesting about Clause 3, receiving only an acknowledgement.

The clause, which did not form part of the bill as it came from the hands of its framers, but was added in the H. of L. At the suggestion of some unknown person, is that which forbids arsenic to be sold in less quantity than ten pounds to any person "other than a male person of full age"- all women, from the highest to the lowest, being declared unfit to have poison in their possession, lest they shall commit murder.⁴⁷⁰

Mill was outraged at this 'a monstrous proposition', 'a retrograde step in legislation, a return to the ideas and practices of barbarous ages' since 'it singles out women for the purpose of degrading them.... a peculiar disqualification against them alone. It answers that women are more addicted than men to committing murder'.⁴⁷¹ Mill argued that, even without gender discrimination, it constituted an attack on individual freedom, an expression of 'timidity and over-caution'. With the prohibition, it was 'an insult', 'a legislative declaration that English women were poisoners'. Mill blamed

⁴⁶⁹ Frank Prochaska, *Christianity and Social Science in Modern Britain. The Disinherited Spirit* Oxford University Press 2006 p83

⁴⁷⁰ Letter from J. S. Mill to Sir George Grey dated 5th May 1851 being Letter 48 printed in Francis E. Mineka and Dwight N. Lindley (Editors) *The Later Letters of John Stuart Mill 1849-1873* University of Toronto Press 1967-90 Vol. 14 pp63-4

⁴⁷¹ *Ibid* p64 'The Legislature will not declare that Englishmen cannot be trusted with poisons, but it is not ashamed to assert that English women cannot. A law which if common to both would be mainly a specimen of timidity and over caution, is when limited to women, a legislative declaration that Englishwomen are poisoners- Englishwomen as a class- as distinguished from Englishmen.'

newspapers for their sensationalism. The Commons were proposing legislation on 'the accidental peculiarities of the latest crime report in the newspapers'⁴⁷² - a reference to Sarah Chesham⁴⁷³. In the recent words of Vronsky, she had become 'a possible village human exterminator-for-hire'⁴⁷⁴ even though, as *The Times* noted, 'an accepted and repeated murderess walked abroad in [the] village unchallenged and unaccused.'⁴⁷⁵ Mill apologised to Grey for 'the silence of all.... who could have made their voice heard' but it was not Parliament's function 'to create laws in response to the latest news'. His appeal was the result of their silence.

Grey did not reply. However, although the bill remained unaltered through three Commons' readings, by the final reading on 23rd May 1851, nearly three weeks after Mill's letter, the word 'male' had been omitted. The words were that 'no person shall sell arsenic to any person other than a person of full age.' The change was not covered by the press, nor did Parliament debate it. As Knelman has written 'there seems to have been a tacit, paternalistic assumption that women needed to be restrained but not consulted.'⁴⁷⁶ The bill was finally passed on 23rd May 1851, becoming law on 5th June. The PSMA welcomed this mark of the profession's emerging clout and status: 'an enactment in the right direction', and one 'principally founded on [their 1849] petition.'⁴⁷⁷ Burney has described the 1851 Arsenic Act as 'the first tangible proof' of efforts by 'reform-minded bodies--- to reconcile public concern with their own professional considerations.'⁴⁷⁸

However, at a time when poisoning for burial moneys or insurance was 'a fact of life'⁴⁷⁹ encapsulated in contemporary satirical sketches, cartoons and novelettes, the social significance of the

⁴⁷² *Lancet*, Vol. 2 1851 p.312 'a recent case caused the introduction of the bill.'

⁴⁷³ Knelman, *Twisting in the Wind*, pp60-5

⁴⁷⁴ Burney, *Poison* pp18-19 and pp26-7. Vronsky, p.105

⁴⁷⁵ *The Times*, 21st September 1846. Knelman, *The Amendment* p5

⁴⁷⁶ Knelman, *Twisting in the Wind* p38. Knelman, *The Amendment* p4 points out that the *Morning Advertiser*, opposed to capital punishment, did not object to the third reading of the bill restricting sale of arsenic to adult males.

