

Motive to Murder

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Abstract

The surprising results of this research in the *Times of London* is that in nineteenth century Britain many families turned to infanticide in order to receive insurance the benefits that helped them escape financial despair. Newspaper articles and testimonies revealed horrifying examples of the crime and show the connection between child life insurance and infanticide. It was also discovered that few parents were tried and sentenced for infanticide. Proving in the court of law that the deaths had been committed in order to receive insurance benefits was difficult and the high burden of proof allowed many guilty individuals to walk free.

A young woman named Ms. Brake was found to have murdered her newly born child in October of 1824. The female child had been strangled to death with the strings of a petticoat and left to die in a nearby churchyard.¹ Similarly, Mrs. Jenkins, being of unsound mind and alone in her home one afternoon, murdered her child by chopping off its head with a hatchet in her pantry.² Finally, Mrs. Tildesley, of excellent character, until succumbing to liquor, due to domestic unhappiness, poisoned her six year old daughter with half a cup of tea laced with laudanum.³ These horrific accounts portray the ways in which infanticide, the deliberate killing of an infant by violence or neglect, was executed during the nineteenth century in Great Britain. While it is obvious in these examples that those involved with these crimes are guilty of infanticide, when similar cases were taken to court, more often than not, juries would produce a non-guilty verdict due to the punishment being the death penalty. Guilty individuals would then go free and insurance companies would have no choice but to give the families the insurance benefits. Neglect and other acts, such as overlaying and poisonings, were also popular methods used to kill children as they were easily mistaken as accidents by coroners and also resulted in families receiving insurance benefits. This research paper will look at primary source articles found in the *The Times* in order to examine how families deliberately killed their children in order to receive insurance benefits, why more was not done by officials to reform legislation, how the guilty walked free, and how it was a difficult crime to prove.

The nineteenth century found many struggling families facing poverty and financial despair. During this time many parents worked factory jobs that did not allow them to adequately support their families. Due to this, many were forced to share living quarters with other families and as a result living conditions were unsatisfactory and led to the spread of disease. The strain felt due to these circumstances, along with the inability to afford basic necessities for all members, made a number of desperate parents take the lives of their children in order to survive. While accounts of infanticide did not receive much media attention, a paragraph at most, the problem was widespread as many faced uncertain times. Receiving even less attention were cases involving parents killing their children with the intention of obtaining insurance benefits. According to Lionel Rose, one author of infanticide, "the death of 'surplus' or unwanted babies was a biological necessity" of the times and many women would resort to infanticide to rid themselves of unwanted children.⁴

¹ "Infanticide," *The Times* (6 October 1824).

² "Murder by a Mother," *The Times* (19 May 1894).

³ "Extraordinary case of Infanticide," *The Times* (18 November 1823).

⁴ Lionel Rose, *Massacre of the Innocents: Infanticide in Britain 1800-1839* London 1986

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Factors such as infanticide's secretive nature, flawed legislation that failed to convict the guilty and incomplete record keeping made it tempting for families to profit from child life insurance, which provided financial relief for their families during tough times.

A rudimentary form of child life insurance began in sixteenth century Europe with businessmen betting on "the births and deaths of boys and girls" and grew in popularity with the establishment of the Friendly Societies Act in 1793, which provided a range of benefits to those enrolled.⁵ The 1800s brought a formalized structure to the insurance field as burial clubs and friendly societies were established. It was during this time that infanticide took center stage in Great Britain due to an increase in the number of cases. It became so problematic that during the 1850s, Britain was compared to the Chinese, "in their callous attitude toward infant life," which led to the crime being labeled "the national stigma of an age" during the 1860s.⁶ This racist comparison highlights how the problem of infanticide was viewed by those during the times. In 1854 a commercial life insurance company, Prudential, entered the field. Being restricted by fewer rules than the local burial clubs and societies, Prudential was able to insure younger children, which drew in many working class families. Not until the late 1870s would the government step in and begin to regulate the insurance industry in Britain.

