The Colonial Medea:

A Study of Indictments of Women for Serious Violence in the Christchurch Supreme Court 1900 to 1968

A thesis submitted in fulfilment of the requirements for the degree of Master of Arts in History at the University of Canterbury

By Anna L. Bradshaw

University of Canterbury 1999
This thesis argues that there was a “Colonial Medea” but that her violence against children was not committed as a result of an insane impulse but from social pressure and financial hardship. The first chapter examines the findings of other studies to set a universal context of women’s serious violence in the Christchurch Supreme Court from 1900 to 1968. The predominance of infant related serious violence indicates that this was not unique to colonial New Zealand and that there was indeed a “Universal Medea”. Part B focuses upon the narrative in the Christchurch Supreme Court. An examination of this narrative revealed that the horror that surrounds the myth of Medea was not evident in the Courtroom. This was because the Courtroom recognised the circumstances which prompted the women to commit their crimes and the defence was able to present the women defendants in sympathetic terms. The motive for the disposal of an illegitimate infant was recognised in the early twentieth-century courts. However this motive was increasingly held as being contrary to women’s natural instincts and the alleged offenders were increasingly diagnosed as being insane as psychiatry extended its influence in the Courtroom.

This thesis did not discover the existence of chivalry in the courtroom for any indictments of women’s serious violence. By examining the defence offered in mitigating the sentence and the judges narrative in passing sentence, other factors impacted the severity of the sentence more than the sex of the accused woman. The respectability of the defendant was seen to have a great impact upon the judge in passing sentence and the defence counsel frequently portrayed the defendants as
respectable women of "good character". Thus sexual stereotypes permeated the trials of most women, except those where the victims were seen as being "non-intimate."
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td>1</td>
</tr>
<tr>
<td>Part A:</td>
<td></td>
</tr>
<tr>
<td>Chapter One:</td>
<td>8</td>
</tr>
<tr>
<td>A Universal Medea?</td>
<td></td>
</tr>
<tr>
<td>Historians findings on women's crime in various countries</td>
<td></td>
</tr>
<tr>
<td>Chapter Two:</td>
<td>32</td>
</tr>
<tr>
<td>Criminological Perspectives</td>
<td></td>
</tr>
<tr>
<td>Criminological theories of women's violence</td>
<td></td>
</tr>
<tr>
<td>Chapter Three:</td>
<td>56</td>
</tr>
<tr>
<td>Searching for a Colonial Medea</td>
<td></td>
</tr>
<tr>
<td>A statistical analysis of women's indictments for</td>
<td></td>
</tr>
<tr>
<td>serious violence in a New Zealand context</td>
<td></td>
</tr>
<tr>
<td>Part B: Narratives Within the Courtroom</td>
<td></td>
</tr>
<tr>
<td>Chapter Four:</td>
<td>92</td>
</tr>
<tr>
<td>Violence Against Babies</td>
<td></td>
</tr>
<tr>
<td>Chapter Five:</td>
<td>129</td>
</tr>
<tr>
<td>Violence Against Older Children</td>
<td></td>
</tr>
<tr>
<td>Chapter Six:</td>
<td>155</td>
</tr>
<tr>
<td>Abortion - related Indictments</td>
<td></td>
</tr>
<tr>
<td>Chapter Seven</td>
<td>182</td>
</tr>
<tr>
<td>Violence Against Adults- Male Victims</td>
<td></td>
</tr>
<tr>
<td>(1) Spousal Victims</td>
<td></td>
</tr>
<tr>
<td>(2) Non - Spousal Victims</td>
<td></td>
</tr>
<tr>
<td>Chapter Eight</td>
<td>212</td>
</tr>
<tr>
<td>Violence Against Adults - Female Victims</td>
<td></td>
</tr>
<tr>
<td>(1) Intimate Violence</td>
<td></td>
</tr>
<tr>
<td>(2) Non-intimate Violence</td>
<td></td>
</tr>
<tr>
<td>Conclusion</td>
<td>236</td>
</tr>
<tr>
<td>Appendix</td>
<td>243</td>
</tr>
<tr>
<td>References</td>
<td>288</td>
</tr>
</tbody>
</table>
Preface

This thesis is going to discuss the indictments for serious violence which women faced in the Christchurch Supreme Court from 1900 to 1968. The topic ends in 1968 as the National Archives do not hold the court files after this date. Confining the period to the years between 1900 to 1968 seemed appropriate for this thesis. I chose this topic for my thesis because there has been very little attention given in criminology to women's serious violence. The literature focuses upon women's more common "crimes" such as prostitution, abortion, common assault or larceny. I was aware of this dearth of information from my B.A. Honours study of women's serious violence in nineteenth-century Canterbury. This present study was originally going to focus exclusively upon the indictments of women for fatal violence in the Christchurch Supreme Court from 1900 to 1950. However it was not long before I discovered that the sample would be too small, so I extended the year to 1968 and then finally the range of indictments to be studied. The study now includes murder, attempted murder, manslaughter, assault with intent to cause bodily harm, concealment of birth, abortion and neglect, abandonment and cruelty of children causing bodily harm. No study had been done with this focus in this setting and time frame. The personal narratives of female violent offenders have been relatively absent in both feminist criminology and women's history. Informative studies have been done by Mary Hartman on sensational Victorian murderesses, Judith Allen on women's crime in Australia, Louise Shapiro on women's crime in turn of the century Paris and various other studies have included sections exclusively on infanticide or the murderess. Allen's is the only study that extends into the twentieth century. The findings of these studies will be discussed in length in one chapter and referred to throughout the thesis as a point of comparison.

I was granted permission from the registrar of the High Court in Christchurch to examine
the Criminal Register from 1900 to 1968 from which I found the relevant cases. I then had to gain permission from a Judge to view each file. Of the eighty-one cases in this study only twenty-nine files were held by the National Archives in Christchurch; and of these, only sixteen contained statements taken from the accused women. The statements were not written down by the accused women but were written by the police to be signed by the accused. As might be expected, they did not contain any information that the accused did not want the police to know. All of the files from 1900 to 1924 are missing from the Christchurch National Archives. This made the research for this earlier period totally dependent upon newspaper reports of the trial proceedings. Much information was contained in the newspapers. I consulted The Press, The Lyttleton Times, New Zealand Truth, The Star, The Christchurch Times and the Sun - depending upon which paper was published at the time and under what name. Only two of the trials received no attention from any of the newspapers.

The extant files sometimes contained much valuable information on the accused women. Not only did they contain depositions of witnesses involved or implicated in the event but they also often contained a probation officer's report on the accused woman. These reports included information that was deemed useful in explaining the possible event such as the accused’s family history, education and employment background. Such reports were written for the judge after the verdict was reached by the jury to assist the judge when considering an appropriate sentence. The information written in these reports was not available to the press reporters or to the public. For this reason efforts will be made to conceal the identity of the women whose files contained a probation officer's report. A pattern of misfortune was often apparent from these files. Some of the files also contained the judge's statements given in summing-up and in sentencing, some of the later files also included transcripts of the actual trial itself.
It has proven difficult to discover the personal narratives of the accused women in many of these cases, as very few women testified at their own trials. The criminal trial files were undoubtedly of greatest value for the purpose of this study though they were available for only a small proportion of the cases. The transcripts which some of the later files contained were lengthy and often did not reveal anything different from that which was contained in the depositions. However, they were valuable for revealing which aspects of each witness's testimony was emphasised or cross-examined by the opposing counsel. This detail was sometimes available in the more extensively reported, sensationalised cases in the press but was not contained in the majority of the files or press reports. Thus it was difficult to determine the relative influence of each narrative upon the outcome of the trial and the sentence.

I was going to dedicate a chapter to the presentation of the women defendants in the press, but I discovered that the press expressed more fact than opinion in their reports of the trials and gave very little attention to the women themselves. The *New Zealand Truth* was sometimes the exception in reporting the conduct of the women during the trial, their physical build or what fashions they were wearing. But on the whole there was very little difference in the reporting of the trials among the different papers. All the newspapers did, however, give much attention to what the judges said in summing up and in sentencing, which was often very moralistic.

I arrived at the title for my thesis on discovering that the majority of women's victims were the offenders' own children. I related this to the legend of Medea which records that she killed her two children when her husband wanted to marry another woman. The title has been problematic however, for the context of Medea's actions was not found in the
Christchurch Supreme Court from 1900 to 1968. The majority of women’s infant-related violence found in this study was committed by young unmarried mothers or the result of poverty. Moreover, not all of women’s serious violent crimes were against their children. Above all, the title was problematic because the degree of horror that Medea’s actions have generated was not evident in the Court or the contemporary press reports. This may be because in the Euripidean tragedy Medea was presented as a rational person who never showed remorse for her actions. Notably, Medea was never put on trial for her actions nor did she face a possible prison sentence. Medea was never charged with being a “criminal”. Unlike Medea, the women who had their crimes detected had to appear penitent for them. As Medea did not show regret for her actions in the Euripidean tragedy, dramatist believed that it might have been easier for audiences to comprehend her actions portraying Medea as insane. The criminal justice system in Canterbury likewise had difficulty in holding women responsible for their deliberate acts of violence against children.

The first chapter - “A Universal Medea?” - discusses the findings of other studies which have focused upon women's serious violence in other countries. These findings were explained to discover if there was a typical pattern in women's serious violence between countries that would provide a thesis for a comparison of women's serious violence in Christchurch. This chapter enables an understanding of the typicality of the alleged women offenders appearing in the Christchurch Supreme Court. The problem with these studies is that very little historical research has been done on women’s serious violence in the twentieth century. Hartman, Shapiro, Zedner and Strange all focus on the nineteenth century and early twentieth century. However as their findings correlate with those of Allen’s, whose study continues until the 1980's, I am assumed that Allen's study suggested patterns I could expect to find in twentieth century Christchurch.
The second chapter discusses the contemporary understandings of women’s crime. It focuses upon criminological theories of criminality from Lombroso up until recent feminist criminologies. This chapter was important for my research as it enabled an understanding of the narratives used in the courtroom by the prosecution, the defence and the judge. Also it helped to understand the narratives offered by the women accused as these often complied with popular stereotypes and were influenced by external interpretations of the crime. The problem with these criminologies is that they were based in societies which were older and larger than colonial New Zealand. Moreover early theories were used to explain the existence of a perceived “criminal class” about which New Zealand was too young to express concern. However New Zealand was still very influenced by the concerns and theories developed in both America and England.

The third chapter - “Searching for a Colonial Medea”- is based upon a statistical analysis of the patterns of women’s serious violence in Christchurch as represented in the Supreme Court indictments and the types of crimes which were committed. This is compared to the findings of studies which were previously discussed in the first chapter. Chapter three also creates a New Zealand context for the subsequent chapters by examining the numbers of both male and female serious violent indictments throughout New Zealand from 1900 to 1968. It also compares the number of women indicted for serious violence in Christchurch to the number of males indicted in Christchurch. This chapter establishes the patterns of the women’s indictments within the Christchurch Supreme Court and produces national patterns to put the Christchurch women’s indictments into a broader New Zealand context.

Part B. examines aspects of the trials of women in the Christchurch Supreme Court. The
discussion is organised according to the relationship which the defendant shared with her victim, each chapter focusing upon a different type of indictment. These chapters examine the various defences used by the defence counsel and the narratives offered by the women accused. As has been noted, it has proven difficult to find the women’s narrative for many of these offences. Most newspapers reported on the trials to some extent but often the coverage was minimal and did not report the narratives offered by the defence or the prosecution. The defence narrative should not be confused with the woman’s narrative. Often the defence was based upon contemporary feminine stereotypes and offered explanations for the alleged offence in patronising terms. These defences were offered to reduce and eliminate the sense of horror for the alleged crimes and no doubt were accepted by the accused women purely as a means of trying to gain sympathy and acquittal or for mitigating the sentence. These chapters examine which defence was used for certain types of crimes and which were more likely to gain an acquittal from the jury, or sympathy from the judge in mitigating the sentence. The fourth chapter discusses crimes against babies; murder, manslaughter, attempted murder, “neonaticide”, concealment of birth and abandonment. The fifth chapter discusses violence against “older” children such as neglect and cruelty. Often these victims were babies that have been termed “older” children as they were not “neo-natal”. The sixth chapter focuses upon abortion-related offences. The seventh chapter examines the trials of women

1 I realise that this is not a legal term but it will be used in this study for ease of classification. Women who committed fatal crimes of neonaticide could only be charged with murder or manslaughter in New Zealand as there was no legal charge of infanticide. This latter charge might have acknowledged in the offender a level of trauma following childbirth. Polk defines neonaticide as being "the killing of an infant within the first twenty-four hours of birth". This makes it easy to distinguish between other infant-related fatalities but it is important to remember that such women charged with murder, were charged with the most serious offence and within a legal system which still was able to impose capital punishment.

indicted for intentional violence against male adults. This chapter is divided according to the offender's relationship to their victim. The eighth chapter will focus upon violence against other women and "non-intimate" violence. This will include matricide; cases of "neglect and ill-treatment" by nurses; and motor car related accidents.

This study discovered that the majority of women's fatal and non-fatal serious violence was directed towards children. The narratives that were offered in the Courtroom were similar to those discovered in other studies conducted overseas implying that there was a "universal Medea" who was a young, employed, and unmarried women. The extent to which Christchurch Supreme Court juries held these women responsible for their actions altered during the twentieth-century as psychiatry extended its influence in the courtroom. The existence of chivalry in the courtroom was not discovered in this study. This was evident in the convictions of women who were indicted with offences for which men were also indicted. Women might have been treated leniently on account of the judges' reluctance to imprison women with dependent children as this was seen as making the children suffer. Moreover the degree of regret which a woman expressed appeared more as a factor in mitigating the sentence than the sex of the offender. Portraying the women as remorseful for their actions also showed that the women were reformable. Prior character was central to many trials as the defence counsel sought to prove that the defendants complied to social stereotypes and were Madonnas rather than whores.
Chapter One

A Universal Medea?

Medea has borne the face of a variety of theories used to explain women’s crime since the Euripidean tragedy was first performed in 431 B.C. To explain why Medea’s legend is still relevant, even shocking in the twentieth-century, her myth needs to be discussed. Medea was a wife and a mother and therefore could have conformed to the Universalistic European notions of ideal womanhood. However her husband betrayed her when he left her for another woman. In retaliation Medea killed her and her husband’s children and sent the “other” woman a poisoned robe, set fire to their palace and then fled to Athens, killing her brother in the escape. She remarried in Athens but tried to trick her new husband into poisoning his son. Her scheme was detected and she was again forced to flee, this time to Asia. Medea is portrayed as being the archetypal anti-mother and the tragedy has been told both on the stage and in the courtroom for centuries.

Medea’s actions seem relevant to women indicted with serious violent offences in twentieth-century New Zealand as the majority of women’s victims were children. Her act of infanticide is able to transcend time to be the “her-story” for many women in the criminal justice system. Even though infanticide appears to have been women’s most common serious violent offence, dramatists have had as much moral difficulty believing Medea could have performed the act as the courts have had in convicting women for similar offences. In 1698 Phaeton claimed that: “the infanticide is contrary to all the Dictates of Humanity and Motherhood”.1 To avoid breaking this ‘natural’ law producers of the tragedy have portrayed Medea as suffering from an exonerating fit of madness; she has chosen suicide instead of infanticide; she has been under the psychological influence of a man and she has been portrayed as also merely flogging her

1Hall, Edith “The Archetypal Anti-mother” in The Times Literary Supplement 14 February 1997 p.4
children instead of killing them. Medea's act of suicide indicated that Medea recognised the horror of her own actions and committed suicide out of despair and grief. Producers have used many methods to lessen the horror of Medea's actions and many of these explanations correspond to those used within the courtroom.

