

**Reproductive rights and wrongs:  
Abortion as a crime in nineteenth-century England**

---

Lauren Boot  
Supervisor : Heather Wolffram  
Category One Paper  
480 - 2017

‘This dissertation is submitted in part fulfilment of the requirements for the degree of BA Honours in History at the University of Canterbury. This dissertation is the result of my own work. Material from the published or unpublished work of other historians used in the dissertation is credited to the author in the footnote references. The dissertation is approximately 9858 words in length.’

## **Abstract**

---

This thesis explores the practice of abortion in nineteenth-century England, and specifically focuses on how abortion's illegality impacted its application and those who sought this medical procedure. This thesis investigates a number of methods of abortion such as chemical abortifacients, surgical instruments and other homeopathic remedies which abortion providers and pregnant women used in their attempts to procure abortion. It also considers the demographics of those who sought abortion and questions whether working class women were more likely to seek abortion than their middle or upper class peers. This thesis then critically examines the outcomes of the numerous trials of illegal abortion in London in the nineteenth century through analysis of documents from the Old Bailey archive. A number of primary sources have been instrumental to this thesis, including 19th century medical journal articles, court records and newspaper articles. This work aims to demonstrate that abortion in 19th century England, while illegal and denounced by many as a social evil and a clear moral failing, was practiced widely. The illegal status of abortion did influence the methods of its application, but by no means stopped it from occurring. The illegality and stigma surrounding this medical procedure in fact pushed women towards more radical and life-threatening measures in their efforts to retain control over their own bodies while also trying to avoid the legal consequences imposed by nineteenth century anti-abortion legislation.

## Contents

---

Introduction .....	4
Methodology .....	6
Chapter One: Underground, underdeveloped and deeply flawed .....	8
Chapter Two: Class and abortion .....	23
Chapter Three: Trials of the nineteenth century .....	29
Conclusion .....	42
Appendix One .....	44
Bibliography .....	45

## Introduction

---

In nineteenth-century England the practice of abortion, while illegal and often demonized by lawmakers and medical commentators, was implemented through numerous covert and often dangerous methods. Women of all social classes accessed this form of reproductive control. This was available to them through a clandestine and informal network that supplied both information about abortifacients and a number of different methods and materials. This network was upheld by local practitioners of abortion, a select number of medical professionals and also the tacit facilitation by several newspapers that advertised euphemistically-named female remedies that were vague enough in description to avoid major scrutiny but obvious enough to anyone seeking their wares. Men and women participated by procuring abortions for their sexual partners and for themselves: many did so without detection or legal consequence. Some were not so lucky however and were charged and in several cases were sentenced to hefty stretches of penal servitude. However despite this threat of legal consequence, the practice of illegal abortion survived throughout the nineteenth century even though all those who attempted it did not.

This dissertation aims to build on the current historiography of nineteenth-century abortion by engaging with a number of specific nineteenth-century case studies of both a medical and legal nature. It intends to explain the complex social framework that enabled the prolonged existence of illegal abortion in a society that on the surface seemed hostile to this practice and those who engaged in it.

The first chapter of this dissertation explores the background of the practice of illegal abortion. It details the development of the Ellenborough Act from its introduction in 1803 to its amendments later in the nineteenth century. This Act gradually expanded the parameters of illegal abortion in order to restrict women's ability to control their reproductive futures. Chapter one then explores the many ways in which women attempted abortion during the nineteenth century in order to demonstrate the inventive, incredibly dangerous and on many occasions fatal lengths they would go to in order to procure abortions. This chapter also analyses the actions and the consequential trial of the infamous Chrimes brothers whose campaign of fake abortifacient advertisement in the 1890s had a rippling effect on thousands of women who were deceived by their plan of extortion.

Chapter two focuses on the experiences of working class women and their relationship to the practice of illegal abortion in the nineteenth century. It considers the social conditions that enforced abortion as the most widely-practiced form of birth control for working class women. It also notes the upper-class condemnation of this phenomenon that conveniently ignored the existence of illegal abortion within their own social circles. A study of the numerous caesarian sections performed by one Doctor Thomas Radford in Lancashire in the mid-nineteenth century exposes the fact that working class women often bore the brunt of dangerous and experimental medical procedures.

Chapter three explores the demographics of those accused of illegal abortion and the outcomes of these trials. Based on the records of the Old Bailey, this chapter

considers the total number of these trials and their conviction rates within the Greater London throughout the entirety of the nineteenth century. This chapter then critically analyses the discrepancies in gender representation of defendants in cases of illegal abortion. The specific details of the trials of William Longman and William Haynes play a significant role in this chapter as they illustrate the widespread acceptance of the inherently dangerous nature of abortion practices in the nineteenth century.

## Methodology

---

This research paper has utilised a range of primary sources as the basis of its historical analysis. Firstly, it considers a number of articles published by the *British Medical Journal* during the nineteenth century that are concerned with abortion practices and the ensuing legal consequences for both practitioners and recipients. Several of these BMJ articles have gone into explicit forensic detail about significant cases of abortion. One such article written by a doctor detailed the physical effects of arsenic poisoning on a woman who attempted abortion in this manner;<sup>1</sup> another similarly described the autopsy of a young woman who died as a result of phosphorus poisoning during an abortion attempt.<sup>2</sup>

---

<sup>1</sup> "The Traffic In Abortifacients," *The British Medical Journal* 1, (1899): 110-11, accessed May 14, 2017, <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/20259246>.

<sup>2</sup> "Poisoning With Phosphorus, Followed By Abortion," *The British Medical Journal*, 2, (1877): 422, accessed May 14, 2017, <http://www.jstor.org/stable/25245587>.

This project has also relied on several articles from the *Times* newspaper, which have been specifically chosen due to their focus on the Chrimes case. The Chrimes controversy revolves around the trial of three brothers who extorted money from women to whom they initially sold abortifacient pills; this case created significant outrage and was featured as a story on a number of occasions in the *Times* during and after the trial. An exploration of the Chrimes trial is important to this research project as the actions of the Chrimes brothers demonstrate the vulnerability of women and the potential for exploitation under restrictive reproductive laws.

This dissertation has utilised trial records from the archive of the Old Bailey in its exploration of the legal consequences for those charged with procuring abortion in the nineteenth century. The Old Bailey archive also has provided general statistics that communicate defendant demographics, rates of conviction and punishment types and lengths in the nineteenth century, the details of which indicate several issues with the actual implementation of anti-abortion law. This dissertation also utilises specific details from recorded trials to illustrate how many accepted and ultimately ignored the severe risks that covert abortion practices involved for women.

One of the most significant trends in the historiography of abortion in nineteenth century England is the discussion of abortion as a primarily working class phenomenon. Patricia Knight in particular focuses on the experiences of working class women in their quest for abortions. Knight details the numerous methods by which working class women attempted abortions, such as homeopathic remedies, chemical abortifacients or at-home surgical procedures that were performed by local

women.<sup>3</sup> Knight, along with Angus McLaren, also offer analysis of working class women's preference for abortion over other methods of birth control. Knight and McLaren's analysis demonstrates that the inaccessibility of contraceptives and the comparative accessibility of abortion for working class people steered them towards the latter as their main method of birth control. Much of the historiography on nineteenth century abortion focuses on its commonality among working class women, but also use cases of upper and middle class women attempting or achieving abortion to illustrate the fact that it was by no means a purely working class phenomenon.

Another trend in the historiography surrounding abortion is the discussion of an unspoken but functioning network of women who provided each other with the information about and access to abortion procedures. Jane Lewis has noted that women sought counsel and assistance from each other and passed this information from woman to woman secretively and without physical documentation in order to protect each other. This idea is echoed in Patricia Knight's work as she labels this protection as a "conspiracy of silence,"<sup>4</sup> that allowed women to practice abortion with the support of others. The concept of an underground network of women is important to this research project, which aims to discuss the ways in which women subverted anti-abortion legislation despite the significant threats this resistance posed to their health.

---

<sup>3</sup> Patricia Knight. "Women and Abortion in Victorian and Edwardian England." *History Workshop*, 4 (1977): 60, <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/4288122>.