⁴⁷⁷ Bartrip, p66 citing *Provincial Medical Surgical Journal* 1851 p456

⁴⁷⁸ Burney, *Poison* p64

⁴⁷⁹ Angela Brabin, *The Black Widows of Liverpool. A chilling account of cold-blooded murder in Victorian Liverpool*. Palatine Books, Lancaster 2003 pp110-12

1851 Act was enigmatic.⁴⁸⁰ Theodore Hoppen has described it as ineffectual.⁴⁸¹ The medical profession also remained unsatisfied, expressing the opinion that accidental poisonings would not be reduced by coloured bottles, accurate labelling and locked cupboards. It wanted a licensed profession monopolising the sale of poisons. The Act did not so provide, and anyone could call himself a chemist or druggist. The penalty for infringement was only a deterrent if enforced and the newspapers reported few convictions. A few years after the Act came into force, A. S. Taylor stated that, although he knew of occasions when the Act had been 'violated', he knew of no convictions by magistrates. It was 'a dead letter so far as the public safety is concerned' since it was apparent that 'the grocer, chandler, oil man and village shopkeeper--- [all] set the law at defiance.'⁴⁸² He wrote:

The trade in poisons in this country may be considered to be as open and free as it possibly can be--- no one wishing to destroy another by poison and having a knowledge to make a selection of drugs, can meet any difficulty in carrying out *his* design.⁴⁸³ [emphasis added]

By implication he was inferring that the administration of poison would be by a man and not a woman. That was only partly true. Whereas in the 1840s female poisoners accounted for more than half of murders by arsenic poisoning, after the 1851 Act the situation reversed.⁴⁸⁴ No longer was arsenic poisoning associated primarily with poor and underprivileged women.⁴⁸⁵ In the second half of the century, the profile changed somewhat to the so-called 'respectable male middle-class'.⁴⁸⁶ The mores of class and period changed. It moved from Burial Clubs and children to life insurance and

⁴⁸⁰ *The Times*, 6th September 1849. Sketch from *Punch* entitled 'THE POISON SHOP'. An Editorial in *The Times* 22nd August 1856 stated that 'for all that has been done this deadly poison is freely sold and freely bought in market overt.' *Punch* also published a cartoon on 8th September 1849 entitled 'FATAL FACILITY; OR POISONS FOR THE ASKING'.

⁴⁸¹ K. Theodore Hoppen, *The Mid-Victorian Generation 1846-1886*. Oxford 1998 p.615. Watson has a different viewpoint, *Poisoned Lives* p58

⁴⁸² Bartrip, p66 Prosecutions under the 1851 Act were few. TNA TS25/1000. Mary Lowe inquest *Manchester Courier*, 22nd September 1851. The druggist fined £5 for selling arsenic not coloured to a 19 year old girl.

⁴⁸³ *Parliamentary Papers*, 1864 Vol. XXVIII *Sixth Report of the Medical Officer to the Privy Council*. Appendix 16 p760 cited in Bartrip p66 n52

⁴⁸⁴ *The Times*, 22nd August 1856

⁴⁸⁵ *The Times*, 4th September 1856

⁴⁸⁶ Watson, *Poisoned Lives* p98 'the poor, uneducated and largely female serial poisoners of the period between 1840 and 1890 disappeared, to be replaced by the perpetrators as middle class as the institution of insurance was originally intended to be.' Burney makes the same point, *Poison*, Chapter 4, 'The Crime of the age: the case of William Palmer.' pp116-152

adults. Methods were more sophisticated and children were no longer the primary victims. The child's poisoned dumpling was replaced by the adult's poisoned chalice. Comparatively small burial club moneys were replaced by much more substantial life insurance moneys available through joint-stock companies. Several *causes célèbres* showed, first, the possible financial rewards of a successful poisoning; second, how, regardless of the 1851 Arsenic Act, poison was easily obtainable; third, how the adversarial trial involving the divergent claims of forensic medicine resulted in courts becoming virtually a 'confrontation between experts'.⁴⁸⁷ Four examples, and there are many more, are the 1855 John Parsons Cook inquest,⁴⁸⁸ the trial of Dr William Palmer,⁴⁸⁹ the 1859 Bankes inquest⁴⁹⁰ and the trial of Dr Thomas Smethurst.⁴⁹¹ Male adult poisoners became more common and poisoning more sophisticated.