The myth of Medea contains elements which are typically found in the narratives told in the courtroom by women of their own personal experiences; deserted by her husband a woman retaliates by poisoning her husband's lover or her husband; unable to care for her children she murders them or in anger she commits arson. Whereas most women appearing within the criminal justice system chose either infanticide, poison or arson, Medea committed all of the options available to her. Unlike women within the courtroom, Medea was able to escape unpunished and without having to show signs of grief or regret. The sense of horror aroused by Medea's infanticide was not visible in the cases of “infanticide” discovered in this study of women within the Christchurch Supreme Court from 1900 to 1968. This could be because the infanticidal mothers were caught and had to appear remorseful in order to be acquitted of the charge. That Medea never had to face trial may account for some of the horror which resulted from her actions. Moreover, the defence counsel in the trial of the indicted woman was able to present a version of the events which was sympathetic to the woman accused. However, there was always a sense of disbelief within the Court that a woman could intentionally kill her children which resulted in a high rate of acquittals and pleas of temporary insanity.\(^2\)

It is pertinent to begin this study with a discussion of Medea not only because the majority of the violent crimes for which women were indicted in this study were the same as hers in nature, but also because many criminological theories about women's crime have been grounded in myth

\(^2\)The rates of women's acquittals in relation to their indictments will be discussed in Chapter Three and subsequent chapters.
and unproven stereotypes. This has challenged feminist criminologists to unveil what Roslyn Omodei called “the myth-interpretation” of women. Indeed this mammoth task was begun by feminists in the 1970s. Roslyn Omodei wrote that myth “expresses, enhances and codifies beliefs, it safeguards and enforces morality.” Therefore myth often has the same function as stereotype. Indeed, “some myths exist which support stereotypes by emphasising the undesirability of behaviour which does not conform to the stereotype.” In the original Euripean tragedy Medea was rational. However it was subsequent interpretations which could not accept her behaviour and portrayed her as being insane. The myth that Medea was insane clearly fits into the latter-category of showing the undesirability of infanticide as commentators could not find a rational explanation for the action.

Stereotypes of masculine and feminine behaviour have been used to explain the differential crime rates of men and women in Western societies, that is, why the male crime rate is typically higher than the female crime rate among most nationalities and cultures. The stereotype which developed showed femininity consisting of a duality “with the sinner always juxtaposed to a saint,” thus establishing a Madonna/whore duality. Deviant women were therefore whores or witches with the power to destroy men, such as for example, Eve, Delilah and Pandora. This image of women as whore has, however, effectively sexualised all other women's crime. Even if a woman's offence was non-sexual it was transformed into an expression of her sexuality, or lack of it. Within the courtroom this has meant that a woman’s sexual conduct has been under scrutiny to ascertain whether she was of good character and to be trusted - a Madonna. Hartman in her study of “middle class” Victorian murderesses found that women who may have been

---

3Some of these criminological theories will be discussed in the following chapter.
5Ibid p.52
6Frances Heidensohn “Gender and Crime” in Maguire, Mike; Morgan, Rod and Reiner, Robert (ed's) The Oxford Handbook of Criminology Oxford: Clarendon Press 1997 p.766
guilty of the crime were acquitted due to their use of their contemporary conventional stereotypes; that is, they were portrayed as Madonnas rather than whores. Such stereotypes were often viewed in class terms and the “Madonna” stereotype was more accessible to middle-class women. Within the courtroom men categorised women according to the degree to which they conformed to the role of Madonna or whore.

Many people still confuse concepts of sex and gender, taking both as being biologically determined. Yet gender, masculinity and femininity, are socially constructed and hence are able to change through time and vary between cultures. Alleged female criminals betrayed feminine codes, as crime was seen as being a masculine activity. Wilbanks found in a study of criminological literature

The female killer seems to be an anomaly: men are expected to be aggressive and violent, but women are not...the female victim is not an anomaly; because women are viewed as vulnerable and passive, we are not surprised when women are victimised. 8

Brownmiller believes that women are even socialised to be victims. Women criminals are therefore often portrayed by the defence counsel as being victims to make their actions less heinous and less at odds with conventional feminine stereotypes.

Criminological literature and criminal trials do support the theory that violence is incompatible with idealised female roles and feminine stereotypes. Women who are indicted with serious violent offences are attributed with mental illness (like Medea) or are seen as being a victim of male violence, seduction or influence. A woman who commits crime must be deviant, yet a man who commits crime is merely expressing and displaying his masculinity or is forced to do so

because of social hardship and pressures. Women who did not conform to stereotypes were visible within society and it was assumed that they were criminal yet often their only crime may have been their non-conformity. These women appeared in the criminal justice system, to receive the punishments "intended to control her and to serve as a warning to others." In nineteenth-century Paris,

Women who were aggressive, sexually assertive, outspoken, who refused the community’s behavioural codes, who ‘refused to provide sufficient nourishment’ for their spouses or to cry, could be readily understood as deviant and probably criminal. ⁹

Such women complied with the stereotype of whore and were not perceived as being victims of crime but instead the instigators of crime. The gender stereotype of ideal womanhood did not encompass criminals, as crimes were not believed to be committed by respectable women. For allegedly respectable criminal women to fit the feminine stereotype they had to prove they were vulnerable and the true victims of the crime. This meant that the:

prevailing images of women not only were internalised and acted upon by the accused murderesses themselves, but also ... their judges, both within and outside the courtroom, were mesmerised by the popular stereotypes. The new image of the blameless and pure middle class maiden was accessible to [the accused] who were almost automatically accorded popular approval as irresponsible young ladies victimised by male inferiors. ¹⁰

Popular narratives tried to explain the transgression of women previously seen as respectable and as conforming to idealised womanhood. Women who could not access this stereotype lost this immunity and were deemed to deviant women. Hartman found in her study of sensational cases of French and English murderesses, that women received mercy if they managed to fit the

⁹Shapiro, Ann-Louise Breaking the Codes: Female Criminality in Fin-de-Siecle Paris Stanford University Press: California 1996 p.81
feminine stereotype of respectable womanhood and could be seen as the true victims during their trials: victims of their male seducers and as the abandoned maiden. However such notions were accessible to the women used in Hartman’s sample as they were taken from the middle classes. In Victorian society respectability was accessible to the middle class. Strange also found that most women, when facing the death sentence, attempted to comply to feminine stereotypes, even if they were facing charges of murder. Hartman found that the number of middle class women tried for murder was small. In a survey of the cases in the London Central Criminal Court for three years of each decade from 1840 to the 1890s, only six out of one hundred and seventeen women tried for murder in the period appeared to have been middle class. Three of the six killed their children and were declared mentally unbalanced; of the other three indicted, two appear to have been accidental deaths of adult women and one killed for money. Hartman concludes that “respectable” women appeared on trial relatively infrequently, however this conclusion is seen in class terms.

Shapiro found in her study of Parisian women’s crimes at the turn of the century that women modeled their defence in the terms offered by their accusers and that this often entailed women admitting to being “out-of-control” or “mad”. This lead to contradictions, though, as women also explained motives for the act with “profound expressions of regret”. The explanations used by women incorporated assumptions about gender-appropriate behaviour that fulfilled expectations of their accusers and also fitted popular story lines of women’s crime. Contemporaries were suspicious that women were using contemporary theories of criminality for their own purposes and that they only feigned uncontrollable passion, for example, because it would increase the likelihood of judicial sympathy. Shapiro notes that it is difficult to gauge to what degree the

11Ibid p.76
12Strange, Carolyn Toronto’s Girl Problem: The Perils and Pleasures of the City1880-1930
University of Toronto Press: Toronto 1995 pp. 87 - 88
13Ibid pp. 6 - 7
14Shapiro p.86
15Ibid p.173
accusers expectations were genuinely internalised by the defendants and how much of their responses were calculated: “To separate the cultural from the personal, the calculated from the unconscious, is, of course, neither desirable nor possible”. As many women may have genuinely had a problem accepting their own violence, they incorporated popular myths into their narratives to give some justification for their actions. This resulted in a repetition of “recognisable plots [which] must have been both intentional and unconscious.”

Lucia Zedner, in her study of women’s crime and custody in Victorian England, has also found that the responses to infanticidal women depended more on the women’s status than on whether they committed the offence or not. The defendant was able to illicit sympathy if she was single, unable to support the child or a victim of male seduction. Zedner discovered a division of opinion in the way contemporaries viewed infanticidal women: some saw these women as the objects of a “peculiar compassion”, while others saw them as the “antithesis of womanhood”. Women were seen either to commit the offence to save the child from misery and themselves from degradation or else they were seen to lack chastity and merely wanted to rid themselves of an “encumbrance”. Unfortunately Zedner’s study does not examine the rates of women’s crime nor does it attempt to explain women’s patterns of crime. Nonetheless it gives a useful analysis of contemporary criminological theories which were used to interpret women's crime and influence the punishments inflicted upon women.

Ann-Louise Shapiro studied women’s crime in Paris at the end of the nineteenth century. She found that “no single set of factors can account adequately for the acts of infanticide” yet

---

16Ibid p.86
These “recognisable plots” are going to be discussed later in this chapter and related to the narratives used by women indicted with serious violence in the Christchurch Supreme Court in subsequent chapters.
18Ibid p.29
“certain kinds of emotional distress evoked sympathy (and were ‘normalised’ by their assimilation to a medical condition) while others did not”. 19 However Shapiro could not find, in the trials of women for infanticide, any medical report that specifically labeled the women’s emotional distress as a mental disease. Allen found that psychiatric intervention in the New South Wales courtrooms since 1940 most often resulted in infanticidal women being found to be insane. At the turn of the century, in New South Wales, infanticide was treated as women’s rational solution to their “difficulties”. 20 In England, Zedner found several women who described themselves as suffering from temporary insanity following the delivery of their child. This was explained by the defence counsel as being “provoked by physical exhaustion and emotional confusion” at the extreme desolation and horror of bringing dishonour to their families. These women admitted committing the offence but simply “lost their heads” as a result of their despair. 21 These women may have felt that their actions were the result of more than disgrace and despair but complied willingly with the defence’s depiction of their situation since it fitted contemporary social understandings of the crime. Their “insane” condition could not yet be fitted into medical / legal discourse.

Judith Allen found that in Sydney, from 1880 to 1899, unmarried women bore only twelve percent of the children born yet they constituted eighty-five percent of the defendants indicted for infanticide and ninety-two percent of the clients in indictments against abortionists. Allen found typical infanticide defendants were young, paid domestic servants living in rural areas, or unpaid daughters living with their parents in the country. There were also cases involving deserted wives and widows. Most of the infanticide cases involved rural women as surveillance and detection was easier in a small community. 22 The predominance of young women facing

19Shapiro p.130
20Allen, Judith Sex and Secrets: Crimes Involving Australian Women Since 1880 Melbourne: Oxford University Press 1990 p.246
21Zedner p.129
22Allen p.30
such charges would suggest that the majority of women committing reproductive-related offences were first offenders and were unlikely to be recidivists. This may explain why such women were treated leniently in the Court system. Zedner found that women were unlikely to be sentenced to prison if they were first time offenders.\textsuperscript{22} Allen also found that the Court verdicts against women facing reproductive charges were lenient, yet she suggests that this was due to the Court becoming familiar to the situations in which these women found themselves and the Courts’ reluctance to scrutinise these situations. Of the sixty-three women indicted for murder of infants in Sydney, none were convicted as charged. Thirty-five of the infanticide defendants and seven of the fourteen manslaughter defendants were unconditionally acquitted. It was not uncommon for the charges of murder and manslaughter to be lessened to charges of manslaughter and concealment of birth, respectively.\textsuperscript{24}

Concealment of birth has been included in this study because often it involved the mother of a baby disposing of the body of her child when there were suspicions about whether the mother had intended her baby to die. Murder or manslaughter of newly born infants was difficult to prove in cases when the mother gave birth alone. In such cases the prosecution had to prove that the baby had breathed after birth. Thus much weight was given to medical evidence during the trial. If it could not be proven that the baby was born alive then the woman was charged with concealment of birth. Allen found that the conviction rates for concealment of birth were low in relation to coroners’ evidence of its incidence and also in relation to the population. In Sydney alone between 1881 to 1899 three hundred unidentified dead babies were found in which police were unable to pursue enquires.\textsuperscript{25} Zedner found that concealment of birth constituted from 1.6 % of the indictments against women in 1857 to 2 % of the indictments in 1885. This rate seems low but it was typically twice as high as the rate for which women were indicted for murder.

\textsuperscript{22}Zedner p.157
\textsuperscript{24}Allen p.33
\textsuperscript{25}Ibid p.31
Moreover as the murder rate declined from 1 % in 1885 the concealment of birth rate increased.\(^{26}\) This trend may indicate the difficulty in proving that a woman committed infanticide and highlight that concealment of birth was often in fact a lesser charge of infanticide resulting from insufficient evidence.

Carolyn Strange, in her study of women in Toronto from 1880 to 1930, also found that the Courts were lenient towards infanticide offenders. From 1880 to 1893 there were eleven cases brought before the High Court of Justice relating to the death of infants; of these only one woman was convicted of manslaughter, the remaining women being acquitted of charges ranging from baby farming to murder.\(^{27}\) Strange also found that the vast majority of the women charged with infanticide were young, single and poor. Strange found that single women tended to keep their pregnancies secret and worked right up until the birth, then left their jobs to give birth in a boarding house. The baby would then be disposed of: “The murder or desertion of a newborn was, in these cases, the dreadful conclusion to a nine-month ordeal of concealment.”\(^{28}\) The Courts appeared to take these “mitigating factors” into account, yet there appeared to be a concern for the sexual indiscretion of these “fallen” women during the trials. Juries were also reluctant to convict abortionists. Strange notes the small number of cases and the high number of acquittals: “most Torontonians lent tacit approval to the underground business that discretely saved women and their families from disgrace.”\(^ {29}\)

Like Strange, Shapiro found that many of these women delivered their babies alone and could recall very little about the delivery because of loss of consciousness. Many could only recall waking and finding the baby dead between their legs. Shapiro believes that a sense of their isolation and disorientation can be gauged by their keeping the baby’s dead corpse nearby them.

\(^{26}\)Zedner p.312  
^{27}\)Strange p.72  
^{28}\)Ibid p.74  
^{29}\)Ibid p.71
for some days after its death, suggesting a sense of distress and paralysis. In her study of infanticide in Victorian London, Higginbotham found that Victorian observers also recognised the typical scenario of an infanticidal mother was when:

no preparation for the confinement is made, for the discovery of the pregnancy involves loss of character; and hence the temptation to destroy the child and to hide its body is very strong, and often prevails.

The secret pregnancy was often evidence enough that the mother intended to destroy her baby, however Higginbotham argues that:

the cases themselves provide very little evidence of premeditated murder. The accused women had made no provisions for disposing of the body of the child... their actions were improvised and hampered by the limitations on servants' movements...

That these women failed to prepare for the delivery, concealing both the pregnancy and the delivery, was interpreted as being calculated behaviour, and this ruled out the possibility of a nervous disorder. Therefore, during these trials there was greater emphasis on the defendant's sanity and responsibility than on attempting to prove insanity. Even if women attempted to commit suicide after the baby's death, this was seen as “normal” behaviour for women who had just breached their familial duties. However infanticide cases had high acquittal rates regardless of the Courts' emphasis on rationality versus irrationality. Shapiro found that women who had men prepared to support them and the child were more likely to be convicted of a crime, even if the infant died as the result of the mother's suicide attempt.