<sup>4</sup> Knight, "'Women and Abortion in Victorian and Edwardian England,'" 62



## Chapter One: Underground, underdeveloped and deeply flawed

---

### *Advertising*

Although the Ellenborough Act had formalized the illegality of abortion in 1803, throughout the nineteenth century an underground abortifacient market flourished through the support of a number of actors. One key factor that aided the survival of this market was the participation of the media. Abortifacients and other methods of abortion were remarkably visible and accessible as multiple newspapers featured advertisements that tacitly offered these services to the general public. These advertisements were highly euphemistic as they could not openly state their true purposes; however anyone who had some knowledge of the secretive abortifacient trade or who was simply able to read between the lines could discern their true meaning. An advertisement featured in an 1896 edition of the *Lancet*, a pre-eminent medical journal, read “Good news for ladies. A lady, the daughter of a late eminent physician, will be pleased to forward full particulars of a certain cure for all forms of irregularities, no matter how caused or how long standing.”<sup>5</sup> The use of the term “irregularities” combined with the phrase “no matter how long standing” implies the ability of this physician’s daughter to help women acquire abortions even in the late stages of pregnancy. However, not all of the products featured in these euphemistically-phrased advertisements actually produced the results that they promised. Similar language is visible in an advertisement made by the three Chrimes

---

<sup>5</sup> Ruth Sauer, “Infanticide and Abortion in Nineteenth-Century Britain,” *Population Studies*, 32:1 (1978): 836, accessed May 15, 2017, doi:10.2307/2173842.

brothers, a family operating in the late 1890s. The Chrimes brothers' advertisement read as follows: "Ladies Only. The Lady Montrose Miraculous Female Tabules are positively unequalled for all FEMALE AILMENTS. The most OBSTINATE obstructions, irregularities, etc. of the female system are removed in a few doses."<sup>6</sup> The Lady Montrose tabule advertisements first ran in 1896, and were supposedly "acknowledged by ladies throughout the world to be worth a guinea per tabule," but were priced at four shillings and sixpence per box.<sup>7</sup> These initial Lady Montrose advertisements drew responses and money from thousands of women. The Chrimes brothers then disseminated a pamphlet to these women, whose names and details they retained. The pamphlet, signed the Manageress, advertised a new and previously unadvertised "female remedy" labelled Panolia, which was priced at 22 shillings a bottle.<sup>8</sup> Once the Chrimes brothers had received further responses from this second round of euphemistic advertising, they then used their now considerable database of around 12000 women's personal information to extort yet more money. They issued letters to 8000-10000 of these women, claiming to be a public official in possession of damning evidence of these women's attempts to procure abortion.<sup>9</sup> Under the name Charles J Mitchell, these letters stated that "I am in possession of letters of yours by which I can positively prove that you did on or about commit or attempt to commit the fearful crime of abortion."<sup>10</sup> These letters went on to threaten

---

<sup>6</sup> Jeffrey Weeks, *Sex, Politics, and Society: The Regulation of Sexuality since 1800* (London: Longman, 1981), 72.

<sup>7</sup> "The Charge Of Attempting To Extort Money." *Times*, November 22, 1898, 9, accessed May 16, 2017, <http://find.galegroup.com.ezproxy.canterbury.ac.nz/ttda/infomark.do?&source=gale&prodId=TTDA&userGroupName=canterbury&tabID=T003&docPage=article&searchType=BasicSearchForm&docId=CS151839606&type=multipage&contentSet=LTO&version=1.0>.

<sup>8</sup> "The Charge Of Attempting To Extort Money," 9.

<sup>9</sup> "The Traffic In Abortifacients," 110.

<sup>10</sup> "The Charge Of Attempting To Extort Money," 9.

penal servitude and asserts that “legal proceedings have already been commenced” against the recipient of the letter. However “Mitchell” then offers the recipient an alternative by stating that she will be arrested unless she provides him with 2 pounds and 2 shillings and a solemn oath that she will never again attempt abortion. Upon doing this the incriminating material would be returned to the recipient, and the supposed legal proceedings would be immediately dropped.<sup>11</sup> Many women were terrified by these letters and immediately wrote back to Mitchell and provided payment. One response to the Mitchell address dated October 11, 1898, states that the respondent is “very sorry (I) have done wrong...” and that she had actually given birth to “a big, fine girl as healthy as could be.” She went on to “promise (I) will never do wrong any more, for Christ’s sake, amen.” This plea was enclosed with a postal order for two guineas.<sup>12</sup> Thousands of letters of this character arrived, and under the guise of Charles J Mitchell, the Chrimes received around 800 pounds in two or three days.<sup>13</sup>

Fortunately for the victims, the Chrimes brothers’ extortion plot was discovered and they were sent to trial. The presiding judge stated that the charge against the Chrimes brothers was “one of the most serious known to our criminal law” as it affected the happiness, comfort and safety of every woman or man as it was calculated to create terror or alarm.<sup>14</sup> The *Times*’ coverage of the trial stated that it was immaterial whether or not the victims was guilty of attempting to procure

---

<sup>11</sup> “The Charge Of Attempting To Extort Money,” 9.

<sup>12</sup> “Central Criminal Court, Dec. 20”, *Times*, December 21, 1898, 12, accessed May 16, 2017, <http://find.galegroup.com.ezproxy.canterbury.ac.nz/ttda/infomark.do?&source=gale&prodId=TTDA&userGroupNa me=canterbury&tabID=T003&docPage=article&searchType=BasicSearchForm&docId=CS201778069&type=multi page&contentSet=LTO&version=1.0>.

<sup>13</sup> “Central Criminal Court, Dec. 20,” 9.

<sup>14</sup> “Central Criminal Court, Dec. 20,” 9.

abortion; their focus was on the extortion and threats made by the Chrimes brothers. The victims of the Chrimes' extortion plans had "placed themselves in the (Chrimes brothers') power either by direct or indirect confessions of pregnancy and the desire to get rid of that condition."<sup>15</sup> The trial ended with the three brothers found guilty: the older two Edward and Richard Chrimes were sentenced to twelve years of penal servitude, while the younger brother Leonard Chrimes was sentenced to seven.<sup>16</sup> This case subsequently provoked a reaction from certain members of the press who blamed the success of the Chrimes' extortion scheme on the willingness of some publications to allow the Lady Montrose adverts and others of its type in the first place. These critics saw through the euphemistic language as it was "couched in such a way" that anyone familiar with abortifacient advertising or who was able to "read between the lines" had been able to decipher their true meaning.<sup>17</sup> A writer from the *Times* claimed that "such a vile plot could only have possible by the acceptance of such immoral advertisements by a section of the Press - religious and secular - well knowing their nature."<sup>18</sup> This critic then went on to state that "means should be found to suppress such advertisements and the institutions from which they emanate, as they consider them direct incentives to ignorant and evil-minded women to commit crime." Up to this point the *Times*' coverage of the Chrimes trial had been heavily focused on the brothers' deception and extortion and had not described the recipients of the Mitchell letter as anything other than victims. In this statement this critic categorises abortion vendors such as the Chrimes brothers, the press that advertises their wares and those women that seek them out as equally morally

---

<sup>15</sup> The Charge Of Attempting To Extort Money," 9.

<sup>16</sup> "Central Criminal Court, Dec. 20", 9.

<sup>17</sup> "Central Criminal Court, Dec. 20", 9.

<sup>18</sup> "Central Criminal Court, Dec. 20", 9.

bankrupt. Similar criticism was featured in the *Reynold* newspaper, which claimed that it was surprising that any “respectable paper” should allow the covert advertising of abortifacients. The very same issue had a dozen advertisements for surgical appliances and five for abortifacients.<sup>19</sup>

The coexistence of euphemistic abortion advertising and performative outrage over said advertising is evidence of a significant double standard in 19th century English society. As unsavoury as illegal abortion might be, although it was shrouded in euphemism and deceit, it was still advertised and was very much part of everyday life. Those publications which denounced these advertisements still accepted money from their creators to publicize their existence. The Chrimes brothers’ actions are an example of the exploitation women experienced in a society which publically condemned but privately practiced abortion. They capitalized first on women’s desperation for cheap, secretive abortions. After they had developed trust and a discourse between themselves and these women, the Chrimes then capitalized on these women’s fears of the legal and social consequences that could occur if they were discovered. The ability of the Chrimes brothers, and other more legitimate abortion providers, to advertise their services demonstrate that both formal legislation and outward public condemnation were not enough to discourage the practice of abortion. In reality, women’s need for reproductive control overrode these factors; but their continued existence allowed for the exploitation of vulnerability visible through the Chrimes case.

---

<sup>19</sup> Weeks, *Sex, Politics, and Society*, 72.