However, although the epidemic of female poisoners abated after the 1851 Arsenic Act, it did not cease. The most prolific female poisoner was the Durham district nurse and Sunday school teacher, Mary Ann Cotton, who reputedly murdered between 15 and 20 victims between 1864 and 1872 using arsenic extracted from rat poison.⁴⁹² In 1878 the Cheshire housekeeper, Ellen Heesom, murdered by arsenic poisoning her mother and 2 daughters for the burial moneys.⁴⁹³ Recent research by Angela Brabin has revealed that an apparent killing syndicate was operating for insurance moneys

⁴⁸⁷ *The Times*, 31st March 1856. The Palmer trial was 'anticipated by scientific men with an intent scarcely less intense than that which is felt by the public. Burney, *Poison* pp135-62

⁴⁸⁸ Burney, 'A Poisoning of No Substance: The Trials of Medico-Legal Proof in Mid-Victorian England' in *Journal of British Studies* Vol. 38 January 1999 pp64-7

⁴⁸⁹ *Regina v William Palmer. The Times*, 31st January 1856

⁴⁹⁰ *The Times*, 5th May 1859, Isabella Brookes Inquest.

⁴⁹¹ *The Times*, 5th May 1859, 21st May 1859, 1st June 1859, 8th July 1859 and 16th August 1859 S. W. F. Holloway, *Royal Pharmaceutical Society of Great Britain 1841-1891. A political and social history*. London 1991 p221 Burney, *Poison* pp163-70

⁴⁹² A Appleton, *Mary Ann Cotton: Her Story and Trial*. London 1973 p135. Watson, *Poisoned Lives* p208 'among female poisoners of the last quarter of the nineteenth century, the most prolific was the underprivileged Mary Ann Cotton, but the most infamous were three highly respectable, even wealthy, women: Florence Bravo, Adelaide Bartlett and Florence Maybrick.'

⁴⁹³ *The Times*, 6th, 7th and 8th March 1878. TNA Assi. 65/10 Cheshire. *Regina v Edward and Ellen Heesom*

in Liverpool in the 1880s.⁴⁹⁴ Serial murders were carried out by two sisters, Catherine Flanagan and Margaret Higgins. In February 1884, at St. George's Hall, Liverpool, they were convicted by Mr Justice Butt of the murder of labourer Thomas Higgins, the 36 year old husband Margaret. She had married him 11 months earlier. The murder had been committed by administering arsenic in his food. It is believed to have been the sisters' ninth killing. The arsenic had been extracted from arsenic soaked fly paper, the sale of which was not regulated. Prior to the murder the sisters had insured his life in 5 burial clubs.⁴⁹⁵ In each case the sisters were the proposers, and they actually tried a sixth burial club but Thomas had told the collector that he would have nothing to do with burial clubs. The words he used were 'To hell with the clubs.' The sisters as proposers had paid in £27.18s 6d when he died on 2nd October 1883. The total sum insured was £108. 4s. Brabin concludes that Flanagan and Higgins, both of them poor and illiterate, had found 'murder for insurance a profitable investment' since, by just one death, they 'could earn more money than they could ever hope to do legitimately.'⁴⁹⁶ Their execution at Kirkdale Gaol on 3rd March 1884 marked, according to Watson, 'the beginning of the end for serial killers of their class and type.'⁴⁹⁷ It was a burial club murder, not of a child, but of an adult.

At the trial of Flanagan and Higgins, insurance companies and burial clubs were severely criticised by the defence, the prosecution and the judge, and the local press asked the Secretary of State to regulate further how they conducted business, especially the payment of commission to collectors, and how poisons were sold.⁴⁹⁸ A *Liverpool Daily Post* editorial stated:

It is feared that [Flanagan and Higgins] pursued an avocation by no means uncommon and one which has created tradition which they for years supplied with impunity--- a few pence will procure poison enough to destroy many lives and very slight care in its employment will diminish the possibilities the prohibition of detection--- to hundreds of thousands of

⁴⁹⁴ Brabin, p135

⁴⁹⁵ *Liverpool Echo*, 3rd March 1884. *Liverpool Daily Post*, 3rd March 1884

⁴⁹⁶ Brabin, pp93-104

⁴⁹⁷ Watson, *Poisoned Lives* p98

⁴⁹⁸ *Manchester Guardian*, 12th, 16th and 18th October 1883, 7th November 1883, 17th, 22nd and 28th December 1883. Article headed 'The Liverpool Poisoning Mystery'

persons in this country the death of a child means 'luck' and 'what is worse' the poison soaked from a few fly papers will bring 'luck' to those who seek it.⁴⁹⁹

The Editor concluded that it must no longer be possible to make a profit from poisoning, whether child or adult. Temptation to murder must be removed and insurance companies and collecting agents must share some responsibility for the deaths of victims. Following the Flanagan and Higgins trials the Home Office agreed to examine the question of tighter regulations of insurance companies, and the Treasury Solicitor was specifically instructed to investigate the situation in Liverpool. Neither the 1851 Arsenic Act, nor the 9 friendly societies Acts of the nineteenth-century, culminating in the 1875 Consolidation Act, had satisfied public concern about secret criminal poisoning for burial or insurance moneys.