The language and assumptions used in the Parisian infanticide trials differed from the reports of other women's crimes which were “more likely to claim that women's disturbed emotionality

---

30 Shapiro p.130
32 Shapiro p.132
overcame their more rational selves...” 33 To contemporaries the rationality of women who murdered their children while under desperate circumstances was self evident; poor unmarried mothers were seen as accountable for their actions as infanticide was a means of ridding themselves of an obvious burden. An explanation for the different assumptions about women’s rationality in infanticide cases may reveal that, as Shapiro suggests, “a culture pre-occupied with worries about depopulation perhaps could not afford to offer murdering mothers the rhetorical leniency embedded in the medical discourse of diminished responsibility.” 34

The medical discourse in these trials operated under cultural constraints, yet the courts still appeared reluctant to convict these “vulnerable” women. As early as the eighteenth-century, English juries were recorded as being reluctant to convict infanticidal women. They would grasp at any suggestion that the baby had been stillborn, or had died in the course of the birth, or had been accidentally killed. Even if the signs of a deliberate killing were unmistakable, the mother could benefit from a curious hiatus in criminal law. 35

Juries probably recognised the motive related to the desperate circumstances of many of these women. Daly and Wilson, in their study of of infanticide in tribal societies, argue that infanticide is indeed a rational decision made by mothers at parturition depending upon the health of the baby and the availability of resources available. The notion that mothers are making a rational decision refutes legal and medical arguments of “maternal psychopathology” which may have a woman acquitted of the offence. Instead Daly and Wilson argue that “Infanticide can be the desperate decision of a rational strategist allocating scarce resources.” 36

33Ibid p.133
34Ibid p.133
Higginbotham believes that Victorians recognised the rationality of infanticide and concealment of birth when unmarried women would have had difficulties supporting illegitimate children. However she argues that they confused motive with deed and overestimated the rates of infanticide. Indeed it was common for London newspapers to report on tiny corpses found on the streets of London and in 1862 one hundred and fifty dead infants were found. Many of these babies were never identified and it was assumed that they were illegitimate because Victorians could not see the motive for married women to dispose of unwanted infants. Higginbotham agrees infanticidal crimes were a high proportion of women's homicide rate, but that it did not involve a high proportion of illegitimate births. Between the 1860s and the 1880s approximately two hundred murders of children were reported each year, only a fraction of the thirty to forty thousand illegitimate children who were born each year. Most women kept their illegitimate babies, but the predominance of illegitimate babies as suspected murder victims supported Victorian stereotypes of the murdering, unmarried mother.

The theory that infanticide is a rational decision made by a mother receives support in other historical accounts. Hartman, in her examination of women's crime in Victorian England, discovered that infanticide was largely a “crime of the poor”, except when it was employed as a means of preserving respectability by middle class women. The majority of English women accused of murder were reprieved, acquitted or never brought to trial. However, from 1843 to 1890, forty-nine English women were executed for murder and the majority of these were “miserably poor”. Just like most murderesses, their victims were spouses and relatives, children included. Twenty-two of the forty-nine murdered for money; five women murdered their husbands for another man, a further five murdered their husbands for his infidelity. Six women appeared to have been affected by the “brutalising effects of poverty” and seven murdered

37Higginbotham p.321
38Ibid p.319
39Ibid p.324
40Hartman p.6
children they were unable to care for.\textsuperscript{41}

There appears to have been a decrease in the incidence of infanticide in New South Wales in the early twentieth century but this corresponds with a larger number of abortions detected. A similar pattern was discovered in the Christchurch Supreme Court indictments where the number of indictments for abortion increased as the number of indictments for “neonaticide” and concealment of birth declined.\textsuperscript{42} This suggests that women were increasingly turning to abortion for limiting the size of their families. Of the thirteen women charged with “procuring a miscarriage” in the Sydney Supreme Court, only five were convicted (thirty-eight percent). From 1899 coroners performed inquests on one hundred and forty-five women whose deaths were attributed to “wilfully induced miscarriages”, most of these were believed to have been self induced. Allen found a “strong correlation between self-induced abortion and rural residence in deceased women” as they had limited access to professional abortionists.\textsuperscript{43} Spinsters predominated as the patients in abortion cases tried in the Supreme Court. In the coroners’ inquests however, wives aged over thirty with three or more children predominated amongst the deaths from induced miscarriages. This suggests that wives did not have the financial means to pay for an abortionist and relied on their own, often fatal, methods. Women charged with performing abortions were wives living apart from their husbands and supporting themselves through midwifery.

Allen noted that women’s violence was rarely serious enough to reach the Supreme Court, but cases that reached there were dominated by the reproductive-related offences of infanticide and

\textsuperscript{41}Ibid p.5 These women might have been executed because being from the “lower classes” the cases were not sensationalised and they were unable to illicit public sympathy. Moreover twenty-nine of the forty-nine women executed employed poison as their murder weapon which made the violence appear callous and premeditated.

\textsuperscript{42}Compare Tables 5:5 and 5:6 to Table 5:10

\textsuperscript{43}Allen p.38
abortion. In Sydney, Judith Allen found that reproductive offences made up seven percent of "offences against the person" charges against women from 1880 to 1899, the remainder being assaults, attempted suicides, bigamy and robbery. Reproductive related offences were seen to be the more serious of women's crimes. Out of two hundred and seventy-five charges of wounding and inflicting grievous bodily harm, only eleven were brought before the Sydney Supreme Court. Sixty-three of seventy-nine murder indictments brought against women were for infanticide (eighty percent), and a further five women were indicted for murder as a result of abortion fatalities (six percent). Fourteen of the twenty-three manslaughter indictments involved deceased children (sixty-one percent), and a further four were due to the death of abortion patients (seventeen percent). There were a further four cases of infant abandonment. Altogether, Allen found that reproductive-related offences accounted for one hundred and eight of one hundred and sixty-two Supreme Court indictments against women for offences against the person (sixty-seven percent).

Allen explains that these reproductive related crimes of abortion were strategies used by women for survival but she also suggests that these crimes were under-policed. Allen argues that changes in the rates of these recorded activities reflects the changes in police and social priorities as:

> varying degrees of tolerance were accorded to them because in different ways they allowed the negotiation of difficult problems of personal, sexual and economic survival in late nineteenth century Australia.

Men saw the prevention of pregnancy as women's business and women carried the blame for becoming pregnant. With the limited access to contraceptives and their unreliability, abortion and infanticide may have been major methods for the limiting of family sizes. Yet if men saw the

---

44Ibid p.29
45Ibid p.30
46Ibid p.17
preventing of pregnancy as a woman’s concern they also made the means of achieving it illegal and even punishable by death.\textsuperscript{47}

Although the majority of women’s crimes for serious violence were reproductive-related offences, women also were charged with other offences. As suggested above, women’s other major victims were husbands and their mistresses. From Hartman’s sample ten women out of the forty-nine sentenced to death murdered their husbands. Shapiro found that such crimes of passion had an increasingly higher acquittal rate towards the end of the nineteenth-century in Paris. This trend raised alarm as women were seen to be increasingly out of control and somehow “seemed to be getting away with murder”.\textsuperscript{48} A certain amount of premeditation was allowed in cases of females charged with murder if it could be proven that the women were victims of “an uncontrollable obsession and had fought to resist” this impulse and were unable to do so. The women also had to show instant and eternal regret and not try to cover up the crime. Women tended to explain their violence against former lovers as being due to their lost honour, thus complying with social expectations and the feminine stereotype. Shapiro however, sees the high acquittal rate of these crimes as evidence of “the courts efforts to encourage working-class couples to marry and produce legitimate children”.\textsuperscript{49} Thus courts were attempting to recognise the rights of unmarried mothers and to enforce that fathers were responsible for marrying the mother’s of their illegitimate children. This conclusion is also drawn by the courts’ lack of sympathy to perceived “crimes against the family”, where married women might murder children or where a man offered to marry a woman yet she refused and killed their baby. The courts showed some acknowledgment of women’s grievances in cases of male abandonment. In many cases the woman defendant became a “heroine-victim” by righting the wrongs committed by her victim. By the 1880s, in Paris, women’s acquittal for murder of both children and adults

\textsuperscript{47}Ibid p.28
\textsuperscript{48}Shapiro p.171
\textsuperscript{49}Ibid p.167
was commonplace and “most female crime received light punishments or relatively short prison terms.” 50

The most common method amongst those women charged with the murder of male adults was poison. Shapiro found that from the mid-nineteenth century cases of poisoning were continuously declining so that from 1886 to 1900 there were only about eight prosecuted cases of poisoning per year in all of France.51 In New South Wales between 1880 and 1899, twenty women were charged with attempted murder, murder and manslaughter. Seventeen of the victims were husbands and of these eleven were poisoned. Nine of the seventeen women who killed their husbands were convicted for murder or manslaughter and six were sentenced to death; the remaining eight were acquitted. Like Allen, Hartman found that poison was the preferred murder method; twenty-nine of the forty-nine English women executed for murder from 1843 to 1890 used poison as their murder weapon and twenty-three used arsenic.52 But these forty-nine were exceptional, being found guilty and sentenced to death, unlike the majority of English women brought to trial for homicide. Women killing adults were more likely to be found guilty and executed than of those who killed their children, and especially if they used poison. This suggests the social lack of sympathy for alleged female poisoners as the majority of women convicted and sentenced to death used poison as their murder weapon. Hartman found that poison was popular in both France and England among women of all social classes. For this reason she argues that the actual rates of women’s homicide was higher than those detected in the crime statistics as poison was easy to disguise. She takes as proof of this that several women who were apprehended were “multiple poisoners” and were only apprehended on the last incident. This suggests that many poisoners went undetected.
Hartman argues that lenient attitudes towards women protected some women from the law and that women were skilled at dissimulation. However Shapiro found that women who did not comply with social codes and who were associated with men who died under suspicious circumstances, were likely to go on trial even if all the evidence was circumstantial. Zedner found that around the turn of the century there was considerable anxiety about poison even though its actual occurrence was relatively low. Boutiques were allegedly opened specifically retailing poisons for women who wanted to dispose of their husbands. It is unsurprising then that men who lived in unsatisfactory relationships repeatedly visited doctors to determine if their stomach upsets were the result of poison. With this amount of phobia surrounding poison it would be unlikely that many actual deaths from poison would go undetected. Zedner acknowledges that the actual rates of women’s crime was probably higher than statistics suggest but that the murder figures would be accurate given the difficulty of concealing murder.

Poison was believed to be the most cold blooded, calculating and “fiendish” method of murder and for this reason it was difficult to be acquitted for such a crime. Women accused of poisoning pleaded not guilty because their trials evoked images of sorcery and witchcraft. Poisoning was linked to the “archetypal denatured women”. Poison was the most accessible murder option available to women. Because of this, poisoning was seen as being a “feminine” crime even when committed by men. Allen found that in the late nineteenth century women who allegedly poisoned were generally middle-aged women living in rural areas with several independent adult children. Allusions were made throughout the trials of female poisoners in New South Wales to the male victims’ drunkenness and violence towards their wives and families. Yet women also poisoned their husbands if he had taken another lover or if they were receiving attention from

53Hartman p.5  
54Shapiro p.76  
55Zedner p.71  
56Ibid p.73  
57Ibid p.38  
58Shapiro p.76
another man.

Hartman found that the rates of poisonings declined in the nineteenth-century. From the 1830s in France, roughly the same number of men as women were accused of poisoning, with the accusations of poisonings peaking at two hundred and ninety-four from 1850 to 1855. From then on the number of accusations declined steadily with seventy-eight from 1875 to 1880. Yet as the overall rates decreased women’s representation increased as there were forty-one women accused and only nineteen men during these years. The rate of women poisoners continued to decline throughout the twentieth century until, by the interwar years in New South Wales, the “husband poisoner [was] an (often rural) minority.”

From the twentieth-century fewer women deliberately killed their husbands in New South Wales where there was an average of one husband killed per year from 1900 to 1919. Of the twenty cases tried during this period only seven women used poison, the remainder used guns, knives and more “masculine” methods. The female defendants during this period had also changed in character, being generally younger and having a more variable relationship to their deceased victims. During the trials it was more frequently recognised that these women had killed in response to factors recognised as provocation by contrast to the nineteenth century poisoners whose crimes required premeditation. The pleas of provocation and the similarity of the women’s situations meant that these women received more mercy than the “poisoners”, even though the murders were perhaps far more brutal. The courts were sensitive to women’s grievances and to their vulnerability in marriage. However during the inter-war years, juries were less lenient towards women defendants charged with violence against men.

---

59 Hartman p.271
60 Allen p.139
61 Ibid p.111
Marital disharmony was a prominent theme in the criminal justice system in the post war years as there was concern about the effects the war had on creating hasty and ill-matched marriages. However spousal violence by women was only occasionally reported during the 1950s and the 1960s in New South Wales. Most of these cases were suburban or regional and committed during heated arguments or while the husband was asleep. The ages of the women indicted changed again as they were at least thirty years old and mostly forty years yet they still seemed to have suffered “habitual conjugal violence” from the victim. These women were mostly acquitted or convicted on bond, or on a non-penal arrangement. The decline in husband slaying during this time needs to be kept in context of the increasing divorce rate in New South Wales, which increased six fold from the 1940s to 1960s.62

An economy which kept women dependent upon men for survival ensured that most men were relatively immune from female violence. It simply was not in the women’s financial interest to rid themselves of their husbands. Many women endured abuse at the hands of their spouse. Women punished men for their unfaithfulness or desertion by destroying possessions which were valued by them or by causing physical injury. Shapiro found that in Paris it was not uncommon for women to avenge men by throwing vitriol (sulfuric acid) at their ex-lovers or at their new mistresses. Although sympathy was increasingly given to women who were charged in the criminal justice system in late nineteenth century Paris, especially if they were seen as being seduced and abandoned by males, the vitriol throwers were usually convicted.63

In Paris during the 1880s vitriol became a common “weapon” used in women’s crime and a new verb had to be added to the French language, vitrioler, which means to burn by vitriol. Although neither Allen nor Zedner mention vitriol in their studies, it clearly developed the same symbolic significance in France as poison. Given its absence in English speaking countries, vitriol-

62Ibid p.232
63Shapiro p.54
throwing suggests cultural differences in women’s violence. Women would hurl vitriol at their victims who were most commonly ex-lovers, and the physical damage was extensive, irreparable and would often lead to blindness or death. Like poison, vitriol-throwing came to be seen as a feminine crime and caused men the same amount of concern and aroused the same anxieties, as poisoning. So common were these offences in France that a criminologist described the category of women’s sexual crime as when “the unfaithful wife offers arsenic to her husband,[or] the unfaithful (male) lover is inundated with sulfuric acid”.

Therefore poison came to be seen as the method employed by married women and vitriol by unmarried women. Vitriol attacks were unlikely to bring an acquittal, unlike attacks with revolvers, but vitriol was more readily available to women as it could be purchased as a cleaning agent. The wrongs that women were seen to be subjected too were usually seen as outweighing their crimes and most women defendants were acquitted due to mental incapacity, unless they were vitriol throwers or poisoners.