## *Legislation*

In order to understand how those seeking and providing abortion operated in the 19th century, an exploration of the legal background of English abortion law is necessary here. The Ellenborough Act of 1803, also known as the Malicious Shooting or Stabbing Act, was designed to clarify the legal position of abortion, which before this point was not clearly outlined in the common law.<sup>20</sup> The Malicious Shooting or Stabbing Act was introduced to address the lack of definitive legislation that prohibited the practice of abortion. Designed by Lord Chief Justice Edward Law, the 1st Baron Ellenborough, the Act stated that anyone who “shall wilfully, maliciously, and unlawfully administer to, or cause to be administered to or taken by any of His Majesty’s subjects, any deadly poison, or other noxious and destructive substance or thing, with intent such His Majesty’s subjects thereby to murder, or thereby to cause and procure the miscarriage of any woman, then being quick with child,...’ would be guilty of a felony that was to be punishable by death without benefit of the clergy.<sup>21</sup> The term “being quick with child” here refers to the concept of the quickening. It was commonly believed that a foetus was not independently alive before the mother could feel it moving within her uterus, usually within the fourth or fifth months of pregnancy.<sup>22</sup> This movement, the quickening, was evidence of the existence of an

---

<sup>20</sup> John Keown, *Abortion, doctors, and the law: Some aspects of the legal regulation of abortion in england from 1803 to 1982*. (New York: Cambridge University Press, 1998) 12.

<sup>21</sup> “Malicious Shooting or Stabbing Act 1803,” Text, 2, accessed October 18, 2017, <https://parlipapers-proquest-com.ezproxy.canterbury.ac.nz/parlipapers/docview/t70.d75.hls?accountid=14499>.

<sup>22</sup> Sauer, “Infanticide and Abortion in Nineteenth-Century,” 83.

independent being. In the early stages English anti-abortion law, a felony charge for abortion was only applicable when the foetus had quickened. However this changed with the introduction of the Offences Against Person Act of 1828 that replaced the Ellenborough Act as the key piece of anti-abortion legislation. Legislators introduced charges for abortion attempts on pre-quickening foetuses. Those who attempted to perform an abortion for those “not quick with child or not being proved to be quick with child” were guilty of a felony or were “liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any term not exceeding three years.”<sup>23</sup> This Act confirmed that the punishment for someone who had procured an abortion for a woman who was quick with child was guilty of a felony and “shall suffer death as a felon.”<sup>24</sup>

Another significant change to the English anti-abortion legislation was the inclusion of different abortion methods in later versions of the Ellenborough Act. The initial version sought to prohibit the administering of poisonous drugs to women in order to produce abortion. In later years this was modified as the Act came to include “any substance or thing whatsoever” and “any instrument or other means whatsoever.” This was intended to make up for the discrepancies in the earlier version of the Bill which only mentioned deadly poisons or other noxious or destructive substances as the means of abortion, while omitting other methods including the use of surgical instruments, physical beatings, manual manipulation and physical exertion to induce

---

<sup>23</sup> “Offences Against the Person Act 1828,” Text, 9, accessed October 18, 2017, <https://parlipapers-proquest-com.ezproxy.canterbury.ac.nz/parlipapers/docview/t70.d75.1828-010849?accountid=14499>.

<sup>24</sup> “Offences Against the Person Act 1828,” 9.

abortion.<sup>25</sup> The heightened severity of punishment and the widened range of actions defined as crimes are significant elements of the legislation as they demonstrate the legislators' aggressive attempts to prohibit abortion and punish anyone who sought or provided it. The language of the Ellenborough Act defined abortion as a "heinous crime" in league with murder, grievous bodily harm and arson, while the woman receiving the abortion was the object. Under this legislation, as Michael Thomson puts it, "woman became more clearly defined and definable. She became regulated and disciplined.... her body became a point of definition. The female body became construed in a way that facilitated its existence within the emerging social and economic structures."<sup>26</sup> The Ellenborough Act of 1803 and subsequent legislative works provide a legal framework through which it is possible to discern certain 19th century attitudes towards abortion. If we were to look only at these laws it would seem as if women in 19th century England had no ability to access abortion or control their own fertility, lest they be subjected to the substantial punishments of imprisonment, transportation, or even death. However the presence of these laws did not obstruct women from abortion completely. They were obstacles that many women and abortion providers subverted through their underground abortion practices. These practices, while unconventional and often downright dangerous, are evidence of the ability of women to create their own solutions to issues imposed by the state regulation of their bodies.

---

<sup>25</sup> Keown, *Abortion, Doctors and the Law*, 17.

<sup>26</sup> Michael Thomson, "Woman, Medicine and Abortion in the Nineteenth Century," *Feminist Legal Studies* 3:2 (1995): 164, accessed May 17, 2017, doi: 10.1007/BF0110411.



## *Abortifacients*

Throughout the 19th century women and abortion providers employed multiple practices in their attempts to end unwanted pregnancies. These methods ranged from drinking gin and taking extremely hot baths,<sup>27</sup> to inflicting physical blows to the uterus, ingesting herbal oils such as juniper,<sup>28</sup> or consuming purgative plants such as colocynth and pennyroyal, which were toxic emetics strong enough to cause miscarriage as a side effect.<sup>29</sup> The most popular method of abortion were chemical abortifacients, which were used throughout the entirety of the 19th century with extremely varied results. The British Medical Journal published several articles throughout the 19th century that focused on the concerning trend of women relying on dangerous chemical abortifacients to procure abortion. One particular case from 1877 detailed the experience of a young woman from the Isle of Man who deliberately ingested phosphorus in a late abortion attempt. While seven months pregnant, this woman obtained phosphorus in a paste form and took several small doses on two or three occasions. This abortifacient proved to be lethal as the woman in question experienced severe pain and vomiting at first and then died in the next 48 hours, after delivering a stillborn child.<sup>30</sup> During the post-mortem inquest, the medical witness described the visible physical effects of the abortifacient as distinctive

---

<sup>27</sup> Joan, Perkin, *Women and Marriage in Nineteenth-Century England*, (London: Routledge, 1989) 170.

<sup>28</sup> Angus McLaren, "Women's Work and Regulation of Family Size: The Question of Abortion in the Nineteenth Century," *History Workshop*, 4 (1977): 73, accessed May 15, 2017, <http://www.jstor.org/stable/4288123>.

<sup>29</sup> Patricia Knight. "Women and Abortion in Victorian and Edwardian England." *History Workshop*, 4 (1977): 61, accessed May 15, 2017, <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/4288122>.

<sup>30</sup> "Poisoning With Phosphorus," 422.

markers of phosphorus poisoning. The woman's stomach "contained around half a pint of altered blood,"<sup>31</sup> that had become similar in texture to coffee grounds.

The gastric mucosal barrier had large purple patches on the surface as this altered blood had breached the stomach's internal defence. The "contents and inner surface of the stomach were luminous in the dark, thus clearly indicating the presence of phosphorus,"<sup>32</sup> and there was significant damage to both the small intestines and the liver. The medical examiner concluded that the phosphorus did not directly affect the uterus as an abortifacient. Instead, it caused significant damage to the stomach and bowels and indirectly caused abortion as a result of the internal trauma that the woman suffered.<sup>33</sup>

A second article concerning the use of dangerous chemical abortifacients from 1858 detailed a similar case in which a young woman in Northamptonshire ingested arsenic in order to induce miscarriage. The doctor who authored the article noted that the woman had completely lost sensation in her left leg, had little sensation in her right, and was unable to walk on either.<sup>34</sup> Upon discovering that the woman was pregnant, the doctor questioned her about her actions until she revealed that she had been consuming arsenic twice a day for the past three months, starting in her fourth month of pregnancy. She had been instructed to do by the father of the child who believed that it would induce abortion without any noticeable side effects. The woman had consumed two tablespoons of arsenic over the past months, which had

---

<sup>31</sup> "Poisoning With Phosphorus," 422.

<sup>32</sup> "Poisoning With Phosphorus," 422.

<sup>33</sup> "Poisoning With Phosphorus," 422.

<sup>34</sup> H. G. Trend, "A Case in which Arsenious Acid was used to Procure Abortion." *British Medical Journal*, 87 (1858): 725, accessed May 17, 2017, <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/2519262>.

caused significant physical side effects. The woman stated that “she occasionally suffered from intense thirst and pain at the pit of the stomach that the bowels had been very loose, and the motions tinged with blood for about six weeks.”<sup>35</sup> According to the doctor, the “most curious symptom” of the arsenic poisoning was the perfect paralysis of the left leg, and the only partial paralysis of the right.”<sup>36</sup> Despite these significant side effects, the foetal heartbeat was still clearly audible at the time of the doctor’s examination. The woman discontinued her consumption of arsenic and eventually regained sensation in her legs and the ability to walk; in November of 1857 she delivered a stillborn baby who was “well-nourished and perfect in every respect.”<sup>37</sup> In the doctor’s estimation had not been affected by the arsenic but was stillborn because the mother lacked the expulsive power during childbirth.

Lead-based abortifacients also proved to be common for women in the 19th century as they were remarkably easy to obtain. Working class women who worked in factories where white lead was present often had spontaneous miscarriages: this information spread between women and most likely contributed to the growth of lead-based products as abortifacients.<sup>38</sup> Similarly, in the 1890s lead had contaminated the Sheffield city water supply, which lead to multiple women aborting after consuming the contaminated water. Some actually died as a result of the lead poisoning, but this did not deter those women seeking easily accessible abortifacients.<sup>39</sup> In two years after the Sheffield incident doctors recorded between

---

<sup>35</sup> Trend, “A Case in which Arsenious Acid was used to Procure Abortion,” 725.