The insurance industry grew rapidly with the appearance of Prudential and more options became available to families. The number of registered societies operating in England and Wales, as well as the number of individuals insured is evidence of its growth and popularity. By 1858, over 20,000 local societies catered to the needs of some two million individuals. With those in unregistered societies and those enrolled in more than one society, it is unclear how many individuals were taking part in the insurance boom of the nineteenth century. The number of individuals that Prudential served was astonishing and business grew rapidly, especially among the working classes. By 1891 the company insured over 2.4 million working class children under the age of 10.⁷

Insurance companies and burial clubs created a system that allowed admittance to almost any individual. The lack of information gathered along with the no government regulations allowed many to take advantage of the insurance system and profit from the death of their children. Upon the death of a child, parents would receive, on average, three to six pounds; with one pound paying for burial expenses, parents would profit from the remaining funds. Familiar with the advantageous outcome associated with burial clubs, many families benefitted by taking advantage of an unregulated system. The burden of keeping a child alive for a week averaged about 3-4 shillings, while a deceased child could net a family anywhere from 5-20 pounds upon death, making infanticide an appealing but rather unpleasant solution for many poor families.⁸ Sauer, an author who wrote on infanticide, states that "the considerable profit to be made from a child's death led to obvious temptations for poor parents."⁹ The practice of enrolling children in burial clubs was very popular and individuals would often joke with one another saying, "Aye, Aye, that child will not

⁵ Viviana Zelizer, "The Price and Value of Children: The Case of Children's Life Insurance," *The American Journal of Sociology* 86 (1981):1036-1056

⁶ "R. Sauer, "Infanticide and Abortion in Nineteenth-Century Britain," *Population Studies* 32 (1978): 85.

⁷ Rose, *Massacre of the Innocents*

⁸ "Burial Clubs," *The Times* (18 January 1849).

⁹ Sauer, "Infanticide," 87.

live, it is in a burial club!"¹⁰ Evidence of the unregulated insurance industry and the temptation poor parents felt can be seen with a child who was found to be "enrolled in 19 different groups," with the parents hoping to increase their profits upon death.¹¹

Another instance of how the system was taken advantage of can be seen in the practices of one greedy and irresponsible family. Having six children that all died before reaching 18 months, the parents had enrolled each of their children in more than one club hoping to exceed the average amount received from one policy. The practice of having more than one policy for a single child was also carried out by baby farmers, those who "adopted" children from poor families in exchange for money, with one child being enrolled in eight societies, for the profit of thirty pounds. This practice, when paired with unsatisfactory living conditions, led baby farms to have astonishing infant mortality rates compared to the national average. While in the 1870s infant mortality stabilized at fifteen percent in Britain, rates at some farms spiked at ninety percent. Observations such as these illustrate society's attitude toward burial clubs and are evidence of public awareness of an ever growing problem.

Another clue that leads to the belief that insurance benefits were taken advantage of was the high infant mortality rates among children zero to five years of age. Among the working class, which were known for taking advantage of the insurance system, infant mortality ranged from 35-55 percent with those just over the age of one most vulnerable. This was often attributable to rules instated by burial clubs that full benefits would not be handed out until after the first birthday of a child. As a result of increased death rates of younger children, in 1874 the Friendly Societies Commission was led to believe that the "societies constituted a significant threat to infant life."¹² Previously, in 1854, the Commission decided against any "remedial legislation" when a majority of coroners interviewed stated that "burial insurance was not a significant incentive for infanticide."¹³ These findings were probably due to coroners being unable to recognize, except in obvious cases, that infanticide had been the cause of death. At this time inquests surrounding an infant's death were minimal and autopsies were unheard of. As seen in *The Times*, Dr. Lankester, a coroner, stated that inquests were often not done as police found that finding the body of a dead infant or child was "too ordinary an occurrence to call for [an] inquiry."¹⁴ Given that they were unable to determine if infanticide was actually the cause, this lowered the number of reported cases, and in turn led them to determine other factors must have led to the death of the child.

Despite coroner's optimistic beliefs and the Commission's refusal to create better legislation, infanticide continued to be a problem. The crime seemed to be most prominent in London and between 1838 and 1840 there were 76 reported murders of children under the age of one in Britain, which amounted to thirty-four percent of all murders. This may seem low during a time when infanticide was widespread, but early statistics regarding infanticide were incomplete due to inaccurate police reports and coroners only testifying a death were an infanticide in the most obvious cases. It was not until the middle of the nineteenth century that records were most complete and a clearer picture of the number of infanticides could be observed. Between 1863 and 1887 there were 3,225 reported deaths of children under the age of one classified as homicides, while only 40 reported homicides were reported among older children. While not all of these

¹⁰ Sauer "Infanticide," 88.

¹¹ Sauer, "Infanticide," 87.

¹² Sauer "Infanticide," 88.