Allen briefly discusses women’s non-homicidal violence in Sydney but she found that only few women faced charges of serious non-fatal violence. On average two hundred women were charged annually for offences against the person and most of these were for common assault. More than half of these charges were withdrawn or dismissed. Few men charged women with assault and if they did women usually had a counter complaint of the man assaulting her. In Sydney’s Newtown Bench three quarters of the summonses brought against women for assault were by other women. These assaults were usually over unfaithful husbands or prostitutes fighting over territory. Strange found that working-class women in Toronto were not too feminine to shrink from a fight:

working class life was played out and fought out on the street,

---

64Ibid p.77
65Ibid p.79
66Allen p.41
largely on account of the cramped and unhealthy housing that meagre wages could purchase.

Strange believes that such women were merely pushed too far and were striking out in response to pressures by fighting their husbands, other women and their own children. However such assaults were regarded as petty violence and were rarely serious enough to reach the Supreme Court. Zedner found that offences against the person accounted for eight percent of women’s indictable crime in 1865 but increased to thirteen percent by 1890. In her study of Tothill Fields Prison, in England, she claims that “Women sentenced for violent offences, including common and aggravated assaults and assaults upon the police, never make up more than sixteen percent of those committed...” Most women imprisoned were for victimless and moral offences involving drunkenness and prostitution.

Noticeably, Allen’s is the only study which extends into the twentieth-century to discover the extent to which patterns of women’s serious violence change through time. As the findings of Allen, Shapiro, Hartman and Strange seem to correspond for the nineteenth-century it would be expected that research undertaken in New Zealand would reveal similar patterns of women’s crime. This would suggest that women’s crime in New Zealand in the twentieth-century would follow the same pattern that Allen found in New South Wales, especially given the close social relations between Australia and New Zealand. All of the studies discovered that women’s crime was dominated by reproductive related offences yet Allen found that the nature and the treatment of these crimes within the court system changed throughout the twentieth-century. Prosecutions of infanticide declined until the 1940s in New South Wales, when it ceased to be treated in the criminal justice system at all. From the 1940s infanticidal offenders were seen as unfit to plea within the courts and were given psychiatric treatment. From the turn of the century most married women who allegedly committed infanticide were found insane, and from the 1940s this verdict was given to most women charged with this crime, regardless of their marital status.

---

67Strange p.77
68Zedner p.156
What had once been seen as a means of fertility control in the nineteenth-century was increasingly interpreted as a sign of mental illness and depression. During the interwar years the tendency had been for unwed women to kill their babies directly after their birth or for married women to allegedly kill their children when they were some months or even years old. From the 1930s this latter group came to dominate the infanticide trials, with the majority of the accused also attempting to commit suicide after killing their children.

In New South Wales abortion charges have also altered in the twentieth century, increasing in their frequency as infanticide charges declined. So too, non-reproductive related homicide crime patterns altered during the twentieth-century. However the majority of all manslaughter and murder charges remained reproductive-related offences; the majority of women’s victims continuing to be children. From 1880 to 1899 in New South Wales the majority of women’s non-reproductive homicide victims were their husbands and the accused women were generally rural living and middle-aged with several adult children. Most of these women employed poison to achieve their ends but the use of poison declined throughout the twentieth century as women committing serious violence began to diversify in their range of methods. As women began to diversify in their methods of spousal violence, the Courts were able to grant a degree of leniency they were unable to give poisoners. The defence was able to portray their crimes as provoked and unpremeditated.

These studies suggest that there will be conflict within the Christchurch Supreme Court over deciding whether the infanticidal women were rational, desperate women or whether they acted under an insane impulse. If there are parallels with Allen’s account then there should not be evidence of this latter opinion until the interwar years. Evidence of these changing perceptions of infanticidal women should not only be found in the legal discourse but also in the narratives that the women offer for their offence. This would be true if, as other studies have found, the women
attempted to comply with popular explanations for the offence. It is expected women's indictments will mostly involve babies rather than children as victims. This pattern seems true across all the studies mentioned in this chapter. A rise in the rate of abortion-related offences could also be expected corresponding to a drop in the number of neonatal indictments. Spousal violence may also be anticipated to have been a regular occurrence with husbands appearing as victims of women's violence. Women were frequently the victims of other women's violence but studies have shown that this often did not reach the Supreme Court suggesting that it involved mostly petty disputes. Allen did not find any change in the dominance of infant and reproductive related offences. Fertility control appears to be women's most criminal act, in both actuality and popular thought. To what extent was this pattern repeated in New Zealand and the Christchurch Supreme Court?
Chapter Two
Criminological Perspectives

It has been said that criminologists ride around to the sound of guns. This would explain why women received little attention from criminologists until the 1970s. As so few women appeared to have committed serious violent crime, criminologists have traditionally paid very little attention to women's crime. If women were included in criminological studies the discussions were often in genderless terms, shrouding women's crime under the male norm. Yet gender is one, if not the most important variable in distinguishing between offenders and non-offenders. The purpose of this chapter is to discuss the changing interpretations of women's crime by criminologists. It would be seemingly impossible to study women's serious violent crime with an historical perspective without dedicating some time to a discussion of the way contemporary criminologists and society at large interpreted and explained their crimes. Such a discussion will also provide a context for an examination of the presentation of the women defendants within the courtroom which will be discussed in later chapters. The treatment of these women and the narratives they gave in court needs to be seen in the context of contemporary criminological explanations of their crimes, as this was the way in which their crimes were interpreted in the courtroom by both the prosecution and defence as well as by the public.

Before the twentieth-century very little attention was given to women's crime by criminologists. Although female offending was visible, it was not perceived as a serious issue requiring examination and female criminals were not seen as a threat to social order. However throughout the second millennium it was common practice to execute women for committing infanticide. In Europe from the middle ages to the eighteenth-century women killing infants were liable to be decapitated (which was considered the most merciful punishment), buried alive, impaled or drowned in a sack. In 1532, Emperor Charles V declared in a code of law known as the Carolina
that "henceforth, all 'infanticides' were to be buried alive or impaled or drowned ...In the last instance they were to be torn with glowing tongs beforehand."¹ The punishments of women found guilty of infanticide however varied according to district. Concealment of pregnancy was also made a criminal offence in the Carolina. Piers believes that the execution of these women was a “ritual sacrifice of a human scapegoat” cleansing the whole community of the “sin” of infanticide. Somebody had to be blamed for the crime to rid the community from its feeling of guilt. When the mothers were acquitted of the infanticide the blame was always projected on to obvious outsiders, such as Jews and witches; sometimes the mother herself was pronounced a witch. Somebody had to be held responsible for the act.

The punishment of women did not become a contentious issue in England until the 1780s, after which the burning of women was abolished in 1790, the public whipping of women in 1817 and private whipping in 1820. There was uneasiness about the excessive punishment of women as male chivalry began to pronounce such practices as "shamefully indelicate and shocking."² In his study of capital punishment in England, Gatrell found no explicit sign of chivalry prior to this period though fewer women than men had been prosecuted, convicted or condemned. He perceived this trend as being a recognition that "women posed less of a threat to lives, property, and order than men did."³ However women could still be hanged. From 1868 hangings for women and men were restricted to behind prison walls. No woman was hanged in England for the murder of a child under one year old after 1849.⁴

Victorian commentators of crime focused upon women’s social and moral position in society and their vulnerability of “falling” into crime. Rasche calls this the “Pre-scientific stage” of

¹Piers, Maria W. Infanticide New York: W.W. Norton & Co 1978 p.69
³Ibid p.336
⁴Higginbotham p.323
criminology in which women were seen as morally corrupt when they transgressed the law but they were not perceived as a danger to society. These “fallen” women were seen to have been influenced by a corrupt environment or a relaxed upbringing. These were the “blameless and pure middle class” maidens who Hartman discovered were granted public immunity. Criminal women were not perceived as being evil, as evil women were involved in the supernatural and witchcraft. As the findings of studies discussed in the previous chapter have suggested, criminal women were perceived as being morally corrupt “whores” or as fallen “Madonnas”.

From the second half of the nineteenth century Darwinism influenced criminology with its emphasis upon biological determination creating a focus upon individual characteristics of the criminal rather than social or economic explanations. The idea of criminals as a distinct social class became increasingly popular during this period. The fears that this generated increased when the transportation of convicts ceased. The criminal class was perceived as culturally distinct and even a separate species. Members of this class could be identified by their style of dress, character, language and values. If they were females they were more easily identifiable by their physical constitution and appearance. Habitual criminals were believed to be able to breed only habitual criminals and the unfit bred unfit. Relief could only be gained in the knowledge that the condition was not contagious. There was a new concern to controlling criminal women as there was a strong focus on the racial fitness of the nation at the end of the nineteenth century. Women came to be seen as a serious social problem as some social commentators sought to prevent the multiplication of the unfit. “Feeble mindedness” in women became a major social concern towards the end of the nineteenth century as it was seen as the potential cause of the mental, moral and physical decline of the British race. “Feeble minded” women were unable to make correct moral judgments, the condition was believed to be incurable and worse still,

---

6Zedner pp. 77 - 78
The criminological theories of Caesare Lombroso and his son-in-law Ferrero gained popularity at the turn of the twentieth century. They believed that criminals could be identified by their physiological and mental characteristics which would separate them from people who offended by “accident”. In 1894 Lombroso and Ferrero’s book, *The Female Offender*, set out to prove that “the criminal was a biological throwback to a primitive atavistic breed of man”, recognised by degenerative body characteristics. Lombroso had been a prison physician and an army doctor and he based his research upon data collected from these two positions. He measured skulls, brains and bones of women criminals and prostitutes and studied their appearance from photographs, noting physical irregularities such as large jawbones, excessive facial hair and low foreheads. Lombroso found fewer degenerative characteristics among women criminals than he did among males. This he interpreted as showing that women were biologically more primitive than men. As Pollock puts it:

In measurements, female criminals were found to be physically similar to ancient males rather than normal modern women or men. Prostitutes were found to have more atavistic qualities than other female criminals. This followed from the belief that prostitutes were more primitive than either normal or criminal women. According to Lombroso, primitive women were rarely criminal, but almost always prostitutes.

Lombroso categorised criminals into seven categories: the born criminal, occasional criminal, hysterical offenders, criminals of passion, suicidal criminals, lunatics and epileptic delinquents. “Born criminals” were criminal as a result of their possessing at least four degenerative stigmata. There were fewer born criminals because evolution had bred out the atavistic stigmata needed to

---

7Ibid p. 267
8Rasche p.16
10Ibid p.29
be present for this type. Lombroso explained that there were fewer born female criminals to male criminals because the “physical qualities odious to the eye were bred out of the female population, hence less stigmata in modern women.” Atavistic qualities had been bred out by sexual selection.

The occasional criminal was the most frequent criminal type and these offenders displayed few if any degenerative features. Women in this category had the same morals as “normal” women and they only committed crimes at the suggestion of a man, and generally a lover. They were therefore “normal” women “whose latent criminal tendencies would surface when normal constraints were missing”, because of circumstance or by suggestion. These types of criminals were also the least serious and, unlike the “born criminal”, rehabilitation was probable; for women, this was best done under the influence of a husband or father. Lombroso found that hysterical offenders, female epileptic delinquents and criminal lunatics were rare. There were fewer lunatics among women than men but the female lunatic was seen to be more depraved and abhorrent than the male lunatic. The offender of crimes of passion displayed no characteristics of physical degeneracy, but possessed “excessive virile characteristics”. Their moral qualities being overwhelmed by an excess of emotion.

Women's lifestyles as childbearers and rearers were seen to be biologically predetermined and made women naturally more law-abiding. The women criminal was much more “terrible” than the male criminal because she had combated and defeated these natural instincts, whereas crime for men was natural. The woman criminal showed an inversion of all the normal female qualities. Women were seen to commit less crime than men because they were less evolved than men and therefore were more primitive and had less scope for degeneracy. Women were depicted as “big children” with no moral sense and no maturity. Females committed crime

11Ibid p.29
12Rasche p.17
because of their “lack of spirit, failure to develop beyond the level of child-like intellect”. Women’s crimes were explained by “femaleness” and women’s inability to think for themselves.\textsuperscript{13} Law-abiding women were explained as merely being amoral children held “in check” by the natural feminine characteristics of piety and sobriety.\textsuperscript{14} If a woman committed a crime it was either because she looked like a man, or she had been lead astray by a male whom she was dependent upon or else she was a victim of her emotions.\textsuperscript{15}

Lombroso has had more critics than possibly any other criminal theorist and these criticisms focus on his methodology as well as his theoretical assumptions. There were fundamental flaws in Lombroso’s approach to his methodologies. Lombroso only used a small sample size with the majority of his data from seventy-two criminals and forty-seven prostitutes. Noticeably all of his data came from criminals who were caught and therefore were a very small proportion of the total proportion of criminals. This meant that the very most he could conclude was that his findings on atavistic qualities “were correlative with prison commitment.”\textsuperscript{16} He also used a small sample of “normal” women as he asserted that it was difficult to find ladies who would permit him to measure their neck, thighs and legs. When Lombroso brought in other studies he did not consider the variable of ethnicity in his findings. A large proportion of the study being done in Rome could have affected Lombroso’s finding that criminals had coarse dark hair.

Lombroso’s theories did not go uncriticised by his contemporaries but these criticisms focused upon his methodology and his treatment of statistics. Feminist criticisms of Lombroso’s work extend beyond the methodology to his theoretical flaws as he made assumptions about women which had no scientific base. Pollock writes that:

\textsuperscript{13}Heidensohn \textit{Women and Crime} London: Macmillan 1986 p.114
\textsuperscript{14}Pollock p.29
\textsuperscript{16}Pollock p.31
His theory that the woman criminal was more terrible than the male was only a reflection of the common stereotype of women. When a murderess was described as inherently more depraved than a murderer, it was because she deviated so much from the female norm.  

These "norms" and attitudes influenced Lombroso to impose "artificial" double standards on men and women and labeled those who deviated from those standards as criminal. Klein, as cited by Pollock, states "What he [Lombroso] classified as normal was subjective judgment masquerading as scientific fact." 18 Lombroso had confused sex and gender by attributing traits, that were socially acquired stereotypes, as being based on an individual's sexuality. Lombroso's biological theories of male crime were replaced fairly rapidly by theories focussing on socio-cultural factors and environmental forces, yet, "research on female crime shed his influence less rapidly" 19

Psychiatric studies of women's criminality occurred in the early twentieth century. Studies of female offenders' psychological characteristics and aberrations disputed Lombroso's theory of women as physically diseased and suggested that women criminals were mentally deficient or sick. 20 In 1914 Hargave Adam disputed Lombroso's theory simply by stating "What nonsense it all is. As if we don't know that prostitutes are of all sizes and shapes from the thin to the very fat." He called Lombroso's theory of atavistic degeneracy an "utter fallacy". He argued that prostitutes, poisoners, murderesses and vitriol throwers were all sexually motivated. 21 Zedner argues that in Victorian England women who deviated from social notions of sexual propriety alone were defined as mental defectives with no further evidence needed. The moral criteria determining classification was purely subjective yet disguised by scientific language. 22 The

---

17 Ibid p.32  
18 Ibid p.32  
19 Ibid p.33  
20 Zedner p.83  
21 Ibid p.88  
22 Ibid p.275
changing views about women’s criminality related more to popular notions about femininity than proven fact.

Women were still seen as being the prisoners of their biology but by the early twentieth century some commentators saw the reproductive cycle determining mental health and that a woman was vulnerable at every stage of her cycle. Havelock Ellis believed “whenever a woman has committed any offence against the law, it is essential that the relation of the act to her monthly cycle should be ascertained as a matter of routine.” Mental illness was therefore excusable, to a certain degree, in women and could almost be expected. Psychiatrists entered the courtroom to pass on their diagnosis of female offenders. As psychiatry extended its influence into the judicial arena, judicial views became less pertinent.