<sup>36</sup> Trend, “A Case in which Arsenious Acid was used to Procure Abortion,” 725.

<sup>37</sup> Trend, “A Case in which Arsenious Acid was used to Procure Abortion,” 725.

<sup>38</sup> Knight, “Women and Abortion in Victorian and Edwardian England,” 61.

<sup>39</sup> Hera Cook, *The Long Sexual Revolution*, (New York: Oxford University Press, 2004) 116.

100 and 200 cases of lead poisoning due to abortion.<sup>40</sup> Lead-based abortifacients were easy to obtain as Diachylon plaster, a lead-based compound, was readily available from chemists for the treatment of bruises and fractured ribs. Diachylon could be mixed with aloes or boric acid to create lead pills; women would then take copious amounts of these pills to induce abortion. One 40 year old woman, already the mother to 11 children, consumed 40 of these pills with no result; another consumed 144 and then miscarried 17 days later.<sup>41</sup> Use of lead based abortifacients became so common at the end of the 19th century that lead compounds were eventually placed on a poison list and thus their availability to the general public became limited.<sup>42</sup>

Clearly, taking chemical abortifacients such as phosphorus, arsenic and lead posed severe health risks and could even prove to be fatal. However these significant risks were not enough to deter women from choosing them: the alternative was staying pregnant, an option which many women did not or could not entertain. Working class women in particular chose these abortifacients as their main form of birth control, as these methods were often cheaper and in some ways more practical. Unlike contraceptives, abortifacients did not have to be used during sex. They allowed the postponement of action until a woman could be certain that she was in fact pregnant.<sup>43</sup> Chemical and herbal abortifacients were preferable to abortion through the use of surgical instruments, as these surgical methods were far more likely to require a specialist's assistance and were more likely to be immediately

---

<sup>40</sup> Knight, "Women and Abortion in Victorian and Edwardian England," 59.

<sup>41</sup> Knight, "Women and Abortion in Victorian and Edwardian England," 60.

<sup>42</sup> Cook, *The Long Sexual Revolution*, 116.

<sup>43</sup> McLaren, "Women's Work and Regulation of Family Size," 71.

physically traumatic and painful.<sup>44</sup> Sometimes however women used a combination of methods to procure abortion: if drugs failed, manual abortion with a tool was the second and final option.<sup>45</sup> Women relied heavily on each other for assistance with obtaining abortifacients. They created their own networks to aid each other and disseminate information on abortion procedures, but the illegality of abortion meant that these networks of women had to operate in secret. Information was often communicated orally rather than in writing in order to protect both patients and practitioners from prosecution.<sup>46</sup> Women often obtained their pills and other abortifacients from female friends, neighbours and midwives, and were able to go to older women in their communities to procure abortions. These women were colloquially known as “grannies” and would use crochet hooks or even knitting needles to perform abortion.<sup>47</sup> In June of 1871, Sarah Badderley of Kennington was exposed as one of these local abortion providers. Along with her husband Charles Badderley, a medical herbalist, Sarah Badderley operated as “the celebrated Madame de Badderley,” a clairvoyant, who sold abortifacient drugs privately through appointments.<sup>48</sup> The Kennington police department sent a woman named Hansard to the Badderleys who claimed to be the aunt of a young pregnant women who wished to induce a miscarriage. Sarah Badderley provided Hansard first with pills and herbs, and after a later appointment with further medicine to induce abortion.<sup>49</sup> The Badderleys were charged based on these actions with the intent to induce

---

<sup>44</sup> Knight, “Women and Abortion in Victorian and Edwardian England,” 60.

<sup>45</sup> Knight, “Women and Abortion in Victorian and Edwardian England,” 60.

<sup>46</sup> Jane Lewis, *Labour and Love: Women's Experience of Home and Family, 1850-1940*, (New York: Blackwell, 1987) 159.

<sup>47</sup> Knight, “Women and Abortion in Victorian and Edwardian England,” 62.

<sup>48</sup> “Mesmerism and Abortion,” *The British Medical Journal* 2:548 (1871): 15, accessed May 17, 2017, <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/25229888>.

<sup>49</sup> “Mesmerism and Abortion,” 15.

abortion through noxious drugs, as they were deceived by the police and by Hansard who claimed to be helping her young niece. Although this was a lie used to entrap the Badderleys, it is evidence that women did rely on each other to access reproductive control. This also demonstrates the reliance of younger women on older and more knowledgeable women for this kind of information and access to abortifacients.

Women readily protected each other from legal persecution: in one case in Nottingham, a woman was charged for selling lead pills. Other women came forward in her defence as witnesses and claimed that they had received health benefits from taking these lead pills.<sup>50</sup>

Women's reliance on each other for abortion procedures and support is evidence of a communal desire for knowledge and reproductive strategies. What grew as a result of the laws prohibiting abortion was an underground, underdeveloped and deeply flawed system made primarily by and for women. Those seeking abortion were making dangerous and sometimes fatal sacrifices in order to maintain some level of control over their own reproductive futures. These choices were created by the social and legal circumstances of the 19th century that attempted to restrict women from accessing their reproductive rights. Restrictive laws did not stop abortion from happening; they instead forced women to operate in the darkness with dangerous and damaging tools. Despite both the significant risks of abortion procedures and the threat of legal recourse, women were prepared to subject themselves to practically anything. They persisted in the face of potential imprisonment, transportation and even death.

---

<sup>50</sup> Knight, "Women and Abortion in Victorian and Edwardian England," 62.

## Chapter Two: Class and Abortion

---

Abortion in nineteenth-century England was not a class-specific phenomenon. Women from every level of the social hierarchy sought and obtained abortions through surgical, chemical and other homeopathic methods. However, a woman's social class did play a significant role in determining both her ability to access these practices and her ability to practise them discreetly. Working class women in particular bore this weight as the comparative cheapness and accessibility of self-induced miscarriage against other methods of birth control pushed them towards a preference for abortion that was well noted by contemporaries.<sup>51</sup> This inclination to abortion amongst working class women was conditioned by poverty, a lack of access to and information about birth control, and a stronger adherence to the idea of the quickening than was exhibited by the upper and middle class. Other forms of birth control were unappealing as they provided a significant threat to women's lives as demonstrated by a series of failed Caesarian operations in the factory districts of Lancashire prior to 1880. The preeminence of abortion within working class communities had significant physical and social consequences for working class women.

Working class women's preference for abortion can be explained by a number of different factors that influenced their ability and desire to proceed with this particular form of birth control. One key element that spurred working class women

---

<sup>51</sup> Knight, "Women and Abortion in Victorian and Edwardian England," 58.

towards abortion is the comparative inaccessibility of other methods. Contraceptives were difficult to acquire as they were rarely prescribed by doctors and were only detailed within chemist catalogues.<sup>52</sup> These contraceptives were often expensive, complicated and cumbersome; comparatively, abortion was far easier and less expensive. Working class women could purchase “pennyworths” of abortifacient drugs that provided a significantly cheaper, if much more physically dangerous alternative to birth control.<sup>53</sup> Abortion was the more economic option as working class women were able to postpone the act of birth control until they were certain it was necessary, thus avoiding extra expenditure on preventative measures.<sup>54</sup>

Working class women were not only influenced by the relative cheapness of abortion: they also had a considerably different attitude towards the permissibility of pre-quickening abortion than any other social class. Working class women in the nineteenth century embraced this concept of the quickening, which defined the start of independent life of an embryo at the first sign of fetal movement, as they did not view pre-quickening abortions as the destruction of a human being.<sup>55</sup> During the nineteenth century the English middle class began to shift away from this traditional notion, and instead defined the moment of conception as the beginning of embryonic personhood.<sup>56</sup> This shift in middle-class thought about foetal personhood was reflected in significant amendments to the Offences Against Person Act made in 1837. In the Ellenborough Act of 1803<sup>57</sup> and the initial version of the Offences Against Person Act of 1828,<sup>58</sup> legislators had upheld provisions that made a

---

<sup>52</sup> Knight, “Women and Abortion in Victorian and Edwardian England,” 59.

<sup>53</sup> Knight, “Women and Abortion in Victorian and Edwardian England,” 59.

<sup>54</sup> McLaren, “Women's Work and Regulation of Family Size,” 71.

<sup>55</sup> McLaren, “Women's Work and Regulation of Family Size,” 75.

<sup>56</sup> McLaren, “Women's Work and Regulation of Family Size,” 75.