¹³ *Ibid.*

¹⁴ "Infanticide in the Metropolis," *The Times* (09, September 1862)

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homicides were attributable to cases of infanticide it is clear that infants were killed at a much higher rate than any other age group.¹⁵ Between the years of 1862 and 1866 verdicts of infanticide continued to increase from 124 to 166 to 203 cases and so on. Before this time, in the early 1800s, when records were incomplete, the average number of cases reported was as small as 7.

Following the Commission's decision against reforming legislation, as a result of the lack of evidence pointing to deliberate infanticide, the increase in the number of infanticides recorded between 1862 and 1866 made it apparent that there was a problem. On average there were 167 verdicts of infanticide in England and Wales, with another 152 cases of concealment of birth. With its secretive nature and the difficulty of distinguishing the death as anything but an accident, there was great difficulty in proving an infanticide case and juries often refused to convict, allowing women to go free. An article in *The Times* pointed out that in one case, when a not guilty verdict was declared, women outside of the courthouse exclaimed "I'll get rid of my young next time."¹⁶ This article shows the public's awareness of infanticide and the lenient punishments that went along with it. Due to juries "perverse leniency," that often resulted in non-guilty verdicts or lesser punishments for guilty individuals, women felt they could get away with murder.¹⁷ As a result of many women going free of a crime they had committed, "British law made it an independent crime to conceal the birth and death of a child."¹⁸ Concealment held a lesser punishment than infanticide and juries would often opt for this punishment even when the case was clearly one of infanticide. This added to the problem of knowing exactly how many infanticides occurred as they were classified as concealments. As the problem of infanticide continued, the Friendly Society Commission stated again in 1889 that evidence was found to show "that infant insurance acts as an incentive to crime."¹⁹ Once again when reform was to take place, this time in the form of the Children's Life Insurance Bill, which was created to protect infant life, it was stopped as there was little convincing evidence of specific cases "of child murder by parents for the sake of insurance money."²⁰ Mr. Baron Alderson, a judge for the Court of Exchequer, stated in a *Times* article that two cases of infanticide, where insurance money was to be received, were tried in his court, showing that while it did in fact occur, it was difficult to prove.²¹ The judge also pointed out he felt that insurance benefits should be paid not to the family, but directly to those who buried the deceased. This suggests that the judge saw a problem with how insurance benefits were handled and how they were connected to the crime of infanticide. Again, *The Times*, has provided evidence that there was a connection between life insurance and infanticide. Aside from Alderson's courtroom many cases of infanticide for insurance money often went to trial, however juries would often choose to acquit rather than convict. The leniency of jury members and the failure of coroners to properly assess the deaths of children often led to other determined causes of death. Problems with recognizing neglect from infanticide, coroner's misjudgments, and jury qualms over convicting made it impossible for reform to take place as the problem of infanticide was minimized.

When reform of laws did not occur, other methods were put in place to deter families from infanticide. The Friendly Societies Bill, when amended, reduced the amount a family could collect

¹⁵ Lawrence Friedman, "Crimes of Mobility," *Stanford Law Review* 43 (1991): 654

¹⁶ "The Attention of the Public..." *The Times* (26 July 1852).

¹⁷ Rose, *Massacre of the Innocents*

¹⁸ Friedman, "Crimes of Mobility," 654.

¹⁹ "The Price and Value of Children: The Case of Children's Insurance"

²⁰ *Ibid.*

²¹ "Parliamentary Committee," *The Times* (27 June 1854).

upon the death of their child from six pounds to three pounds. With no official statement from officials as to why the amendment was made, the change was an indication of a problem. Why would the amendment have been made had there not been evidence of a problem? Similarly, the Royal Commission on Friendly Societies suggested, "the total prohibition of insurance of the lives of children under three years of age," but gave no reason as to why the suggestion was made.²² Again, even without an explanation from the Commission, it is evident there was a problem, or the suggestion would not have been made. These incidences found in *The Times* are evidence of a problem surrounding infanticide and parents killing their children for monetary gain. The government finally stepped in and decided to reward individuals who came forward with information regarding the death or concealment of an infant. Dr. Lankester, a coroner, stated that, "if rewards were offered for the apprehension of those who committed it," infanticide or concealment, it may result in a decrease of the crime.²³ In some cases even parishes got involved and offered up to a 50 pound reward for the apprehension of an individual who was guilty of infanticide or concealment. Others believed that if the punishment for infanticide were lessened from the death penalty, more convictions would be made by juries, which would also lead to a decrease.