XV Conclusions

The 1840s, faced with a series of controversial burial club murders, saw rapid advances in toxicology and forensic medicine alongside a tightening of controls over insurance, death registration and the sale of drugs. Those advances followed demands, at local levels, for more active means of state regulation about the manufacture and sale of poisons and the enrolment of children in burial clubs. In turn, those demands involved reform of, and enhanced status for, the medical and pharmaceutical professions, and modernisation of the legal system. They also became a significant factor in producing more favourable attitudes towards expanding governmental functions, and in adjusting relations between central and local government. Central government had to act to combat the financial restraints which county, and to a lesser extent, borough magistrates were imposing on coroners holding inquests, and by their strict, but not uniform, instructions to the constabulary under the 1839 County and District Constabulary Act about what sudden deaths were to be reported to coroners. If child murders had not been so publicly visible, the legal and medical reforms, involving medico-scientific evidence and its admissibility at inquests and criminal trials, would not have been driven forward to the same extent.

⁴⁹⁹ *Liverpool Daily Post*, 18th February 1884

The research necessary to overcome deficiencies in the Marsh test, a test only made public in 1836⁵⁰⁰ a few years before the Sandys and Eccles murders, would have progressed less rapidly. Further, the distinctive medical and chemical tests to distinguish the affects of poison from cholera, dysentery and diarrhoea would have proceeded less quickly. And this both reinforced and was itself reinforced by the emerging status and priorities of the two professions primarily involved.

Burial club murders played an important role in these developments. Objective scientific evidence was required to satisfy inquest and trial jurors. Popular demand ordered it. The national publicity provided by the burial club inquests meant that Victorian paranoid fears of poisoning, although statistics showed them to be exaggerated, were realities to many people.⁵⁰¹ Those fears featured in Disraeli's 'condition-of-England' debates and in Macaulay's *Essays*, along with his 1849 five volume *History of England*. It is not coincidental that when, in the late 1840s, the popular novelist and reformist MP, Edward George Bulwer-Lytton, wrote his best selling poison mystery *Lucretia*, the surname of one of the principal characters was Clavering after the now notorious Essex village. In the 1840s the Sandys, Pimlett and Eccles murders and the crimes of May and Chesham were avidly seized upon not only by writers but also by the expanding provincial press, and by social campaigners. The latter urged reform in death investigation. Many wanted less magisterial control with more intervention from Westminster and less local autonomy. They advocated more radical and scientific participation in court proceedings, with more prominent roles for defence counsel and expert witnesses. Although in the following decade, the twelve-day Palmer trial and the 1859 Smethurst trials in 1856 and 1859 respectively, both raised serious doubts about the reliability of toxicological evidence, the burial club inquests of the 1840s never did. The latter, although cruder and less sophisticated, provided important initial impetus for the reforms and changes in medico-scientific evidence and in procedures at inquests and Assizes that occurred after around 1850. Burney has

⁵⁰⁰ J. Marsh, 'Account of a Method of Separating Small Quantities of Arsenic from Substances with which it may be mixed.' In *Edinburgh New Philosophical Journal*, Vol. 21 1836 pp229-36. W. A. Campbell, 'The History of the chemical detection of poisons' in *Medical History* Vol 25(2) 1981 pp202-3. Campbell 'Some Landmarks in the History of Arsenic Testing' in *Chemistry in Britain* Vol 1 1965 pp168-202

⁵⁰¹ Burney, *Poison* p20 'the significance attributed to the "epidemic" of criminal poisoning [in the 1840s] cannot be explained wholly, or even primarily, by reference to numbers alone.' National and local newspapers were 'the perceptual foundation upon which the Victorian "epidemic" was built.'

stated, in sweeping terms not restricted to burial club murders, that 'if poison had not been so high profile toxicology could not have been so driven'. The latter, based around the inquest system, could not have been regarded as 'the last great hope for law and order'.⁵⁰²