<sup>57</sup> “Malicious Shooting or Stabbing Act 1803,” 2.

<sup>58</sup> “Offences Against The Person Act 1828,” 9.



distinction between pre- and post-quickening abortions in offence severity and punishment. However in 1837 legislators removed this distinction. The Act stated that any person who acted “with intent to procure the Punishment miscarriage of any pregnant woman,” regardless of whether she was quick with child or not, “shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the Seas for the term of the Natural Life of such person, or for any term not less than Fifteen Years, or to be imprisoned for any term not exceeding Five Years.”<sup>59</sup> Working class women likely held on firmly to the concept of the quickening as it provided them with a grace period of several months in which they could discern whether an abortion was even necessary before committing money and also their own physical sanctity to this decision.

The case of a series of fatal Caesarian operations in nineteenth-century Lancashire is further evidence of the limitations of other methods that prompted working class women to adopt abortion as their primary form of birth control during this time period. Thomas Radford, a doctor who had earlier in his career stated that “embryonic life is not properly valued by females in other classes of society,”<sup>60</sup> provided an alternative to self-induced abortion. Radford offered Caesarian sections to Lancastrian female factory workers as a form of therapeutic abortion, as pregnant factory workers often continued to work within factories until they experienced physical disabilities that required the inducement of a late-term miscarriage to save

---

<sup>59</sup> “Offences Against Person Act 1837,” Text, 3, accessed October 18, 2017, <https://parlipapers-proquest-com.ezproxy.canterbury.ac.nz/parlipapers/docview/t70.d75.1837-016729?accountid=14499>.

<sup>60</sup> McLaren, “Women's Work and Regulation of Family Size,” 75.

the life of the mother.<sup>61</sup> Twenty five of the total fifty five Caesarian sections performed in Britain prior to 1880 occurred in the factory districts of Lancashire in which Radford operated.<sup>62</sup> Nineteenth-century Caesarian operations were demonstrably extremely dangerous as they had a staggeringly high death rate. Many recipients of these operations died in the hours and days that followed: one woman, Anne Kenyon, a thirty one year-old domestic and charity patient lived for five days; another Mary Nixon, a thirty nine year-old factory worker lived for sixty seven hours; another Mary Jepson, a forty three year-old weaver from Darwen lived for only three hours after her Caesarian operation.<sup>63</sup> Radford attempted to counteract the existence of this obviously high death rate with reports of so-called successful operations. One Mrs. Sankey, a forty one year old housewife from Salford survived the Caesarian operation, but later died during her next confinement. Another woman Mary Haigh, a thirty one year-old domestic worker from Ashton-under-Lyne also survived but was crippled for the remaining four years of her life. She was unable to dress herself or walk without the help of family members.<sup>64</sup> Radford's Caesarian trials were proven time and time again to be fatal for his working class subjects. Working class women died for these experimental and dangerous medical procedures. This supposed surgical alternative to self-obtained abortion was an active threat to those who underwent this procedure and likely would have encouraged other working class women to steer clear of this particular approach. Even as a medical professional Radford could not offer safety or survival to those working class women who he condemned for seeking abortion through other avenues. It is unsurprising therefore

---

<sup>61</sup> McLaren, "Women's Work and Regulation of Family Size," 75-76.

<sup>62</sup> McLaren, "Women's Work and Regulation of Family Size," 76.

<sup>63</sup> McLaren, "Women's Work and Regulation of Family Size," 76.

<sup>64</sup> McLaren, "Women's Work and Regulation of Family Size," 76.

that working class women were more likely to take their reproductive health into their own hands if this was the standard of the medical alternative.

While nineteenth-century contemporaries and modern historians alike<sup>65</sup> have focused on the predilection of working class women for abortion, they were by no means the only class to seek out and obtain this particular method of birth control. One particular case of upper-class abortion is that of Lady Henrietta Maria Stanley, the Lady Stanley of Alderley, a member of aristocracy who gave birth to nine children in seventeen years.<sup>66</sup> Upon hearing the news of her tenth pregnancy in November of 1847, Lady Stanley's husband Edward wrote to her and labelled her new pregnancy as her "last misfortune" that was "most grievous & puts all others in the shade."<sup>67</sup> Lady Stanley replied euphemistically that "a hot bath, a tremendous walk & a great dose have succeeded" in terminating her tenth pregnancy. Lord Stanley replied to this news stating that if Lady Stanley was "none the worse" from the abortion procedure then "the great result is all the better."<sup>68</sup> The fact that Lady Stanley had already given birth nine times prior to this event was a significant motivator for abortion in this case. In a later letter, Lord Stanley stated that he was sure that she "would feel the same horror I did at an increase of family," but that he was "reassured for the future by the efficacy of the means."<sup>69</sup> This sentiment is paralleled by a statement from a working class Yorkshire woman who was already mother to ten children. She stated that she would "rather swallow the druggist's shop and the man

---

<sup>65</sup> McLaren, "Women's Work and Regulation of Family Size," 75.

<sup>66</sup> Erna Olafson Hellerstein, Leslie Parker Hume, and Karen M. Offen, *Victorian Women: A Documentary Account of Women's Lives in Nineteenth-Century England, France, and the United States*. (Stanford: Stanford University Press, 1981) 199.

<sup>67</sup> Hellerstein, Hume and Offen, *Victorian Women*, 199.

<sup>68</sup> Hellerstein, Hume and Offen, *Victorian Women*, 200.

<sup>69</sup> Hellerstein, Hume and Offen, *Victorian Women*, 200.

in't than have another kid."<sup>70</sup> The mode of expression between Edward Stanley and this working class mother of ten is somewhat different here, but the experience was universal. Working-class and aristocratic women alike were conscious of the physical and financial strains of unwanted pregnancy and child-raising, and approached it with the same solution: abortion. The case of Lord and Lady Stanley is a prime example of individual aristocratic abortion. Furthermore, the extensive sale of the more expensive range of abortifacients throughout the nineteenth century is evidence that a significant amount of clandestine middle-class abortion occurred.<sup>71</sup> The discreet practice of abortion in upper and middle class circles meant that these more socially privileged women were able to maintain a sense of moral respectability while employing the same birth control methods for which working class women were widely condemned. Working-class women were heavily restricted by poverty; they were subject to experimental and often fatal abortion practices; they bore the brunt of societal criticism for the phenomenon of abortion in the nineteenth century. Working-class women were by no means the only group to seek out abortion, but their class made their experiences with abortion uniquely dangerous.

---

<sup>70</sup> Knight, "Women and Abortion in Victorian and Edwardian England," 65.

<sup>71</sup> Knight, "Women and Abortion in Victorian and Edwardian England," 58.

## Chapter Three: Trials of the nineteenth century

---

Between 1800 and 1899, there were seventy nine trials that featured cases of illegal abortion reported in the records of the Old Bailey, the Central Criminal Court of London. The Old Bailey dealt with these cases that primarily occurred within Greater London, therefore these trials can only reflect the legal circumstances and trends in regards to illegal abortion of this one particular region. However, as Greater London is a significant metropolitan centre, these geographically confined trials still provide useful insight into how England's capital city dealt with the social phenomenon of illegal abortion after its criminalisation in 1803 and throughout the subsequent decades of the nineteenth century. This chapter will analyse and discuss a number of issues that these records and statistics bring to light. The first of these issues is the growth in both the number of trials and the number of guilty convictions across the decades of the nineteenth century. The second issue to be dealt with is the range of punishments that could result from a charge of illegal abortion. The third issue that emerges from these legal records is the prevalence of men as defendants in cases of illegal abortion and the comparatively small number of women who were accused of this particular crime . This chapter will also feature a detailed discussion of the trials of two particular cases of illegal abortion. The first of these cases is the trial of William Longman in 1855, who was accused of purposefully attempting to cause the miscarriage of a teenage girl he had impregnated in the early 1850s. The second of

these cases is that of William Haynes, who was tried for two crimes in 1843; the first being illegal abortion and the second being the murder of his wife, Mary Haynes.

Although legislators introduced the Ellenborough Act in 1803 to explicitly criminalise the act of abortion, the bulk of illegal abortion trials in the Greater London area did not occur until many decades later, with the majority occurring in the 1880s and 1890s. The number of trials increased dramatically over the later decades of the nineteenth century. Between 1820 and 1840, there were only five total trials of defendants accused of illegal abortion. However from this point, the number of trials steadily rose. Six and seven trials occurred in the 1850s and the 1860s respectively, and then on to thirteen in the 1870s.<sup>72</sup> By the last two decades on the nineteenth century, these numbers had inflated even further. The Central Criminal Court was home to twenty trials in the 1880s and twenty in the 1890s.<sup>73</sup> Over half of the total number of illegal abortion trials in nineteenth-century London occurred in this twenty year period, thus demonstrating an accelerated willingness of the state to persevere with criminal charges and trials against those accused of illegal abortion. As the number of trials rose, so did the numbers of those convicted of the crime. Of the seventy nine cases detailed within the records of the Old Bailey, forty six of the trials ended in a conviction as decided by the court, whereas thirty three ended in an acquittal.<sup>74</sup> This growth in conviction numbers corresponds with the growth in number of trials towards the end of the nineteenth century. Twenty nine of the forty

---

<sup>72</sup> Refer to Appendix One, Table One for statistics of trial numbers by decade in the nineteenth century.