While small steps were being taken by the government, in the form of lowering insurance benefits and providing rewards, to try and decrease the number of infanticide cases, there were other factors, such as the insurance companies and agents that were interfering with a potential decrease in the crime. Insurance companies did little to help the growing problem of infanticide, and in many cases fueled the increase by taking advantage of grieving and unsuspecting families by turning the death of children into business transactions. Agents would often enroll ill babies, "babies they knew (but the parents did not appreciate)," and babies "below the enrollment age," allowing more parents to take advantage of the unregulated system.²⁴ In order to attract new customers, agents would baby-bait; they were found paying parents for the death of an uninsured child so that the family would spread the word to their friends about the benefits of life insurance. Benjamin Waugh, the president of the English Society for the Prevention of Cruelty to Children overheard agents saying "we bait our hook with a dead child," and mentioned that agents often looked forward to funerals in order to gain new customers.²⁵ Insurance pamphlets were also circulated that enticed potential customers to buy policies for the "potential profits to be gained from a dying child."²⁶ One particular pamphlet included a story of two fathers "marveling over how much money they had received from the insurance companies" after the deaths of their children.²⁷

Without legal interference and the existence of laws that allowed women to go free, infanticide continued due to a system that was "fostered and maintained" by easily accessible poisons and other methods that were undetectable as infanticide.²⁸ Opiates and other poisons were easily obtainable through local druggists and soothing syrups and laudanum were popular methods used by mothers to quiet their children. If a substance was given in too large a dose, a woman could defend herself simply by saying it was an accidental overdose. In many cases the woman was said to lack the knowledge needed to satisfactorily care for her child and that it was indeed just an

²² "The New Friendly Societies Bill," *The Times* (20 February 1875).

²³ "Infanticide in the Metropolis," *The Times* (9 September 1862).

²⁴ Rose, *Massacre of the Innocents*

²⁵ "The Price and Value of Children: The Case of Children's Insurance," 1044.

²⁶ *Ibid.* 1043

²⁷ *Ibid.* 1043

²⁸ "A Premium on Infanticide," *The Times* (29 September 1884)

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accident. *The Times* pointed out that in the case of an "accident" the insurance money was given to the family and the courts had "no positive proof of wrong."²⁹ Finally, more evidence in *The Times* points out that in the manufacturing districts it became prevalent for mothers "to poison their children for the sake of the sum they might receive for the funeral expenses from a burial club."³⁰

As seen by the Royal Commission on Friendly Societies and Friendly Societies Commission suggestions as well as evidence from *The Times*, it is obvious that infanticide plagued the cities of England during the nineteenth century. Statements from individuals in the community are evidence of a correlation between child life insurance and infanticide. Why there was not more legal interference in order to stop the number of infanticides from increasing is unclear. One conclusion that can be made is that officials felt the benefits gained from proper use of the insurance system outweighed the cost of misuse. Many believed that the high infant mortality rate found in London was not due to infanticide cases but instead to ignorance, crime, poverty, poor sanitation, and natural causes, events which would continue even if child life insurance was prohibited. Furthermore, if so many families were willing to commit infanticide for the money they received upon their children's deaths, then this may say something about how a child's life was valued. Instead of arguments for the prohibition of child life insurance, maybe more should have been done to shift the value placed on children's lives.

When modest reform took place in 1908 with the Children's Bill, the problem faded almost immediately, as no cases were reported after 1910.³¹ The bill is evidence that reform should have taken place earlier to prevent the death of countless innocent children during the nineteenth century. With the number of infanticides highly skewed due to incomplete recording methods, with juries refusing to convict women of the crime due to harsh punishments, and the secretive nature of the crime, it is clear it was hard to prove. Even more challenging was determining if the crime was committed in order to profit from insurance benefits. However, given the death rates of children insured there was evidence of a connection. Suggestions made by the societies to lower the amount of money a family could receive upon the death of a child and the failed attempt to stop those under the age of three from being insured also reveal the connection between insurance and infanticide. Even with the statistics staring them in the face, officials were unable to see or simply ignored the problem that plagued their cities. In the end, as seen after exploring *The Times* many families did turn to infanticide when they were no longer able to care for their children and in the process reaped the benefits of insurance policies that helped them, if only momentarily, escape the financial despair associated with the nineteenth century.

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