The 1851 Arsenic Act began with the words 'Whereas the unrestricted sale of Arsenic facilitates the Commission of Crime' and the burial club murders were in the forefront of the minds of the draftsmen of that legislation. Although, according to Taylor, the Act was not enforced⁵⁰³, the medical historian Holloway referred to it as 'a declaration of intent'⁵⁰⁴ and recent research by Watson has shown that the Act helped to reduce the number of arsenic poisonings.⁵⁰⁵ Bartrip writes of the Act that it was 'the first-ever restriction on the sale of poison in the United Kingdom'.⁵⁰⁶ As Ian Jones has written 'it was a start on legislation to ensure the proper control of the sale of poisons'⁵⁰⁷ challenging the laissez-faire ideology at a time when the movement towards centralisation of government was beginning to reach a vital stage. Although it did not end poisonings, it assuaged public panic and pointed the way to the further restrictions laid down by the 1852 Pharmacy Act and the 1868 Pharmacy and Poison Act. It was also an episode in what Oliver MacDonagh later termed 'the nineteenth-century revolution in government' transforming what was 'a loose old-fashioned polity with few central functions and little central power into a much more actively and nationally regulated society'.⁵⁰⁸ In that way it was a pioneering Act.⁵⁰⁹

⁵⁰² Burney, 'The Poison Hunters: Combatting the Criminal Poisoner in Victorian Britain' in *Wellcome News*. Issue 20 Q3 1999

⁵⁰³ Bartrip, p67

⁵⁰⁴ S. W. F. Holloway, *Royal Pharmaceutical Society of Great Britain 1841-1891 A political and social history*. London 1991 p180

⁵⁰⁵ Watson, *Poisoned Lives*, p58

⁵⁰⁶ Bartrip, p68

⁵⁰⁷ Ian F. Jones, 'Arsenic and the Bradford Poisonings of 1858' in *The Pharmaceutical Journal*, Vol 265 no 7128 pp938-9

⁵⁰⁸ Oliver MacDonagh, *Early Victorian Government 1830-1870*. London 1977 p.1

⁵⁰⁹ Anderson, p362. The 1851 Act foreshadowed the more important 1868 Sale of Poisons and Pharmacy Act which established a Schedule of Poisons to be clearly labelled and only sold by registered pharmacists.

In conclusion, the crude burial club murders of the 1840s are clearly of considerable historical significance. They fuelled debates about interrelated subjects in a myriad of ways. They provided impetus, first, for state intervention with a series of legislative measures affecting the sale of poisons and regulation of friendly societies, including the state regulation of burial clubs, particularly in relation to parents insuring young children. Second, they fuelled reform of the medical and pharmaceutical professions, with recognition of the importance of chemists as well as medical practitioners, and thereby provided ways for both professions to enhance their status in a period when, in many other areas, it remained under severe challenge. Third, and connectedly, these murders and the legal processes thereby initiated, helped modernise court proceedings, introducing expert witnesses who could be cross-examined by expert legal advocates within an adversarial framework.

Burial club poisonings acquired a relevance extending beyond the victim's family, and eventually beyond the localities wherein they occurred. Local incidents, progressively generalised via a local weekly, provincial and London press, that was expanding rapidly in the wake of the partial removal of stamp duties in 1837, became transformed into a perceived national problem, demanding a national solution. The squalid horrors also came to be exposed partly because they linked up with broader reforming agendas being created by men and women of the calibre of Carlyle, Dickens, Macaulay and Martineau⁵¹⁰ in response to social and demographic pressures. They called for state action to contain the criminal use of poison; they visualised professional validation of surgeons, apothecaries and chemists with recognition of the need for their increased involvement in death investigations together with more stringent regulation of the friendly society movement and of burial clubs. Child burial club murders were not isolated domestic events in the narratives of family histories. Instead, they were part of the burgeoning interdisciplinary campaigns for socio-legal, administrative, medical and scientific reforms that characterised the early Victorian period.

⁵¹⁰ *Daily News*, 8th September 1865 and 20th October 1865 published a series of Letters on Infanticide written by Martineau from her home at Ambleside in the Lake District. She also wrote about the association between poisoning, child-murder and burial clubs in *Once A Week*, Vol. 2 1859-60 pp18-22. Burney, *Poison* pp38-9 n63. Personal communication from Gaby Weiner dated 24th August 2008.