<sup>73</sup> Refer to Appendix One, Table One.

<sup>74</sup> Refer to Appendix One, Table One for statistics of guilty convictions by decade in the nineteenth century.

eight trials in the period between 1880 and 1899 resulted in a guilty conviction.<sup>75</sup>

While these statistics do indicate that defendants in nineteenth century Greater London were somewhat more likely to be convicted rather than acquitted of illegal abortion charges, it is important to recognise that a charge of this nature was actually relatively unlikely to happen in the first place. The fact that only seventy nine trials concerned with the practice of illegal abortion were recorded throughout an entire century in the large and heavily populated metropolitan area of Greater London indicates that this was not a commonly or easily constructed charge. The considerable number of acquittals by the Central Criminal Court indicate that while being tried for illegal abortion did risk the freedom of defendants, there was also a significant chance that those charged would be able to avoid legal consequences.

The records of these trials from the Old Bailey indicate that men were far more likely than women to be defendants in cases of illegal abortion. Men were defendants in fifty eight different trials; forty five of these trials represented only male defendants with the additional thirteen trials featured multiple defendants both male and female.<sup>76</sup> In comparison with this, during the nineteenth century the Central Criminal Court only tried nineteen cases in which there were only female defendants featured.<sup>77</sup> Of these nineteen trials, only three women were actually charged with obtaining or attempting to obtain their own abortion. In December of 1883, one of these three women, Julia Hardie, was charged for “feloniously using certain

---

<sup>75</sup> Refer to Appendix One, Table One.

<sup>76</sup> Refer to Appendix One, Table Two for statistics of gender representation in defendant demographics.

<sup>77</sup> Refer to Appendix One, Table Two for statistics of gender representation in defendant demographics.

instruments, with intent to procure her miscarriage.” Although the exact details of her actions and her legal defence are unclear, as according to the trial record “the details of this case were unfit for publication,” Hardie was ultimately found not guilty of procuring her own abortion.<sup>78</sup> The other two women who were on trial for their own abortions were both found guilty. In August of 1862, the thirty two year old Fanny Warboys was charged with “unlawfully using an instrument with intent to procure her abortion.” She was found guilty and sentenced to three months of confinement.<sup>79</sup> The only other woman trialled for procuring her own abortion by the Central Criminal Court was sentenced with a similar punishment nearly thirty years later. The thirty two year old Mary Jane Baynon was sentenced to three months of imprisonment after she “pleaded guilty to unlawfully inciting one William Yelveston Davenport to procure her miscarriage” in January of 1891.<sup>80</sup> There is no record within the archive of the Old Bailey that indicates that Davenport was also charged with the crime of procuring an abortion for Baynon. The rarity of accusations of personal illegal abortion attempts can be explained by the general construction of these cases. Trials of illegal abortion generally involved two parties: the victim or recipient of the abortion, and the perpetrator who enabled or performed the abortion itself. In cases of self-induced abortion, the recipient would have to fulfill both these roles and thus would not be able or willing to testify against themselves. Those who

---

<sup>78</sup> JULIA DEARN HARDIE, Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 10th December 1883, Reference Number: t18831210-147, <https://www.oldbaileyonline.org/browse.jsp?id=t18831210-147-offence-1&div=t18831210-147>, accessed October 14, 2017.

<sup>79</sup> FANNY WARBOYS, Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 18th August 1862, Reference Number: t18620818-836, <https://www.oldbaileyonline.org/browse.jsp?id=t18620818-836-offence-1&div=t18620818-836> accessed October 14, 2017.

<sup>80</sup> MARY JANE BAYNON, Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 12th January, 1891, Reference Number: t18910112-144, <https://www.oldbaileyonline.org/browse.jsp?id=t18910112-144-offence-1&div=t18910112-144>, accessed October 14, 2017.



performed self-induced abortions would be more able to hide their actions and much more difficult to prosecute as there was no second party to witness the supply of abortifacients or the performance of a surgical abortion.

It was considerably more likely for women to be implicated in the abortion attempts of others, rather than charged with completing their own. The other sixteen trials of the Central Criminal Court that involved female defendants featured cases in which women were accused of procuring abortions for other women. One particular case is that of the sixty five year old Sarah Satchwell, the thirty four year old Harriet Murch and the thirty four year old Mary Darwell who in October of 1873 were indicted for “feloniously using a certain instrument with intent to procure the miscarriage of one Harriet Murch the younger.” The particular details of this case were obscured by the court reporter as they were apparently “quite unfit for publication.”<sup>81</sup> However this report did record the fact that all three of these women were found guilty and were sentenced harshly. Murch the defendant and Darwell were sentenced to five years of penal servitude, while Satchwell was sentenced to ten years.<sup>82</sup> Women in nineteenth-century Greater London ran a much higher risk of being charged and convicted of procuring or enabling an abortion for another woman. The trial statistics and case details sourced from the Old Bailey indicate that the courts viewed those who performed abortion upon another body in much higher contempt than those who performed them on themselves or received them from someone else.

---

<sup>81</sup> SARAH SATCHWELL, HARRIET MURCH, MARY DARWELL, Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 27th October 1873, Reference Number: t18731027-656, <https://www.oldbaileyonline.org/browse.jsp?id=t18731027-656-offence-1&div=t18731027-656>, accessed October 14, 2017.

<sup>82</sup> SATCHWELL, MURCH, DARWELL, Miscellaneous > illegal abortion.

Fanny Warboys and Mary Jane Baynon received three months in jail apiece for performing their own abortions, a fraction of the penal sentences that Farwell, Murch and Satchwell received for administering an abortive surgery on another woman.

As stated earlier, the bulk of trials of illegal abortion from the records of the Central Criminal Court featured at least one male defendant. These men participated in the obtainment of illegal abortion for a number of reasons. For some of these individuals, abortion was their trade. These defendants were clandestine abortion providers with surgical knowledge and abilities who offered their services to multiple women. One such defendant is sixty year old Richard Pascoe, who in June of 1889 was charged and convicted of “feloniously using a certain instrument upon Betsy Croft, with intent to procure her miscarriage.”<sup>83</sup> His conviction in 1889 was in part due to the fact that he also plead guilty to a similar charge from ten years prior. In November of 1879 he was “convicted at Exeter of a like offence” for which he was sentenced to five years of penal servitude.<sup>84</sup> Clearly his 1879 sentencing was not enough to deter him from re-entering the underground abortion trade after his release. Pascoe’s second conviction in 1889 is evidence that he maintained his practice despite its illegality and the years of his life that it had already cost him.

---

<sup>83</sup> RICHARD PASCOE, Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 24th June 1889, Reference Number: t18890624-580, <https://www.oldbaileyonline.org/browse.jsp?id=t18890624-580-offence-1&div=t18890624-580>, accessed October 14 2017.

<sup>84</sup> RICHARD PASCOE, Miscellaneous > illegal abortion.

However, not all male defendants were underground abortion practitioners. In many cases, men sought abortifacients in order to terminate the pregnancies of their wives and or their other female sexual partners. One such case is that of the thirty six year old William Longman, who in April of 1855 was tried for “feloniously administering to Elizabeth Eldred Astins 10 grains of a noxious thing called savin, with intent to procure miscarriage.”<sup>85</sup> As the key witness in Longman’s trial, Elizabeth Astins testified that in May of 1844, Longman “made connection with” and impregnated her while he was married to another woman. Longman at this time would have been around thirty five, whereas Elizabeth Astins was around eighteen years old. Astins testified that she had first mentioned to Longman that she was “in the family way on the 18th July of 1844,” to which Longman responded that “the child must not be born alive, or else it will be the ruin of (him).”<sup>86</sup> He then asked Astins that if he were to give her 20*l.*, (20 pounds) and “write a letter to that effect, would (she) say (the foetus) belonged to someone else.”<sup>87</sup> Astins refused. After this refusal, Longman set about procuring a series of abortifacients that he would gradually introduce to Astins in order to remove the evidence of his infidelity. Astins testified that a fortnight after his initial offer to pay her to hide the true paternity of the foetus, she met with Longman who gave her a pill that would cause a partial abortion. He then stated that he would later provide her with another pill that “would do it altogether.”<sup>88</sup> Astins testified that she took “the dark brown pill with bright spots” in Longman’s presence, but that he also left about two minutes after she had taken the pill. Astins then

---

<sup>85</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 9th April 1855, Reference Number: t18550409-481, <https://www.oldbaileyonline.org/browse.jsp?id=t18550409-481-offence-1&div=t18550409-481>, accessed October 14, 2017.