From the early twentieth-century medical explanations were used to explain a range of deviant behaviour. Although the insanity defence increased in the twentieth-century, the neat distinctions between sanity and insanity were difficult to uphold as criminal insanity “no longer constituted so clearly distinct a category”. Women’s most universal and common offence of infanticide was explained and excused by psychiatrists in terms of insanity. Zedner found that, in Victorian England, infanticidal mothers were diagnosed with specific psychiatric disorders such as “puerperal mania” and “lactational insanity”, in an effort to save them from the death penalty. Allen also found psychiatric diagnoses of infanticidal women appearing within the court system during the inter-war years. A recent definition of puerperal mania, also called puerperal psychosis or puerperal insanity describes it as being

any psychotic reaction in a woman during the post partum period, usually schizophrenic in nature...  

\[ \text{footnotes}
\]

\[ ^{23}\text{Ibid p.87} \]

\[ ^{24}\text{Ibid p.85} \]

\[ ^{25}\text{Blakiston’s Gould Medical Dictionary Fourth Edition 1979} \]
Psychosis is also described as being

an impairment of mental functioning to the extent that it
interferes grossly with an individual's ability to meet the
ordinary demands of life, characterised generally by severe
affective disturbance...with failure to test and evaluate
external reality adequately, formation of delusions or hallucinations...

The puerperal psychosis was found to be triggered off by the enormous psychological upheaval of childbirth and was used to explain mothers murdering their babies directly following parturition. Women could also suffer from climacteric psychosis or insanity which was explained as being “An involuntary psychotic disorder occurring at the menopause.” Menopause being “the cessation of menstruation in the human female, occurring usually around the age of fifty...”

“Lactational insanity” was not mentioned in the Blakiston’s Gould Medical Dictionary, but it was attributed to the stress of breastfeeding and was related in the courtroom to mothers who murdered older babies and infants. Women, therefore, could take the lives of their children at any age if they had just been exposed to the trauma of childbirth or they were experiencing menopause. This stress was believed to increase due to poverty, insanitary conditions or a cruel, neglectful husband.

Despite the continuing influence of medical explanations for women’s deviant behaviour, criminological theories of male crime and deviance moved towards sociological theories of crime from the turn of the twentieth century. In 1907 W.I. Thomas argued that women’s crime was a “normal” response under certain social conditions. His findings have been described as a transitional stage between explanations in terms of biological abnormality to those which

---

26 Ibid
27 Ibid
28 These definitions are taken from a late twentieth century medical dictionary held in the Medical School library. An earlier dictionary was sought but was not able to be found. The definitions could have changed their elements throughout the twentieth century but they still appear to comply with notions expressed in the Christchurch Supreme Court.
29 Zedner p.89
focused on socially induced pathology. Thomas did argue that the behavioural differences
between the sexes were not biological, as Lombroso inferred, but rather were socially influenced
and he criticised theories that were based on the assumption of women’s inferiority to men. In
1923 Thomas explored the influence of social environment upon criminal behaviour. He
proposed that four desires dominated all human behaviour: the desire for new experience,
security, response and recognition. He asserted that women committed crime out of a desire for
love and affection, therefore the desire for response and new experience. Prostitution, he argued
was “the most likely avenue to satisfy those needs.” Therefore female delinquency continued to
be seen as sexual delinquency and economic motivations were still ignored as one of the possible
causes of women’s crime.

W.I. Thomas also received feminist criticism as his theory was seen to be "a pseudo
psychological justification for continuing the rehabilitation methods that were presently being
employed." Thomas also based his theory on the assumption of women’s maternal instincts,
believing that women’s greater need for response was the only reason they turned to prostitution.
Women were identified and defined through their sexual behaviour, yet males’ sexuality was
seen as only one facet of their total character. Thomas did begin to recognise the importance of
social influences upon behaviour and the community's role as a socialising agency. However he
continued to manipulate women to conform to social stereotypes.

Rasche states that by the 1930s crime was seen as a product of both constitutional and
environmental factors. There was a more multi-causal approach to criminality but the emphasis
was still upon women’s biology in explaining women’s crime (apart from in America where
criminologists seemed more likely to believe environmental theories rather than the fatalistic

30Flowers, Ronald B. Women and Criminality: The Woman as Victim, Offender and Practitioner
New York: Greenwood Press 1987 p.95
31Pollock p.45
biological theories). Close attention was paid throughout the 1930s to women’s sexuality as it continued to be a measure of a woman’s character, even if the crime was non-sexual in nature. The solution to rehabilitating women offenders was increasingly seen to be the influence of good husbands to rehabilitate and control them.

In 1934 Eleanore and Sheldon Glueck in their study of five hundred Massachusetts offenders concluded that mental inferiority, economic hardship, lack of education and family instability all contributed to female criminality. It was believed unlikely that any of these offenders were able to be rehabilitated and that this “unfortunate social heritage” was hereditary. Rehabilitation was only likely by the “benevolent dictatorship of a husband”. Nonetheless the Gluecks recommended a sterilisation programme to contain female criminal genes and also the isolation of those judged to be “degenerative delinquents”. To the Gluecks criminals were still believed to be only able to breed criminals. Large numbers of women were locked up purely for the purpose of preventing them from becoming pregnant.

The development of criminological theories during the 1940s saw what Rasche calls the “numbers and offences stage” in which small-scale studies analysed women’s crime. During this period the notion that more men were involved in crime because they were superior to women began to be rejected, as did the notion of women as “born criminal”. It is interesting that the biological explanations for crime prevailed in theories of women’s criminality for longer than similar theories of male crime. Psychological theorists of this period believed that women’s crime could be attributed to traits which were inherently female although it was still argued that criminal women possessed an abundance of masculine traits.

---

32Ibid p.44
33Rasche p.22
34Pollock pp.43 - 44
35Rasche p.23
36Pollock p.47
The most famous criminologist during the 1950s was Otto Pollak. He asserted that the actual rates of women's crime was higher than the statistics revealed as women's crimes were less detected, under reported and treated more leniently than male crime. Heidensohn writes that Pollak's theory was:

an ahistoric limbo in which women, as domestic servant and full time housewives, commit more crime than men, but keep this hidden through devious means and by exploiting men's innate chivalry.37

Nonetheless, Pollak's theories had a lasting influence upon criminological thought. As late as 1968 the New Zealand Department of Justice cited Otto Pollak's belief that women conceal their crime through "indirection and deceit" to explain the discrepancy in the conviction rate of men and women for murder. 38 This belief suggested that the incidence of women murderers was probably higher than statistics suggest. The influence of Pollak could be seen also in the view that women engaged in crimes "incidental to their roles as wives, housekeepers, nurses and mothers."39

The notion that women conceal their crimes has become known as the "masking theory" in which women were believed to be able to disguise their crimes, as they were mostly committed in the home, which was unquestionably seen as the woman's domain and out of public view. Women were able to use this domestic setting to surreptitiously perform a variety of crimes from husband abuse and poisoning to child abuse. As homemakers and childcarers, women were expected to take responsibility for children and thus their actions would be unlikely to be viewed

38Only seven women were convicted for murder during a period in which ninety men were convicted. These convictions were all between 1948 to 1954. This figure differs to the one found from the Judicial Statistics because it does not include the conviction of Pauline P. and Juliet H., who they classed as juveniles. Also the Judicial Statistics recorded the verdicts according to the indictment even if they were convicted of a lesser charge.
39The Department of Justice Crime in New Zealand Wellington : Government Printer 1968 p.45
suspiciously. Pollak believed that women's crimes were “masked” due to their function in society.

He also asserted that men were socialised to protect women and that men were so steeped in beliefs about "womanhood" that they were unable to believe that women were able to become criminals. Accordingly men were unlikely to report women's crime or to find them guilty once in the criminal justice system. Women were more likely than men to be acquitted of crime because of this chivalry. 40 This belief was also echoed by the Department of Justice in *Crime in New Zealand*: At the beginning of the chapter "Female Offending" it noted

> female offenders are less likely to be reported to the police and prosecuted than males...Sometimes by choosing her victims carefully, an unscrupulous woman may be able to avoid being charged...because the man concerned would feel foolish to admit he had been deceived by a woman. 41

The Department view followed Pollak in seeing women's crimes as being under-reported because of their domestic setting and male chivalry. Yet the Department did not believe that this protection could account for the large discrepancy in the crime rate. By contrast Pollak believed that if women's hidden crimes were detected that the female crime rate would surpass the male crime rate even if male hidden crime was also detected. 42

Pollak postulated that the weakness women's biology also enabled women to hide their crimes as they had been taught to conceal their biological functions such as menstruation as well as aggression, marital frustration and even sexual arousal, which they were able to fake. This proved to Pollak that women were natural deceivers and more likely to be the instigators than the perpetrators of a crime as they were naturally cunning. 43 Generative phases, such as

---

40 Pollack p.48  
41 Department of Justice 1968 p.236  
42 Pollock p.49  
43 Omodei p.55
menstruation, menopause and pregnancy, were more important to women’s criminal behaviour than physical weakness or the rate of physiological development. As represented by the Justice department’s publication in 1968 the basis of all women’s crime lay still, primarily, in their sexuality and an expression of sexual dishonesty.

Feminist criminologists have criticised Pollak’s theory of women’s “masked crime.” They accept that statistics are not an accurate representation of the actual levels of crime and that there is “little reason to doubt that women engage in more crime than is revealed in the official statistics”. However in his attempts to measure “hidden” crime Pollak did not consider that male crime is similarly masked and he overlooked that men were also able to conceal crime in the privacy of the home. Smart also criticised Pollak’s use of prison statistics which he took as proof of women’s larger amount of aggressive crime compared to men since:

The leniency that Pollak had already said existed in the courts would make it natural that those women in prison would likely be there for a violent offence.

Feminist criminologists believe that Otto Pollak’s theories are grounded in myth about women’s sexuality. His theories, like those of Lombroso, continued to define and explain women’s criminal behaviour through the concept of women’s proper and natural role. Pollak ignored the pressures and social constraints placed upon women as he believed their crimes were solely guided by sexual instincts. He saw women's crime as an expression of sexual dishonesty, yet deceit is not a sex linked characteristic.

Feminists have also focused their attention on Pollak's theory of male chivalry being applied to

---

45Pollock p.50
46Omodei p.57
women within the criminal justice system. Feinman argues that there are a number of factors which affect the way individuals are handled in the criminal justice system, and that these apply equally to men and women. Leniency is applied depending upon the offender's demeanour, the seriousness of their offence, their recidivism and even the value of a stolen item.\(^47\) Heidensohn believes that being older, apologetic and respectable is an advantage for both men and women within the criminal justice system; gender is only one variable. She argues that cautioning appears to be used more frequently for female offenders because of the less serious and less frequent nature of their offending.\(^48\) Overall the studies on chivalry have been inconclusive as each have drawn different conclusions. However it does appear impossible to conclude that chivalry operates on the basis of gender alone. Feinman believes that “Chivalry is reserved for white middle- and upper-class women, except those who flout culturally expected behaviour for ladies.”\(^49\) This idea is supported by Braithwaite who writes:

chivalry is a racist and classist concept founded on the notion of women as ‘ladies’ which applies to wealthy white women. These ‘ladies’ however are the least likely ever to come in contact with the criminal justice system in the first place.\(^50\)

Hartman in her study of Victorian murderesses found that women who complied with traditional stereotypes were acquitted. However her female subjects were, prior to the offence, “respectable”, middle class women. Hartman’s subjects were acquitted, not because of their gender but because of their middle class status. Zedner also found in Victorian England that condemnation of infanticidal mothers depended more on their position as married women, economic status and being victims of male seduction than on whether the women actually committed the murder.\(^51\) Piers also asserts that prior to the twentieth-century "only married

\(^{47}\) Feinman, C. *Women in the Criminal Justice System* Westport: Greenwood 1994 pp.33 - 34  
\(^{48}\) Heidensohn "Gender and Crime" pp.770 - 771  
\(^{49}\) Feinman p.33  
\(^{50}\) Clark, I.S.L. *Invisible Women: Towards a Geography of Female Offending* p.13  
\(^{51}\) Zedner p.30
women were ever acquitted" of infanticide.\textsuperscript{52} Even if the cause of an illegitimate baby’s death was uncertain the mother was often found to be guilty. When the mother was viewed as having a strong motive for the baby’s death the court’s did not believe that its death could have been accidental.

Various studies have shown that socioeconomic status and racial or ethnic identity affect the sentencing of women as much as they do men. A review of the literature published on this topic from 1984 to 1989 written by Sally Simpson concludes that:

\begin{quote}
Police give preferential treatment to white women, not black women; married women receive more lenient sentences than single women; and women with families are treated more leniently than women with no families. Black women... do not receive the same treatment as do the more traditional white women.\textsuperscript{53}
\end{quote}

There are a number of extenuating factors involved in the sentencing of women and some criminologists have argued that minority, poor, dependent women are actually discriminated against in the criminal justice system. If chivalry does exist in the system it would appear to be reserved for those who least likely appear in it, white and respectable women.

Throughout the 1950s, in New Zealand as elsewhere, women’s crime was continually seen to be sexual in nature and the result of individual choices rather than of social pressures and constraints which were used to explain men’s crimes.\textsuperscript{54} Structuralist theories which were used to explain male delinquency in terms of the inequalities in the social structure did not extend to women.

During the 1960s the women’s liberation movement developed in America, resulting in concerns

\begin{itemize}
\item \textsuperscript{52}Piers p.68
\item \textsuperscript{53}Feinman p.36
\item \textsuperscript{54}Omodei p.58
\end{itemize}
about the relationship between women’s increased involvement in the public sphere and women’s criminality. Freda Adler and Rita Simon were amongst the first people to hypothesise that as women’s social status reached men’s the nature of their crimes would also begin to resemble men’s. Adler does concede that most incarcerated women were in fact from the lower classes and therefore were those least affected by the liberation movement, but she asserted that they were indirectly affected by the “consciousness raising” which reached all women. Rita Simon explains the theory in stating that:

as women increase their participation in the labor force, their opportunity to commit certain types of crimes also increases. This explanation assumes that women have no greater store of morality than do men. Their propensities to commit crimes do not differ, but, in the past, their opportunities have been much more limited. As women's opportunities to commit crimes increase, so will their deviant behaviour and the types of crimes they commit will much more closely resemble those committed by men. 55

The New Zealand Department of Justice recognised that the social position of women could affect their degree of criminality when it wrote in 1968 that:

Whether females are more law abiding than men is pure speculation. It may be that they have less opportunity for illegal activity. A possible explanation can be suggested in terms of their different roles and status in society... 56

The Department was concerned that women’s crime would alter in character as they ventured into the work force. The separate spheres of men and women was taken as a possible explanation for the differences in offending. This belief echoes the beliefs expressed earlier by Pollak that women are able to mask their crimes in the domestic setting. The Department was uncertain about the effect that women moving into careers would have upon the pattern of women’s offending, but it noted that from 1965 women's crime rate was steadily increasing. Adler and

55Flowers p.101
56Department of Justice 1968 p.236
Simon argued that women's crime rate began rising rapidly in the late 1960s and that their offences were becoming more "masculine" by being more aggressive and violent. They asserted that these changes were the result of the growth of the women's movement. That, in short, "Liberation causes crime." This theory has since been challenged and disproved by thorough empirical testing. Feminists since the 1980s have been able to show that the extent and nature of women's crime has not altered from the impact of the women's liberation movement. Moreover those most affected by the movement, that is white middle class women, are those least likely to be criminal and that criminal women are those least likely to be affected by the liberation movement.

