Introduction

No money is wasted which is employed in maintaining the administration of justice in the highest degree of efficiency. That administration is probably the one effectual check upon the ungoverned and ungovernable passions of rough and rude life. It is the great educator of the ignorant and the violent. (The Times)

Welshmen believed that if God ever did delegate his privilege of depriving a human being of his life to a man or a society, that this prerogative was withdrawn by his only son . . . it is no wonder that Welshmen are horrified at the idea of giving evidence against a guilty fiend in human form, being that the evidence will be the means of consigning him reeking with the innocent blood of his victim into the presence of his offended Maker, therefore to be hurled headlong into that abyss of torment. But the abolition of capital punishment would solve the problem, sponge out once and for ever that damned and infernal law by which poor, frail, impotent mortals usurp the power of the Omnipotent—a law conceived in revenge and executed in iniquitous cold-bloodedness. Let this be done and no murderer shall be screened or harbored in Wales. (Carmarthen Weekly Reporter)

By common consent of all thinkers on the subject of criminal jurisprudence, it is not the severity of punishments which deters from crime; it is the increasing certainty of detection and conviction which is really efficacious. To attain this certainty in ever increasing degree it is essential to convince the minds of witnesses, injured parties, and jurymen not merely that the general spirit of the law is mild, but that punishment is likely to be awarded not more than fairly proportionate to the crime. Capricious leniency occurring along with occasional unexplained severity is as injurious to the due operation of Criminal Courts as the bad system of excessive punishment. . . . Nor is there any great difficulty in seeing the general principles upon which punishments might be reduced to system, these being mainly two-fold—to weigh the mischief done by the criminal act and also the malice or anti-social nature displayed by the offender. (The Scotsman)
The moral of this occurrence is very trite. The case is not one for which a remedy can be suggested, as if it sprung out of any form of oppression, with which the legislature might deal. . . . The affair is rather an example of that passionate disposition which, we fear, marks the Irish character in some excess. Such passion will certainly be restrained to some extent by the certainty that punishment will follow its indulgence. Until, however, society is wonderfully improved, it would be too sanguine to entertain any confidence that we shall be quite free from the occasional blot upon our records of such melancholy transactions. (Cork Examiner) 4

Homicide has always held a special fascination for the public. Understanding what drives one human to take another’s life has been the stuff of countless works ranging from pulp fiction to scientific treatise. Ultimately determining why one individual killed another is always an act of speculation. The excuse offered by the killer, the motive suspected by the arresting officer, and the explanations offered by the prosecuting and defending attorneys rarely correspond exactly. If a caregiver kills an elderly, wealthy, and cantankerous relative, whether the perceived motive was greed, mercy, fatigue, or resentment will depend as much on the observer’s assumptions about human nature as the killer’s actual incentive at the time. Which assumptions dominate determines the fate of the accused killer and reveals a great deal about the values and beliefs of the large society. By examining homicide trials, their outcomes, and the rhetoric surrounding them, it is possible to glean a good deal of information about both common wisdom and practical realities. 5 In the nineteenth-century United Kingdom, homicide trials provided a forum for discussing such issues as class, respectability, gender roles, family life, the role of the state, individual responsibility, the definition of insanity, the costs of industrialization, and the effects and regulation of firearms and alcohol. This book will compare the response to and perceptions of criminal homicides in England, Ireland, Scotland, and Wales between 1867 and 1892. 6

After the Act of Union abolished the Irish parliament in 1801, the four nations of the United Kingdom shared a common parliament for the first time. The last third of the nineteenth century was a time of considerable change in the United Kingdom. The Second Reform Bill of 1867 created the largest increase in the electorate in British history. Though the political changes arguably had little effect on the homicide rate, the post-Reform Act
Parliament did pass a great deal of legislation aimed at addressing social problems. Laissez-faire Liberalism was being challenged by a philosophy which accepted the ameliorative role of the state. Trade unions enjoyed greater legal protections and the working classes were becoming better organized and more vocal. Economically, though British preeminence was being challenged by Germany and the United States, the British people were still among the most prosperous in the world. Given the relative political, social, and economic stability of the period, homicide was almost completely limited to the personal. Even in Ireland where the Land agitation of the years 1879 to 1882 and the Home Rule crisis of the late 1880s inspired headlines in the British press referring to civil war in Ireland, fewer than 15 percent of homicides were in any way linked to the politics, land, or sectarian battles.

Throughout the United Kingdom, the temperance movement; reforms in education, housing, and public health; societies dedicated to the more humane treatment of women and children; as well as other cultural influences were leading to a decline in the overall number of homicides. The long-term trend throughout Europe toward a more civil and humane society in which interpersonal violence was increasingly condemned is part of what Norbert Elias has called “the civilizing process.” Though a number of factors may have contributed to the change, it is well established that the number of homicides being committed was declining. A number of historians have examined this process and the reasons for it.

This work, however, has a different focus. Rather than trying to determine the actual number of homicides and why that number was declining, I am interested in the responses to homicides and what those responses reveal about the comparative cultures of the four nations of the United Kingdom. The quantitative evidence used in this study deals almost exclusively with homicide trials. While the incidence of homicide is obviously an important consideration, it is also very difficult to determine. The correlation between official statistics and the actual number of cases in which one human being willfully or recklessly killed another is problematic. Recent work has highlighted the problems historians face with English homicide statistics, and the Irish, Scottish, and Welsh figures are also uncertain.