<sup>86</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion.

<sup>87</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion.

<sup>88</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion.

reports that the pill “made my face swell, and one of my eyes bloodshot, and it gave me great pain at the lower part of my stomach, and I felt very faint.”<sup>89</sup> Between a week and a fortnight after this first event, Longman then provided Astins with a powder that he claimed “would nearly effect (a miscarriage).” Astins claims that she only tasted the powder, which was “two or three powders together; they were of a yellow colour, and very bitter.” Instead of consuming this powder she took it home and destroyed it. A fortnight after this second event, Longman gave Astins a “very dark brown pill” that was different and smaller than the first. This pill had a number of physical effects on Astins as it caused her to “spit blood, mixed with water, an hour or an hour and a half after (she) had taken it,” and that “it caused a deathly feeling, a very faint feeling.”<sup>90</sup>

Astin then testified that Longman had paid five pounds to an accomplice James Scott, who would go on to provide her with the remaining abortifacients. According to Astin, Scott offered her on two separate occasions some powders and then the oil of savin that he claimed would “effectually do away with it, alluding to the infant.”<sup>91</sup> Secondary witness and surgeon William Walford testified that from Astins’ description of the effects of these pills, he has assumed that they contained a “powerful irritant poison,” that when paired with the oil of savin would indirectly procure an abortion.<sup>92</sup> Although Longman employed a number of different abortifacient substances in order to prevent the birth of his illegitimate child, they were ultimately ineffective in this regard. Astins gave birth to a male child on the 7th

---

<sup>89</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion.

<sup>90</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion.

<sup>91</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion.

<sup>92</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion.

of February, 1855.<sup>93</sup> Longman was then found guilty by the court and was sentenced to six years of penal servitude.

The tragic case of Mary and William Haynes is further evidence of both men's participation in the implementation of illegal abortion and the devastating effects that risky abortion methods could have. In late 1843, William Haynes was charged with two crimes. The first of these crimes was the felonious administering to his wife, Mary Haynes of "a large quantity of a certain noxious drug, 2 ounces of sulphate of potash, with intent to procure her miscarriage."<sup>94</sup> The second and corresponding charge was the murder of Mary. In October of 1843 William Haynes was tried for the murder of his wife. During this trial, witnesses such as neighbour Sarah Reynolds and surgeon Mark Pickering testified that William Haynes openly admitted to both of them that he had provided his wife with several two ounce portions of sulphate of potash in order to abort her pregnancy.<sup>95</sup> Mary Haynes took the first dose on the 26th of September, 1843, the second on the night of the 27th. On the morning of the 28th of September William Haynes woke up to find his wife dead. Haynes told Pickering that he has chosen this particular abortifacient because it had been detailed in a book that he had bought in the Strand, which he readily gave up when asked. The sulphate of potash had devastating effects on the body of Mary Haynes. Pickering, who had examined the body, stated that "all the stomach and intestines were highly inflamed,"

---

<sup>93</sup> WILLIAM LONGMAN, Miscellaneous > illegal abortion.

<sup>94</sup> WILLIAM HAYNES, Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 27th November, 1843, Reference Number: t18431127-85, <http://www.oldbaileyonline.org/browse.jsp?id=t18431127-85-offence-1&div=t18431127-85> (accessed October 10, 2017)

<sup>95</sup> WILLIAM HAYNES, Killing > murder. Proceedings of the Old Bailey, 23rd October, 1843, Reference Number: t18431023-2890, <https://www.oldbaileyonline.org/browse.jsp?id=t18431023-2890-offence-1&div=t18431023-2890> (accessed October 10, 2017)

<sup>96</sup> and that the cause of death could be attributed to the rupture of brain blood vessels, which was a result of the prolonged exposure to potash. The “violent exertion in retching”<sup>97</sup> that Mary Haynes experienced after consuming multiple portions of sulphate of potash in a relatively short space of time occurred on both the 26th and the 27th of September. Pickering testified that the substance is “sometimes administered in small quantities, and is then a mild cathartic,” with the average dose being “about a drachm—there are eight drachms to an ounce.”<sup>98</sup> Mary Haynes consumed sixteen times the recommended amount of potash twice in the space of two consecutive days. The quantity of the dosage in conjunction with the short space of time in which Mary Haynes consumed them was incredibly dangerous and ultimately lead to her death.

The residing policeman James Woods testified that during the police investigation of Mary Haynes’ death, William Haynes had said that “he did not care; he would speak the truth, if he was hung for it,”<sup>99</sup> and willingly admitted to obtaining the sulphate of potash in order to cause a miscarriage. Testimony from the trial reveals that William Haynes had stated to Pickering that “he had such a dislike to children,” and that was why he had pursued this particular course of abortifacients. Haynes claimed that while he knew the sulphate of potash would likely cause a miscarriage, he “never thought it would have a fatal effect on her.”<sup>100</sup> William Haynes was found not guilty of murdering his wife during the October trial. However, in November of 1843

---

<sup>96</sup> WILLIAM HAYNES, Killing > murder.

<sup>97</sup> WILLIAM HAYNES, Killing > murder.

<sup>98</sup> WILLIAM HAYNES, Killing > murder.

<sup>99</sup> WILLIAM HAYNES, Killing > murder.

<sup>100</sup> WILLIAM HAYNES, Killing > murder.

Haynes was found guilty of administering the noxious drug of potash with the intent to procure Mary Haynes' miscarriage. The same evidence from the previous trial of murder was presented by the prosecutor. Haynes was sentenced to two years of confinement at the age of twenty five.<sup>101</sup>

Although William Haynes knew by the night of September the 26th that the sulphate of potash he provided had made Mary Haynes severely ill, he still continued to dose her with this drug. Like many men, Haynes was aware that chemical abortifacients posed significant threats to the health of those who consumed them, yet encouraged their consumption anyway. While it is believable that Haynes did not intend to kill his wife Mary with the abortifacient, his desire to avoid fatherhood overrode his cognizance of the dangerous and likely fatal consequences of the sulphate of potash. He prioritized his desires over the physical safety of his wife and it ultimately caused her death. The trial of William Longman in 1855 further demonstrates how men tolerated the risks that covert abortion posed to women's bodies. Longman provided Elizabeth Astins with multiple pills, powders and the oil of savin in order to cover his own misdoing. His incentive was the preservation of his reputation as a married man as he did not want to be tied to the teenager he had impregnated or their child. He was indifferent to the physical effects that these abortifacients had on Elizabeth Astins. The actions of Williams Haynes and Longman were ultimately fruitless and destructive. Mary Haynes was killed: Elizabeth Astins gave birth anyway despite the considerable amount of abortifacients she consumed. Men's acceptance of and indifference to the dangers of illegal abortion indicates two particular things. Firstly,

---

<sup>101</sup> WILLIAM HAYNES, Miscellaneous > illegal abortion.

while abortion was condemned by both legislation and the media, this condemnation did not translate into people's personal lives. Men were just as willing to participate in the trade of illegal abortion and aided its survival throughout the nineteenth century. Secondly, many had become numb to the brutality of illegal abortion procedures: the health of women's bodies had become a secondary concern. The indifference to the vast and potentially fatal impact of abortifacients demonstrate how deeply flawed the practice of illegal abortion actually was.

The court's noticeably harsher treatment of women who participated in others' abortions could indicate a deliberate effort by the state to deal with the phenomenon of the illegal abortion trade. The relative difficulty of finding and proving cases of self-induced abortion meant that those women who performed abortions on others were pushed towards the spotlight. In pursuing cases against women who performed abortions on others, the state could attempt to destabilize the underground system of illegal abortion by removing some of its central agents. These women could be "repeat offenders" who had facilitated multiple abortions; the courts were therefore more likely and willing to prosecute and convict these women in order to discourage and further restrict access to these experienced practitioners of abortion. The ten and five year long sentences of women like Farwell, Murch and Satchwell indicate this attempt by the state to erase these women and their practices from the community. Women such as Baynon and Warboys who performed single abortions on themselves did not pose a considerable threat as their actions were individual. Women such as Farwell, Murch and Satchwell however were much more threatening to anti-abortion laws as they chose to repeatedly subvert its laws and thus were subject to much harsher legal punishment. However as the Central Criminal Court was only able to



convict in eleven cases, this attempt to destabilise the abortion trade through penalisation and incarceration was not as successful as lawmakers may have hoped.