Smart in a study of England and Wales found that the women's crime rate was already rising faster than the male rate long before the advent of the women's movement. Arrest records during the two World Wars also disprove the link between women's involvement in the public sphere and criminality. Women entered the workforce during these years and yet the arrest rates for women's crime decreased. The liberation thesis has also been criticised by feminists as it treated men as the 'norm' to which women were compared in their offending. Women were seen as increasingly entering the male arena of crime, "as interlopers into a world organised by others." Overall the nature of women's crime does not appear to have changed since the eighteenth century.

From the late 1960s feminist criminology began drawing attention to the neglect of women in criminology and, when they were present, to the sexualisation of women criminals. Frances Heidensohn believes that there has been two phases in feminist criminology: the first phase being...
the pioneering phase and the second being consolidation. The first phase defined the agenda for studying gender and the second responded to the first phase by producing a range of studies in compliance with the agendas. The first esteemed feminist writing on women’s criminality was Carol Smart’s *Women, Crime and Criminology* in 1976. She asserted that historical criminologies on women were ideologically informed and culturally specific explanations requiring reappraisal and critical analysis. This was her challenge to feminist criminologists and in response much writing has been devoted to critiquing traditional criminological theories and exposing the unfounded assumptions about “female nature” on which many conclusions were based.

Smart states that even into the 1970s myths about the fundamental evil and weakness of women and the paternalistic attitudes of female frailty still prevailed in accounts of women’s criminality. Prior to this there had been an uncritical attitude towards the sexual stereotyping of women’s crime which confined women to a biologically inferior status in society. Self-determination has been denied to women in criminology as women’s mental and moral capacities were seen as equal to children’s and lunatics. Smart identifies that women were in a double bind as their acceptance of these sex stereotypes essentially defined them in derogatory terms yet their rejection of stereotypes also had a negative impression as they were seen to be deviant.

Some crimes have been described as an extension of the female role and this has made it easier for society to understand women’s involvement in these crimes. But as very few women commit murder those that do have been “dismissed as pathological exceptions to nature’s laws.” Smart however believes that although the act of murder is infrequent by women, their choice of victims

---

63Smart p.3
64Ibid p.xiii
65Ibid p.170
66Ibid p.16
and the "modus operandi" are in keeping with the feminine stereotype. To illustrate this point she discusses the findings of Wolfgang in 1958. Of the victims of women's murders he studied, fifty-two percent had a family relationship with the offender and a further twenty-one percent were "paramours". Women murdered husbands, lovers and relatives and they did so by using household and kitchen implements and they killed their victims in the domestic setting. Smart states that this finding "fits well with the socialisation processes experienced by most women..." as women are familiar with kitchen utensils but do not have the opportunities to learn how to fight. Also the place of the killing and the weapon employed implies that the murder was unpremeditated and also that "many murders were victim precipitated...The eventual victim was often the original aggressor and that the women often killed in self defence or in anger." Ward concluded from a study of women's homicide patterns in 1969 that:

"Women therefore seem to commit homicides most frequently within the context of the family, often in self defence or in a victim precipitated interaction and inspite of the fact that violent behaviour appears to be relatively less common amongst women than men homicides by women can be understood in terms of their traditional role within the home."

Women were believed to be socialised according to stereotypes which were no longer believed to be biologically disposed, unlike the previous physiological and psychological explanations of women's crime, which frequently explained women's crime in relation to their biology or stages of the menstrual cycle and menopause. Crimes committed by women were beginning to be understood as resulting from external influences and pressures and not from their psychological or biological nature.

Smart criticises the idea that female offenders are mentally ill as this implies that women's

67Wolfgang's study focussed upon adult victims of violence.
68Smart p.17
69Ibid p.18
70Ibid p.18
crimes are irrational, illogical and of no meaning to the offender. Smart suggests that the way in which people are defined as mentally ill needs to be considered as statistical evidence shows that women who are married and in the traditional women’s role have a higher level of mental breakdown than men in their traditional roles. This has led many to believe that women are biologically more prone to mental breakdown than men. The social pressures upon women within these traditional roles had not been considered as an explanation for their over representation in mental illness statistics.

Mental illness has been constructed as a more adequate explanation for women’s serious violent crime than rationality. It is perhaps easier for society to think of women who venture into criminality as mentally ill than to believe that they could have, with full rationality, deviated from the cultural stereotype of femininity. However this has also created the situation in which mental illness in women has been seen as an alternative to crime. In 1987 Hilary Allen found that women in the criminal justice system in England were still far likelier than men to be to found to have diminished responsibility at the time of the crime or as being insane; in both cases requiring psychiatric care rather than incarceration.

A woman appearing before the criminal court is about twice as likely as a man to be dealt with by psychiatric rather than penal means. In the first place, psychiatric considerations are more likely to influence the verdict of the court: she is more likely than a man to be found unfit to plead or not guilty by reason of insanity, and in a case of homicide by a woman, the offence will more frequently be reduced to manslaughter on grounds of diminished responsibility. In the second place, if convicted of a crime, she is ordered to receive psychiatric treatment instead of a normal penalty.71

Women who displayed mental illness were seen as “relatively normal women” to the English judicial personnel and “it is often their apparent conformity and competence that make them so

acceptable as psychiatric patients.\textsuperscript{72} It is far more acceptable for women to be mentally ill than criminal, as mental illness conforms to feminine stereotypes more than criminality, mental illness can thus be used to explain women’s criminality. Many women who were put into psychiatric care were not even diagnosed by psychiatrists as having a disorder, yet men diagnosed with disorders were refused care even when it had been recommended by professionals.\textsuperscript{73}

Despite the obvious importance of the sex of the offender, much criminology has been couched in gender neutral terms. Instead of developing a theory which could be applied to both sexes theorists developed a theory about male offending, without using gender specific terms, and thus took men as the ‘norm’ while treating women as aberrations of this norm. In \textit{Female Crime} Naffine observed that these gender neutral theories do not work when applied to female offending because they were based upon studies of male offending. In 1982 Leonard wrote:

\begin{quote}
Theories that are frequently hailed as explanations of human behaviour are, in fact, discussions of male behaviour and male criminality...We cannot simply apply these theories to women, nor can we modify them with a brief addition or subtraction here and there.\textsuperscript{74}
\end{quote}

Feminist criminology has developed various methods for studying women's crime and each method is criticised by other feminist camps. There have been multiple debates within and between each of these feminist perspectives which has fuelled developments in feminist criminology. However there is yet to be a feminist theory on women's crime. Since the 1970s feminists have studied women as offenders in various levels of the criminal justice system. Feminists have challenged mainstream criminology for its use of gender neutral language in theories of crime and statistics, but as recently as 1997 Naffine writes that criminologists “have

\textsuperscript{72}Ibid p.xi
\textsuperscript{73}Ibid p.xii
\textsuperscript{74}Gelsthorpe, Lorraine “Feminism and Criminology” in Maguire, M.; Morgan, R. and Reiner, R.(eds) \textit{The Oxford Handbook of Criminology} New York: Oxford University Press 1997 p.517
not heeded these comments; nor have they responded to the work of the many other feminists who are now writing about crime." 75 This lack of “scholarly connection” with others within the discipline has resulted in the loss of at least one prominent feminist criminologist, Carol Smart, whose departing remark to criminologists was that criminology needed feminism more than feminism needed criminology. Yet, as Naffine observed, the cost of criminology's neglect of feminism is far greater than it would be for other disciplines, because (as I mentioned at the start of this chapter) “the most consistent and prominent fact about crime is the sex of the offender.” 76

Given this fact it would appear far more logical to organise studies around gender instead of it being an afterthought, in which case the topic may receive a token, yet secluded, chapter. Such chapters are titled as being on gender but invariably they deal with women’s criminality and thus effectively establish women as the “exception” to the remainder of the book. Men remain the standard case as non-gendered subjects and women are the specialty study as gendered subjects. 77

In criminology “Sex has been identified as consistently the strongest predictor of criminalisation and perhaps of ‘criminal’ activity itself” 78 Sex predicts the possibility of a person turning to crime more than any other factor and also the type of crime most likely to be committed. In 1968 the New Zealand Department of Justice continued to espouse beliefs similar to those argued by Thomas in 1923.

The comment has sometimes been made that the true counterpart of the male offender is not the female offender so much as the prostitute...such phenomena as promiscuity and fecklessness are relevant to a study of the female offender. The traits and environment that may lead a boy into crime may lead his sister into promiscuity, fecklessness or prostitution...Nor should it be forgotten that the law which is invoked against females...is in many cases an attempt to

75Ibid p.5
76Ibid p.5
77Ibid p.2
78Allen, Judith "Men, Crime and Criminology: Recasting the Questions" in Naffine, N. (ed)
Gender, Crime and Feminism Hants: Dantmouth 1995  p.99
regulate sexual behaviour by legal sanctions.79

The contemporary perceptions continued to relate women's crime to sexuality and prostitution. Throughout the period of this study women's crimes were explained as being the result of women's psychological or biological nature. Whichever theory was espoused, women continued to be prisoners of internal forces that were beyond their control. Such theories were used to explain crimes from homicide through to shoplifting, the latter believed to be most frequently committed under menstrual impulses. The influence of external pressures were not held as accountable for women's crime, although their influence was recognised in leading men to crime. It was not until the advent of feminism in the 1960s that biological and psychological theories of women's crime began to be questioned. Feminism has shown the theoretical flaws of the predominant criminological theories in their application to women and has criticised criminology for being genderless. It has also developed a number of methods for examining crime in "gendered" terms. Nonetheless it has failed to produce a theory for explaining women's crime that has been accepted by all feminist theorists.

According to studies conducted in the nineteenth century women internalised the popular understandings of the crimes they allegedly committed to comply with social stereotypes. The degree of influence of these criminological theories on trials in the Christchurch Supreme Court will be sought by examining the narratives offered by the women themselves to explain why they allegedly committed the offences. The narratives offered by the defence counsel, prosecution and the judge will also be examined to discover the influence of contemporary criminological understandings of women's criminal behaviour in the criminal justice system.

79Department of Justice 1968 p.235
Chapter Three
Searching for a Colonial Medea

This study includes categories of fatal violence and serious non-fatal violence of women indicted in the Christchurch Supreme Court. Though I expected to find a broader range of crimes, serious violence by women had a predominantly maternal, caregiver focus. Reproductive related offences dominated both fatal and non-fatal violence with “neonaticide” and violence towards older children dominating the indictments for fatal violence and abortion related offences and concealment of birth dominating those for non-fatal violence. In my study of fatal violence I was able to separate the cases according to the defendant’s relationship to the victim. I created the following categories: newly born or “neonaticide”, older children, husband, relative and non-intimate. The latter category of cases where the accused did not know the victim intimately, or at all, was dominated by nursing fatalities with one abortionist and one motor car accident. These categories were easily applied to the study of non-fatal violence with the unexpected discovery of fifteen abortion-related charges in the non-intimate category. Another category was found in this study of non-fatal violence that did not appear in the fatal section and involved crimes when the victims were personally known to the accused but who were not relatives. Women’s fatal violence does not appear to have been intentionally directed against people who were not relatives, however such people were victims of women’s non-fatal serious violence. For the first three decades of this century men do not appear to have been in any danger of being the victim of women’s violence.

No studies were found on the occurrence of infanticide or concealment of birth in New Zealand that would create a national context for the women indicted of such charges in twentieth-century Christchurch. From my earlier study of women charged with serious violence within the

---

1Abortion indictments will be treated as non-intimate as the abortionists did not know their clients intimately although they had obviously met on a professional basis for the operation.
Christchurch Supreme Court from 1850 to 1899, twenty-three women were indicted for fatal violence towards children. Of the twenty-three women, fourteen faced indictments of concealment of birth; six of these women were convicted, two women were acquitted and six charges were found to be no bills. Three women faced manslaughter indictments for the death of their babies; one woman was acquitted; one charge resulted in a no bill; and one woman was convicted. A further nine women faced indictments for the murder of children or babies. Five of these indictments were laid during the Depression of the 1880s. Three of the nine women were found to be insane; three women were acquitted; two women were convicted of the murder of one baby; one charge was a no bill.

The rates of indictments for both concealment of birth and “infanticide” appear to have peaked in Christchurch in the 1880s with twelve women charged in a single decade. This could follow an international pattern of population transition discovered by Requener and Klinger but which Kirkwood applies to New Zealand’s demography. Although Kirkwood only discusses abortion and contraception, infanticide appears to fit the model as a last resort method of birth control when abortion was unavailable. Requener and Klinger propose that societies go through three stages of transition in population decline:

- from high to low rates of fertility and mortality; from virtually no birth prevention and high birth rates to falling birth rates due mainly to abortion; to low birth rates achieved mainly by contraception with residual abortions to meet contraceptive failure...

Kirkwood believes that New Zealand has followed this general model with the first stage being from 1840 to 1880; stage two from 1880 to 1920 and stage three from 1920 to 1950. The average family in New Zealand in the 1880s had six children but from this date it appears as though

---

2See Table 5:1
3Two women were tried for the murder of the same baby.
women began to limit the size of their families; by the 1930s the average family had two and a half children. The lack of effective contraceptive techniques in the 1880s is highlighted by the number of women who were indicted for fatal violence towards their newly born infants. However from the 1880s women were increasingly resorting to abortion for birth control. This is illustrated by the decline in the birth rate from 1880 being accompanied by a doubling in the maternal death rate from septic abortion. This supports the suggestion that the decline in the birth rate was greatly due to the increase number of abortions, especially given the scarcity and unreliability of contraception during this early stage. The effect of Requener and Klinger’s “stage three” is evident in studying the pattern of women’s crime in New Zealand. The number of women charged with concealment of birth in the New Zealand Magistrate’s Court declined from 1930 whereas there were high numbers of abortionists charged during the 1930s. The Christchurch Supreme Court indictments support this model, which was also found by Allen in New South Wales. No woman was indicted for the manslaughter or murder of her baby after 1930 and only one woman was indicted for abandoning her baby prior to this and that was in 1940. The decline in the number for “neonaticide” and concealment of birth was accompanied by an increased number of indictments for abortion-related offences. The number of indictments for abortion did not increase dramatically for many indictments the women were charged with performing more than one abortion or it was implied that they were well known abortionists.