Instead of trying to explain homicide rates, this work will examine the way various factors influenced the reactions to homicides in the four nations of the United Kingdom. Despite the union of the parliaments, the late nineteenth-century images and experiences of the nations of the United Kingdom were strikingly different. While Ireland presented a constant problem for English politicians, Scotland was a bastion of good order and Wales was largely overlooked. The Irish were regularly portrayed in the British press as
violent barbarians, incapable of showing gratitude for the blessings of British rule.10 The Scots, on the other hand, were presented as progressive, well mannered, and seemingly happily assimilated. The occasional political or sectarian confrontations in Scotland were but pale imitations of the problems of Ireland. As for the Welsh, they seemed to suffer from the national version of coverture—like married couples in Blackstone, England and Wales had become one entity—England, except for those occasions when Welsh quaintness was a source of amusement.

There are of course complex historical explanations for the differences as well as many exceptions to the generalizations.11 England had conquered Wales in the late thirteenth century, which meant Wales had no modern political history as a separate nation. Nevertheless the Welsh language and cultural identity had survived.12 Wales had been particularly hard hit by the industrial revolution. Arguably the economic relationship between Wales and England was a colonial one with Welsh coal and Welsh miners providing the raw material to enrich English mine-owners and industrialists. Welsh industrial cities were also subject to some of the worst hardships of industrialization. In an 1876 article on crime statistics in the various regions of the United Kingdom, the *Times* noted that the crime rate in Glamorgan was the highest in Britain but chose to drop it from discussion as an exception. According to the leading historian of crime in nineteenth-century Wales, “In industrial Wales serious injury, and manslaughter were half-expected on pay nights, weekends and holidays, during industrial strife.”13

Part of the United Kingdom since 1707, Scotland had enjoyed economic prosperity, had seen its citizens play a disproportionate role in the growth of the British Empire, and, despite occasional tensions, had enjoyed a greater sense of partnership with its southern neighbor than had Ireland. Scotland’s union with England had been peaceful if not completely voluntary. Scottish politicians took an active part in British politics and while there were certainly divisions in Scottish society, the differences had not been complicated by a conflation of religious or economic identity and Englishness. The breaking of the Highland clans, for all its pains, had largely been a conflict among the Scots themselves. Scotland had participated fully in the industrial revolution and while by no means an unmixed blessing, by the late nineteenth century Scotland had attained economic parity with England.14

In stark contrast, when Ireland was brought into the United Kingdom in 1801 after a violent rebellion, the Catholicism of the majority of the Irish had still barred them from political office and the Protestant minority owned a vastly disproportionate share of the land. Discriminatory legislation had also stifled Ireland’s economic development. In the late nineteenth century,
Ireland was still 78 percent rural. Further, the Great Famine of the late 1840s had enhanced the long-held resentment.

Despite the common parliament, the four nations often reacted to very similar cases in very different ways which reflect fundamental distinctions in cultural values and assumptions. The first chapter examines procedural differences and general trends in trial outcomes. Chapter 2 looks specifically at issues of national identity. The third chapter focuses on class and gender and how these categories intersected in reactions to homicides in brawls. Chapter 4 further explores class and gender issues as they impacted trials of homicides within the family and involving courtship. In the late nineteenth century definitions of both masculinity and femininity were being challenged and the courts were heavily involved in both determining the definitions and in dealing with situations that contradicted the commonly accepted definitions. Chapter 5 carries the gender discussion into the relationship that was most likely to lead to homicide—marriage. Finally, chapter 6 looks at the ways that courts dealt with the many homicides involving children.

**Sources**

In order to be as comprehensive as possible within the realistic confines of time and space I have tried to find accounts of as many homicide trials as possible. In order to do so I relied heavily on the *Times* for English and Welsh trials. After going through the *Times* index for the period and reading every account of a murder or manslaughter trial, a coroner’s inquest, or a magistrate’s hearing on an alleged homicide, I then did further investigation in Welsh provincial newspapers when possible. For Scotland I initially read through the index of all criminal trials heard at the High Court of Judiciary and then looked for trial accounts in the *Scotsman*, the *Glasgow Herald*, and provincial newspapers. For Ireland I relied on the Outrage papers for a list of homicides and then traced those cases as possible in the Irish press. My final database consists of over seven thousand homicide reports and nearly six thousand homicide trials.

This work is heavily based on these primary sources. While I am enormously indebted to the contribution of other scholars, my bibliography is by no means exhaustive and I have consciously chosen not to engage in lengthy historiographical discussions in the text. There are three reasons for this choice. The first is that the field of criminal history has reached the stage where a full synthesis of current scholarship would require a longer work than this. I have tried to consult and cite those most relevant to this particular
work but omission is by no means intended as disrespect. Second, I hope, perhaps naively, that this work will appeal to readers beyond the growing but still small circle of scholars in the field. Academic conferences allow us to debate to our heart’s content. Finally, while the secondary works are readily available, much of the primary material is not. I wanted to focus on the trials themselves and contemporary reactions to them.