## Conclusion

---

This dissertation has explored the ways in which women and men responded to the introduction of formalised anti-abortion laws at the start of the nineteenth century. The existence and survival of the illegal abortion trade and the widespread reliance on chemical and surgical abortifacients demonstrates that this legislation, while purposeful in its attempts to prohibit the practice of abortion, could not contend with the determination of women to maintain control over their reproductive futures by any means necessary. In order to contend with the illegality of abortion a makeshift and highly flawed version of reproductive control was implemented. Many women subverted the confines of the law by procuring their own abortions and aiding each other by supplying communal knowledge, abortifacients and upholding a code of silence to protect practitioners. This is not to say however that practices of illegal abortion were inherently empowering to women: many of these methods, in particular the popular and easily accessible chemical abortifacients, often had long-lasting physical consequences and in many cases proved to be fatal. With no access to thoroughly safe and legal reproductive control, the safety and health of women's bodies was relegated to a passing concern. Working class women in particular bore the brunt of this as they were more likely to undergo the most dangerous experimental procedures. These women lacked the resources and protection that their upper and middle-class counterparts, who also covertly engaged in abortion practices, were afforded by their social status. The trials of the Old Bailey indicate that, at least in the Greater London region, the actual implementation of

anti-abortion law was difficult. The relatively low number of charges throughout the entirety of the nineteenth century indicate that it was not easy to charge people with this crime. The Central Criminal Court of London awarded the lengthiest stints of penal servitude to those who had helped others achieve abortion in an attempt to disrupt the larger illegal abortion trade that relied on the existence of expert practitioners. However the threat of conviction and imprisonment clearly did not intimidate those who participated in this trade as they continued to practice abortion despite the obvious potential physical and legal consequences. Nineteenth-century women were ultimately willing to risk their sanctity of bodies and their freedom in order to achieve some level of control over their reproductive prospects.

## Appendix One

Table One: Tabulating decade against verdict category where offence category is illegal abortion, between January 1800 and December 1899. Counting by verdict.

	Total	Not Guilty	Guilty	Miscellaneous
Total	79	33	45	1
1820s	1	1	0	0
1830s	3	1	2	0
1840s	1	0	1	0
1850s	6	4	2	0
1860s	7	3	3	1
1870s	13	5	8	0
1880s	20	7	13	0
1890s	28	12	16	0

Table Two: Tabulating defendant gender against verdict category where offence category is illegal abortion, between January 1800 and December 1899. Counting by verdict.

	Total	Not Guilty	Guilty	Miscellaneous
Total	79	33	45	1
Unknown	1	1	0	0
Mixed Gender	13	6	7	0
Male	46	18	27	1
Female	19	8	11	0

## Bibliography

### Primary Sources:

#### Trial Records:

BAYNON, MARY JANE. Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 12th January, 1891, Reference Number: t18910112-144,  
<https://www.oldbaileyonline.org/browse.jsp?id=t18910112-144-offence-1&div=t18910112-144>, accessed October 14, 2017.

HARDIE, JULIA DEARN. Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 10th December 1883, Reference Number: t18831210-147,  
<https://www.oldbaileyonline.org/browse.jsp?id=t18831210-147-offence-1&div=t18831210-147>, accessed October 14, 2017.

HAYNES, WILLIAM. Killing > Murder. Proceedings of the Old Bailey, 23rd October, 1843, Reference Number: t18431023-2890,  
<https://www.oldbaileyonline.org/browse.jsp?id=t18431023-2890-offence-1&div=t18431023-2890> (accessed October 10, 2017)

HAYNES, WILLIAM. Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 27th November, 1843, Reference Number: t18431127-85,  
<http://www.oldbaileyonline.org/browse.jsp?id=t18431127-85-offence-1&div=t18431127-85> (accessed October 10, 2017)

LONGMAN, WILLIAM. Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 9th April 1855, Reference Number: t18550409-481,  
<https://www.oldbaileyonline.org/browse.jsp?id=t18550409-481-offence-1&div=t18550409-481>, accessed October 10, 2017.

PASCOE, RICHARD. Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 24th June 1889, Reference Number: t18890624-580,  
<https://www.oldbaileyonline.org/browse.jsp?id=t18890624-580-offence-1&div=t18890624-580>, accessed October 14 2017.

WARBOYS, FANNY. Miscellaneous > illegal abortion. Proceedings of the Old Bailey, 18th August 1862, Reference Number: t18620818-836,  
<https://www.oldbaileyonline.org/browse.jsp?id=t18620818-836-offence-1&div=t18620818-836> accessed October 14, 2017.

*Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.2, March 2015), Tabulating decade against verdict category where offence category is illegal abortion, between January 1800 and December 1899. Counting by verdict.

*Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.2, March 2015), Tabulating defendant gender against verdict category where offence category is illegal abortion, between January 1800 and December 1899. Counting by verdict.

### Newspaper Articles:

"Central Criminal Court, Dec. 20.", *Times*, December 21, 1898, 12. Accessed May 16, 2017, <http://find.galegroup.com.ezproxy.canterbury.ac.nz/ttda/infomark.do?&source=gale&prodId=TTDA&userGroupName=canterbury&tabID=Too3&docPage=article&searchType=BasicSearchForm&docId=CS201778069&type=multipage&contentSet=LTO&version=1.0>

"The Charge Of Attempting To Extort Money." *Times*, November 22, 1898, ., Accessed May 16, 2017, <http://find.galegroup.com.ezproxy.canterbury.ac.nz/ttda/infomark.do?&source=gale&prodId=TTDA&userGroupName=canterbury&tabID=Too3&docPage=article&searchType=BasicSearchForm&docId=CS151839606&type=multipage&contentSet=LTO&version=1.0>

### Journal Articles:

Trend, H. G. "A Case in which Arsenious Acid was used to Procure Abortion." *British Medical Journal*, 87 (1858): 725. Accessed May 17, 2017. <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/2519262>

"Mesmerism and Abortion." *The British Medical Journal* 2:548 (1871): 15. Accessed May 17, 2017, <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/25229888>

"Poisoning With Phosphorus, Followed By Abortion." *The British Medical Journal*, 2 , (1877): 422. Accessed May 14, 2017, <http://www.jstor.org/stable/25245587>

"The Traffic In Abortifacients." *The British Medical Journal* 1, (1899): 110-11. Accessed May 14, 2017, <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/20259246>.

### Legislation:

"Malicious Shooting or Stabbing Act 1803," Text, 2, accessed October 18, 2017, <https://parlipapers-proquest-com.ezproxy.canterbury.ac.nz/parlipapers/docview/t70.d75.1sp-001334?accountid=14499>

"Offences Against the Person Act 1828," Text, 9, accessed October 18, 2017, <https://parlipapers-proquest-com.ezproxy.canterbury.ac.nz/parlipapers/docview/t70.d75.1828-010849?accountid=14499>

"Offences Against Person Act 1837," Text, 3, accessed October 18, 2017, <https://parlipapers-proquest-com.ezproxy.canterbury.ac.nz/parlipapers/docview/t70.d75.1837-016729?accountid=14499>

## Secondary Sources:

Cook, Hera. *The Long Sexual Revolution*, New York: Oxford University Press, 2004.

Hellerstein, Erna Olafson, Leslie Parker Hume, and Karen M. Offen. *Victorian Women: A Documentary Account of Women's Lives in Nineteenth-Century England, France, and the United States*. Stanford: Stanford University Press, 1981.

Keown, John. *Abortion, doctors, and the law: Some aspects of the legal regulation of abortion in England from 1803 to 1982*. New York: Cambridge University Press, 1998.

Knight, Patricia. "Women and Abortion in Victorian and Edwardian England." *History Workshop*, 4 (1977): 57-68. Accessed May 15, 2017, <http://www.jstor.org.ezproxy.canterbury.ac.nz/stable/4288122>.

McLaren, Angus. "Women's Work and Regulation of Family Size: The Question of Abortion in the Nineteenth Century." *History Workshop*, 4 (1977): 69-81. Accessed May 15, 2017, <http://www.jstor.org/stable/4288123>

Perkin, Joan. *Women and Marriage in Nineteenth-Century England*. London: Routledge, 1989.

Sauer, Ruth. "Infanticide and Abortion in Nineteenth-Century Britain." *Population Studies*, 32:1 (1978): 836, accessed May 15, 2017, doi:10.2307/2173842.

Thomson, Michael. "Woman, Medicine and Abortion in the Nineteenth Century." *Feminist Legal Studies* 3:2 (1995): 159-183. Accessed May 17, 2017, doi: 10.1007/BF0110411.

Weeks, Jeffrey. *Sex, Politics, and Society: The Regulation of Sexuality since 1800*. London: Longman, 1981.