The decrease in the number of indictments for women’s fatal violence against children correlating with the increased number of indictments for abortion also supports Daly and Wilson's argument that “infanticide” is a rational decision. Infanticide was the final option for many women who were living in confined conditions as domestic servants or in hostels and

6Compare Tables 1:4 and 1:6
7See Tables 5:2, 5:3 and 5:8 Children were still the victims of women’s serious and fatal violence yet they were not killed for fertility control.
8See Table 5:10
could not financially afford the operation nor afford the time away from work. These women may have felt that their pregnancies would be less likely to be detected if they resumed work immediately following parturition than if they had two weeks off work to recover from an abortion. The Courts appear to have sympathised with their plight. Of the seven women charged with concealment of birth during the 1880s four were found to be no bills and only two women were convicted, both in 1880. None of the women charged with murder or manslaughter of their children were convicted and two women were found not guilty by reason of insanity. Five women were charged with concealment of birth during the 1890s then the rates declined to three a decade in the twentieth-century until four women were charged in the 1940s with only one of these women being acquitted.9

With the expense and unreliability of contraception and the dangers of abortion, it would follow that some mothers might try to dispose of their babies without anybody noticing parturition. In twentieth century New Zealand there has been great reductions in the infant mortality death rate, mostly the result of a decline in the rate of deaths among babies in the first month of life, or neonatal deaths. This is due to better access to reliable contraception and better preventive treatment for diseases which may infect babies. With a high infant mortality rate it was difficult to establish if a baby's death was accidental and the jury had to give the benefit of the doubt to the woman accused. In such a context many concealment of births and “infanticides” would have been undetected. For this reason these women were by no means representative of all women who might have committed fatal or serious violence against their children. They only represent women who were in situations where they could be detected and who were indicted before the Christchurch Supreme Court.10

9Bradshaw, Anna “The Ideal Society and its Women: A Survey of Women Charged with Serious Violence Against the Person before the Supreme Court 1850-1900” History 630 Essay, University of Canterbury, 1996
10It is acknowledged that many women charged with concealment of birth would have only appeared before the Magistrates' Court.
It will be necessary to keep the twentieth century Christchurch Supreme Court indictments within a broader New Zealand context. For this purpose the indictment rates of the Supreme Court from 1900 to 1968 and the sentences imposed upon those convicted has been taken from the New Zealand Judicial Statistics. The broad categories that these statistics use do not identify the relationship that the alleged offenders had with their victims and if the murder and manslaughter indictments involved infanticide. This hinders a detailed comparison of the general New Zealand rate to my findings that have identified the circumstances of each case and analysed it in the context of similar cases. It also prevents finding the existence of the “Colonial Medea”. Fatal violence towards children was not solely the practice of women. Department of Justice data, which identifies when the victim of fatal violence was a child, nine men were convicted with causing the death of a child in the period 1961 to 1964.\(^\text{11}\) During the same period thirteen women were convicted. Notably none of the indictments were for murder. These convictions are included in the other fatal convictions for manslaughter in the Judicial Statistics for this period. According to the Justice Statistics, six men were convicted of manslaughter between 1961 to 1964.\(^\text{12}\) The Justice Department’s table reveals that, five of these six convictions against men involved children. The table also reveals that nine women were convicted for the manslaughter of children whereas the Judicial Statistics only show seven women convicted of manslaughter. This discrepancy was probably because these women were indicted for murder and convicted on the lesser charge, as the Statistics record that three women were convicted of murder. That would mean that nine of the ten fatal indictments brought against women from 1961 to 1964 involved children as victims.\(^\text{13}\)

---

\(^\text{11}\)See Table 4:10

\(^\text{12}\)See Table 2:3. Note that five men were convicted of manslaughter in 1960.

\(^\text{13}\)It could be that all ten of the fatal indictments involved children as victims since there was one infanticide conviction in 1962 which is not identified in the Judicial Statistics but which could have been recorded as a murder conviction.
Indictments represent a legal category of what seems to be supported by the evidence. The circumstances of cases may be similar despite the different indictments, however the lack of evidence may influence the decision for a lesser indictment. As was noted by the judge in the trial against Sarah B. for concealment of birth in 1881 it was apparent that she intended “to get rid of the child by some means” but there was not the medical evidence to try her for murder. Naturally the many cases of women being charged with murder and manslaughter of their newly borns resemble more closely the cases of concealment of birth than other cases of murder and manslaughter which involve adult victims. However these murder and manslaughter indictments involving infant and baby victims were not separated from other fatal indictments in the Judicial Statistics until 1965 when infanticide became a separate offence.\[14\]

It is apparent from the number of persons charged within the Magistrates’ Courts that authorities were prepared to charge women with the most serious charge of fatal violence. Although more males were charged than females, enough women were charged to deny the argument that women do not commit murder. By the time these charges reached the Supreme Court the gap between the male and female indictments had increased further.\[15\] The number of women indicted within the Supreme Courts was a little fewer than half the number of men.

The gap between male and female is at its most apparent in the numbers convicted. This should not be surprising considering that the death penalty was only temporarily abolished in 1941 to be re-introduced in 1950 then suspended again in 1958 and finally abolished in 1961. This century only six women were convicted of murder while the death penalty was a possible sentence, two of these women were under the minimum age of eighteen for the death penalty, another woman

\[14\]The Department of Justice defined the charge of infanticide as applying "to a woman who kills a child of her own under the age of ten where the balance of her mind is disturbed by childbirth or lactation." Infanticide did not apply to males and it noted that few charges were laid because it was difficult to determine which parent was responsible and also to establish proof. Department of Justice New Zealand 1968 p.274

\[15\]See Table 1:1 and 2:1
was sentenced to life in prison and one woman was sentenced to death in 1953.\textsuperscript{16} This latter case involved a woman who strangled two elderly women for money. Her sentence was commuted and it was commented in the \textit{Auckland Star} that “it is hard to imagine that any other factor except her sex saved her from the gallows.”\textsuperscript{17} The death penalty was still being applied to males with eight being executed between 1952 and 1957.\textsuperscript{18} Indeed it was still being applied to women in England as Ruth Ellis, aged twenty-eight years, was hanged in Hollaway gaol in July 1955 for shooting her lover in the street.\textsuperscript{19} The last man sentenced to be hanged in Christchurch was Te Rongapatahi in 1953.\textsuperscript{20} Only one other man received the death sentence in Christchurch during the 1950s and his sentence received much public and political attention throughout New Zealand and was finally commuted.\textsuperscript{21}

Women were more likely to be charged with murder than with manslaughter, in both the Magistrates’ and the Supreme Courts, the acquittal rates of women indicted in the Supreme Court were similar to the rate of women discharged or dismissed in the Magistrates’ Court.\textsuperscript{22} The drop in the numbers of women brought before the Magistrates’ Court on charges of murder from the mid-1930s is comparable to a similar decline in the rate of charges for concealment of birth.\textsuperscript{23} This could be taken as evidence that many of women's murder charges were for neo-natal type fatalities. The overall decline in both of these charges could indicate that women began practising other methods of fertility control or else that theses crimes were being less readily

\textsuperscript{16}Two women were convicted from 1900 to 1909 and their sentences are unknown.
\textsuperscript{17}Engel, Pauline \textit{The Abolition of Capital Punishment in New Zealand 1935-1961} Wellington: Department of Justice 1977 p.57
\textsuperscript{18}Young, Sherwood \textit{Guilty on the Gallows} Granthom House: Wellington 1998 p.282
The cases are also reported by Pauline Engel \textit{The Abolition of Capital Punishment in New Zealand} pp.56 - 57
\textsuperscript{19}Engel p.62
\textsuperscript{20}Te Rongopatahi was tried and sentenced in Christchurch but was hanged in Auckland.
\textsuperscript{21}This was the first death sentence imposed upon a murder conviction after the Capital Punishment Act of 1951 re-introduced capital punishment.
\textsuperscript{22}Compare Tables 1:1 and 1:3 to Tables 2:1 and 2:3
\textsuperscript{23}See Tables 1:1 and 1:4
detected. There was only a marginal increase in the number of people charged in the Christchurch Supreme Court for performing abortion during the 1930s.²⁴ There was an increase in the number of women indicted for abortion in the 1930s throughout New Zealand which suggests an increase in the abortion trade. ²⁵ However, to contemporary social commentators the number of charges was still considered low in comparison to the perceived use of the abortionists. Health data on the rate of septic abortions increased from 1927 so that by 1930 the Health Department was able to show that the rate of septic abortions had increased by one hundred percent from 1928 to 1930. This was taken as evidence that the rate of criminal abortions was similarly increasing.²⁶ Doctor Gordon estimated that six thousand abortions were induced annually, which was probably a conservative estimate.²⁷ Doctors Bennett and Gordon believed that the lack of charges for abortion during this period was the result of police reluctance to bring abortion charges before the courts when juries frequently acquitted alleged abortionists.²⁸

According to the national Judicial Statistics males had a higher rate of conviction for murder compared with women.²⁹ From 1900 to 1968 fifty-eight percent of males were convicted of murder, whereas only twenty-three per-cent of women were convicted. The majority of women were acquitted. Women had a greater chance of being found insane than of being convicted for this indictment. Twenty-five percent of women indicted for murder were found insane whereas

²⁴See Table 5:10
²⁵See Table 2:5 These numbers are not so much indicators of crime but more so of the patterns of policing which probably explains the remarkable rise in the rate of charges for abortion from 1960 to 1964. Twenty-eight men and women were charged with abortion from 1955 to 1960 but one hundred and seven people were charged from 1960 to 1964. It would seem unlikely that the abortion industry increased so dramatically during this period but it seems more likely that abortion had become a contentious political issue and the police were targeting the trade.
²⁶Mein Smith, Philippa Maternity in Dispute: New Zealand 1920 - 1939 Wellington: Government Printer 1986 p. 103
²⁷Ibid p.102
²⁸Kirkwood p.289
²⁹See Table 2:1
only nineteen percent of males were found to be insane. However women indicted within the Christchurch Supreme Court had an even greater chance of being found insane than women indicted elsewhere in New Zealand: twenty-nine percent of women indicted for murder in the Christchurch Supreme Court were found to be insane. Over the period 1900 to 1968 the verdict of insanity was only marginally higher for males indicted in Christchurch than elsewhere in New Zealand. The high proportion of women acquitted and found to be insane for murder supports the notion that juries were reluctant to hold women responsible for murder, hence the high rate of insanity verdicts. The public's willingness to view violent offenders as mentally ill does not appear to have been reserved to women. The Department of Justice estimated in 1968 that seventy percent of offenders imprisoned for homicide were mentally ill, indicating that "murder is an abnormal act, committed by abnormal people." However it cites a critical view of this belief which argues that the "belief in the abnormality of the murderer is part of the delusion of morality on which society is based." Throughout New Zealand over the period 1900 to 1968 women indicted for murder were more likely than men to be found insane.

Women indicted in the Christchurch Supreme Court for murder also had a higher conviction rate than the national Supreme Court records indicate. Thirty-three percent of women indicted within the Christchurch Supreme Court were convicted. Men, however, had a greater chance of being acquitted in Christchurch than the national Supreme Court statistics suggest. Only forty-nine percent of the thirty-six males indicted in the Christchurch Supreme Court were convicted whereas twenty-three percent of males indicted throughout New Zealand were acquitted.

According to the national statistics both women and men had higher acquittal rates for attempted murder when compared to murder. Seventy-three percent of women indicted for attempted murder when compared to murder. Seventy-three percent of women indicted for attempted

---

30 See Table 4:7
31 See Table 4:8
32 Department of Justice 1968 p.50
33 See Tables 4:8 and 4:7
murder were acquitted. Only thirteen percent were convicted and another thirteen percent were found to be insane.\textsuperscript{34} One of those women found to be insane came from the Christchurch Supreme Court, another woman indicted for attempted murder in Christchurch was acquitted; and a third indictment resulted in a no bill.\textsuperscript{35} However males also had a higher rate of conviction for attempted murder; fifty-seven percent of males were convicted: thirty-three percent were acquitted and ten percent were found to be insane. Males indicted within Christchurch had a greater chance of being acquitted; fifty-nine percent were acquitted: thirty-six percent convicted and five percent were found insane.

The notion of male chivalry within the courtroom could be challenged with the high conviction rate of women indicted for manslaughter in New Zealand. Between 1900 and 1968 almost half of the women indicted for manslaughter were found guilty of the charge.\textsuperscript{36} This conviction rate was higher than for any other of women's convictions for fatal violence.\textsuperscript{37} It was also higher than the male conviction rate for manslaughter. However, as well as being taken as evidence that notions of chivalry did not exist within the New Zealand courtroom, it could nevertheless be argued as evidence that it did exist to some extent. The conviction rates for murder and attempted murder may have been lower than that of manslaughter because juries were reluctant to convict women of the more serious charges. The national conviction rates for abortion, concealment of birth and cruelty towards children is relatively even between the sexes. The discrepancy is predominantly found in the more serious indictments of murder and attempted murder.\textsuperscript{38} When juries had to find that women committed homicide with intent and motive, they were less likely to convict.

The chances of acquittal were exactly the same for men and women indicted for abortion in the

\textsuperscript{34}See Table 4:7
\textsuperscript{35}See Table 5:4
\textsuperscript{36}See Table 2:3 and Table 4:7
\textsuperscript{37}“Fatal violence” excludes abortion-related offences and concealment of birth which had a higher proportion of women convicted as these indictments did not necessarily involve a fatality.
\textsuperscript{38}See Table 4:7
New Zealand Supreme Courts and a woman's chance of being acquitted of an indictment involving cruelty towards children was only slightly higher than a man's chances. However a higher proportion of women indicted for abortion within the Christchurch Supreme Court were found guilty than men who were indicted within the court. The figures of men indicted for cruelty towards children in the Christchurch Supreme Court are unknown for this study.

Fifteen women faced murder indictments in the Christchurch Supreme Court from 1900 to 1968.\textsuperscript{39} Of these indictments, six involved the death of babies at confinement, another indictment involved the death of a neonatal baby but it was sometime after confinement. Of these six indictments two were found to be no bills, one woman was found to be insane and the remaining four women were acquitted. A further three indictments involved infanticide of “older” children. Again, none of the women indicted were convicted: two women were found to be insane and one was acquitted. That these crimes were not distinguished from other murder and manslaughter indictments could lead to the misinterpretation of Judicial Statistics. The low conviction rate recorded for women indicted for murder could be the result of predominantly neonaticide and infanticide type cases that were alleged to be women's most common murderous act. Four of the five women indicted in the Christchurch Supreme Court for murdering adults were convicted and one woman was found to be insane. Of the remaining ten indictments only one woman was convicted and that for an abortion related offence. All of the women indicted for infanticide type offences were acquitted, found to be insane or else the charges were found to be no bills. This indicates that women indicted for infanticide type offences were more likely to be acquitted than women indicted with fatal violence against adults. Given this fact, it would be interesting to see the Judicial Statistics with infanticide extracted from the murder indictments and to compare the male and female conviction rates for both types of offences.

\textsuperscript{39}See Table 5:2
The last indictment in the Christchurch Supreme Court against a woman for the death of her baby during confinement was in 1930. Four of the eight women who were indicted for the death of their babies during confinement had their indictments dropped from murder or manslaughter to concealment of birth. It appeared difficult to prove whether a baby had been born alive. Juries also appeared to be reluctant to convict women of murder or manslaughter of newly borns when the circumstances surrounding the pregnancy were uncertain. The marital status of two of these women was not mentioned in the newspaper reports. Only one woman, Mary-Ann R., was said to be “married” yet she was living with her parents, being separated from her husband. She was charged with killing two illegitimate children in 1916. Another young woman, Lillian H. was charged twice in consecutive years for the death of a newly born. She was probably single as the child was referred to as “illegitimate”. Catherine S. was described as being a single woman in the Court report in *New Zealand Truth*, although her marital status was unmentioned in other Court Reports. The evidence given at the trial suggests that Hilda B., who was indicted in 1921, was also unmarried. The marital status of Caroline H. is uncertain; she may have been married as she was the only woman who had an attendant at birth. The remaining woman would appear to have been single, or at least separated, as Phyllis S. was a young girl living in a boarding hostel. If Phyllis had been married it would have been unlikely that she would be living in a hostel. Official statistics from 1913 might indicate that unmarried

40 All of the Christchurch cases analysed in this chapter can be found in The Return of Prisoners Tried from the years 1897 to 1922, then 1929 to 1968. For the years 1922 to 1929 the cases were found in the Crown Books. All of these books are held within the Christchurch National Archives. These books only contained information about the offender such as age, possible occupation or marital status, date of alleged crime, charge, verdict and sentence. For information on the actual nature of the alleged offence it was necessary to look at the Criminal Trial Files and the Court pages in the contemporary newspapers.

41 See Table 5:5

42 *The Press* 21 February 1916 p.4

43 *Ibid* 19 November 1916 p.5

44 *The Truth* 21 February 1920 p.5

45 *The Star* 2 August 1921 p.8

46 *The Press* 16 August 1922 p.5 & 17 August 1922 p.5; *The Star* 15 August 1922 p.8; *The Lyttleton Times* 17 August 1922 p.13
women would dominate indictments for fatal violence against children. These statistics recognised that the risk of death was far greater for illegitimate children. The death rate of illegitimate children was one in eight births whereas the death rate of legitimate infants was one in twenty infants. Nonetheless, it can not be assumed that the difference in the infant mortality rates was on account of unmarried mothers killing their exnuptial babies. The lower living standards of unmarried mothers probably contributed to the higher mortality rate of illegitimate children.

The most striking feature in the outcome of these trials of these women is that not one was found guilty of the crime they were indicted with, that is the death of their newly-born babies. In-spite of the evidence of tape marks and rags being found around the babies' necks, none of these women were convicted. The only case in which there was no doubt as to the baby being born alive was that involving Lillian H. in 1906. She had appealed to two married women for assistance following the birth; the baby was later found dead in a well. The jury found her not guilty on grounds of insanity. The following year she was again indicted for the death of another baby. This time, as with all the other women similarly charged, she concealed her pregnancy throughout its entire term, gave birth in secret and then left the baby. None of these women, other than Mary-Ann R., confided in anyone about the birth. Mary-Ann R. mentioned to her mother that she had given birth to two illegitimate children. Her mother, it seems, never inquired as to the whereabouts of her grandchildren or even whether they had been born alive. All of the women indicted, however, had other women or relatives near them in whom they could have confided had they so wished.


The Press 7 February 1906 p.8
As studies conducted overseas have also found, the typical woman charged with the death of her baby was young, single, living away from parental influence and probably in a boarding establishment. She hid her baby immediately after its birth, most likely in a case, confiding in nobody about the birth and was subsequently acquitted. By the high acquittal rates it would appear that these women were more pitied than blamed. The same scenario can be applied to women charged with the concealment of birth of their babies. However, if the jury had difficulty in convicting young women of murder or manslaughter, the same cannot be said for women facing concealment of birth charges.

Throughout the country between 1900 to 1968, both men and women were charged within the Magistrates' Court for concealment of birth, and indeed six women alone were charged from 1965 to 1968. However indictments for concealment of birth appeared more sporadically in the Supreme Courts. After 1939 there was only one indictment for concealment of birth and that appeared in 1950. Between 1900 to 1968 twelve women faced indictments for concealment of birth in the Christchurch Supreme Court: the jury found two no bills, and of the remaining ten indictments nine women were found guilty.

In Christchurch the oldest woman indicted for concealment of birth was twenty-nine years and the youngest fifteen. The marital situation of three women was unstated in both the court files and press reports. The remaining seven women were single and one woman was separated from her husband. Only one woman, Margaret D., was married but there was very little written about

49See Table 1:4
50See Table 2:4
51See Table 5:6 A further four women had their indictments dropped from murder and manslaughter to concealment of birth. However as they were indicted with murder and manslaughter they are treated as "neonaticide" type indictments. Of these four women one pleaded guilty to concealment of birth, one woman was found to be insane and two charges were found to be no bills.
the case and nothing about the circumstances of the alleged offence. Mary-Ann F., whose marital status was unmentioned, would appear to be unmarried as she was only aged fifteen years. Another woman was committed to the “tender mercies of Booth's loud religionists”, a Salvation Army Rescue Home, for five months. If this woman was married it would be unlikely that she would have been sentenced to a “Rescue Home” as these homes were primarily concerned with “rescuing” fallen women who were unmarried first offenders. She was likely to have been single. The one remaining case also had very little written about it; the woman was only nineteen years old and was younger than the other women who were known to have been single. In 1912 official statistics revealed that illegitimacy was greatest for women under the age of twenty-one years with a ratio of eight illegitimate births to ten legitimate births. Four women indicted in the Christchurch Supreme Court were under the age of twenty-one but the greatest number of women indicted were between the ages of twenty-five to thirty years. Official statistics record that this age group had the lowest ratio of illegitimate births with only 2.8 illegitimate births to ten legitimate births. The stigma of an illegitimate birth might have been greater upon these women which resulted in their attempts to conceal their births. Moreover, it might have been more difficult for these women to conceal their pregnancy.

All except one Christchurch case of concealment of birth was mentioned in the contemporary papers, however they were not always extensively covered. Information could only be found on seven of the cases. A further two reports merely stated that the women on trial were of previously good character: one was sent to a Salvation Army Home and another released on probation. There was nothing found on two of the trials and one of the reports only mentioned

---

52 The Press 22 March 1947 p.2
53 The Truth 17 February 1912 p.5
54 The Press 13 February 1912 p.5
55 Levesque, Andree, p.4
56 Reports on Mary-Ann C. in: The Star 12 February 1912 p.3; The Lyttleton Times 13 February 1912 p.5; The Truth 17 February 1912 p.5; The Press 13 February 1912 p.5 and Margaret D. in The Press 22 March 1947 p.2. A report on this latter case could only be found in The Press
the defendant’s age and that she was convicted and discharged.\textsuperscript{57} The circumstances surrounding concealment of birth were very similar to those of the women facing indictments for neonaticide. Juries were reluctant to convict women of the more serious charges yet only acquitted one of the ten women who went to trial for concealment of birth.\textsuperscript{58} This may also reflect that women more readily pleaded guilty to this lesser charge. Although in most of these concealment cases the baby had died mysteriously, the women could not be indicted with murder or manslaughter because of lack of evidence and witnesses. Whether subsequently found dead or alive, the babies had been born in private with no witness. Some of the women admitted that the dead bodies were in fact those of their newly-born babies, but there was enough doubt as to whether the babies had breathed after they were fully born to prevent them from being charged with murder.\textsuperscript{59}

In 1911 Mary B. gave birth and, like many other women, placed the baby in a box in her room. She later took the dead baby and threw it into the Avon river where a body was later found. However, the body that was found was that of a male child and Mary B. had confessed to police to giving birth to a female child. The body of her female child was never found. Nonetheless Mary B. was found guilty of concealment of birth without the identification of the body.\textsuperscript{60} The only woman who was found not guilty of concealment of birth was Violet M. in 1931. Violet M. had a list of previous convictions relating to theft, false pretences and escape from custody. She was the only accused who had been deserted by her husband and left to care for their children. These circumstances may have influenced the jury to give a more lenient verdict. Moreover Violet had made no attempt to conceal the baby’s birth, but had merely left it

\textsuperscript{57}Report on Mary-Ann F. in \textit{The Lyttleton Times} 7 February 1906 p.7; \textit{The Star} 6 February 1906 p.3.
\textsuperscript{58}A further two women were acquitted of this lesser charge but they were originally indicted for murder and manslaughter so will be discussed with the fatal indictments.
\textsuperscript{59}To be charged with murder the victim had to be a legal human being, that is, breathing when fully separated from its mother.
\textsuperscript{60}\textit{The Press} 15 August 1911 p.10
in the empty house where it was born and where it was later found on the lavatory floor alive.\textsuperscript{61} The other women had apparently made some attempt to dispose of the bodies. Because of her lack of attempts to do so, Violet was able to convince the jury that she did not intend the baby to die or nor did she intend to conceal its birth.

Those Canterbury women found guilty of concealment of birth were generally treated leniently: not one was sent to prison.\textsuperscript{62} Of the ten who were convicted, five were to come up for sentence if called upon and one woman’s conviction was not entered. In two cases the jury recommended mercy: one woman was sent to a Samaritan Home and another to a Salvation Army Home for five months. The harshest sentence was imposed upon the only married woman who was charged with the crime; she received two years’ probation. The comparative severity of the sentence suggests that the judge could not understand why a married woman would commit such a crime. Another judge had previously described concealment as a single woman’s crime in an attempt to conceal shame.\textsuperscript{63} A married woman did not have to bear the shame of illegitimate birth and therefore it was harder for the courts to understand their committing this crime. The judge could not sympathise with the need for this method of family limitation and described the offence as a “most unfortunate incident”.\textsuperscript{64} The leniency in sentencing women convicted of concealment of birth was not unique to the Christchurch Supreme Court. From 1900 to 1968 only four of the fifty-two women convicted of concealment of birth were sentenced to prison and it was never for more than one year. Over half of the women were sentenced to a period of probation. The proportion of women sentenced to a period of probation was smaller in Christchurch compared to women sentenced in other New Zealand Supreme Courts. Yet Christchurch judges sentenced women to periods in Samaritan Homes which was not a sentence used by judges in other

\textsuperscript{61}Ibid 19 August 1931 p.7  
\textsuperscript{62}See Table 5:6  
\textsuperscript{63}The Press 19 November 1907 p.5  
\textsuperscript{64}Ibid 22 March 1947 p.2
The eight Canterbury women indicted with the murder and manslaughter of older babies or children also appeared to be given a similar degree of leniency granted to the group of eight women indicted for the death of their babies during confinement. Seven women were indicted for the murder or manslaughter of their older children during the period of this study and another with the attempted murder of her son. Amongst the eight women indicted for the homicide of their older children, both unwed women were found not guilty and there were also two no bills. Only one woman was found guilty as charged, another woman was convicted of a lesser charge of abandonment. These convicted women were both married (one may have been separated) and were recommended for mercy on account of their age. Three women were acquitted on the grounds of insanity and they were married also. The youngest of the women charged with murdering an older child was twenty-seven years and was acquitted; the eldest woman, aged fifty years, was found insane. The women indicted for the death of their older children were significantly older than the women charged with the murder or manslaughter of newly borns. Four of these older women also had other children or else their victims were teenagers. All four women without other children were acquitted, one being found insane. The women without other children were not expected to have had the experience of raising children that the other older women had. The Courts viewed these first time mothers more leniently.

One case in 1906 of killing a child involved both a mother and the baby's grandmother, Ann F. aged forty-seven years and Harriet F. aged seventeen years. The younger woman was the mother of the illegitimate baby and she lived with her mother. The baby died from apparent neglect. Though the younger woman, the mother of the infant, was found not guilty of

65See Tables 3:3 and 5:7
66See Table 5:7
67See Table 5:7
manslaughter, the infant's grandmother was found guilty and sentenced to three year's hard labour. Ann was convicted. Although the jury recommended mercy in sentencing on account of her age, Ann's experience as a mother suggested that the neglect of this child was deliberate. In sentencing, Judge Chapman claimed that he wanted her sentence to serve as a warning. Harriet F. was the youngest woman charged with a crime against an older child during this period. The not guilty verdict given to Harriet F. corresponds to the verdicts given to the previous group of young women charged with the death of their babies following birth. Juries appeared reluctant to convict young single women with the deaths of illegitimate children.

Since 1907 no woman has been charged in the Christchurch Supreme Court with neglect leading to death. This may be because of the increase in assistance from charity organisations and also because of the rise in status of motherhood as a woman's vocation. This latter factor may have made people reluctant to interfere with the way women brought up their children. The only other case of a woman charged with neglect leading to death was against Edith M. in 1907. She was found guilty of abandonment. Edith was an older woman and also an alcoholic. Throughout the trials there appears to have been a sentiment that Edith and Ann should have known better because of their age and also on account of their having successfully reared other children. In both cases of neglect, the defendants were found guilty except for Harriet F. who was believed to be too young to have known any better.

It would appear that the older the accused women were, the greater the likelihood of their being found guilty or insane; this outcome was even greater if the women were married. Such women appeared to need punishing for transgressing the boundaries of acceptable female behaviour. Younger women could be acquitted as they were believed to have acted out of shame for earlier

---

68The Press 11 August 1906 p.6 & 1 November 1906 p.3
69See Table 5:7
70The Press 16 May 1907 p.9
Judge Chapman was also the presiding Judge in the trial against Edith M.
transgressions and were seen as trying to preserve their respectability. There was no such excuse for married women as they were defying the ultimate vocation for women in life: motherhood.

On 29 November 1933 Bertha P. was giving her baby a bath when it began coughing and crying. Bertha took a razor and slit its throat believing it to be unhappy; she then proceeded to unsuccessfully slit her own.\(^7^1\) This case gives the impression that the offender thought she was committing an act of mercy. This idea of a “mercy killing” appeared in three out of the six trials against women for killing their children.\(^7^2\) In all three cases the women were acquitted on grounds of insanity.\(^7^3\) These “mercy killings” also appear to be the most brutal of the cases of female killing of older children. They also were all followed by an attempt on behalf of the women to take their own lives.

The women charged with “mercy killings” were aged between thirty-five to fifty years and two of these women had teenage children. Indeed it was for killing her two teenage children that fifty year old Winifred T. was charged and acquitted on grounds of insanity.\(^7^4\) These women do appear to have been mentally unstable from the evidence given at the trials. All of them confessed to committing the crimes and thus put the onus upon the defence counsel to prove their insanity. The mental condition of all three women found to be insane was claimed to have deteriorated since the birth of their children. In the case of Winifred T., this deterioration began fifteen years prior to the killings. That all three women were portrayed as being good and devoted mothers and wives suggested that they must have been “mad” to have killed the children they loved.

\(^7^1\)Ibid 2 May 1934 p.8
\(^7^2\)This is excluding the indictment against Gertrude Mc. since she never went to trial, and is treating the trial against Ann and Harriet F. as one trial.
\(^7^3\)See Table 5:7
\(^7^4\)The Press 2 August 1966 p.6
Increasingly during the twentieth-century, women who violated the feminine stereotype by murdering children were held to be insane purely because they could perform such “unnatural acts”. Omitting the four nursing-related charges, there were eleven indictments of murder and manslaughter brought against Canterbury women between 1900 and 1925. Birth-related charges accounted for six out of the eleven charges. In these twenty-five years only one woman was found insane and that was Lillian H. in 1906 for the death of her baby at its birth. Insanity was implied when she was tried again in 1907 for a similar offence but she was acquitted in her second trial. The defence counsel did not mention insanity in any other trial from 1900 to 1925. The crimes during this period were predominantly more birth-related than the subsequent years from 1925 to 1968. Only one of the eleven women was found guilty as charged and she was an older and married woman with a number of children. Insanity would not have been an applicable defence for this woman as she was charged with negligence. Women indicted during this earlier period all pleaded not guilty to the charges whereas from 1926 onwards six out of the thirteen women indicted for murder, attempted murder or manslaughter pleaded guilty to the charge, having already confessed to the crime in statements to the police. Another woman named Helen L. whose plea was unstated was found to be insane.

The last trial which involved a child dying from neglect was in 1907. There were two cases in which women were indicted with non-fatal neglect after this date. Thirteen women were indicted with abusing older children and in only one case was the child known to have not belonged to the accused. Only three of the thirteen non-fatal indictments for violence against older children

---

75See Table 5:3
76See Tables 5:2 and 5:3
77Although Edith M.’s indictment for manslaughter was found to be a no bill, her trial was discussed among the fatal indictments for her child died as a result of her neglect. She was found guilty of the lesser charge of neglect causing suffering rather than neglect causing death.
78See Table 5:8. In the case of Alice H. the child was said to have been illegitimate and it was unclear whether the man and wife were caring for the child on behalf of somebody else or whether it was the illegitimate child of the woman accused.
involved the use of physical violence, the remaining cases were the result of neglect or abandonment. Six of the thirteen women indicted with non-fatal violence upon older children, including abandonment, were married. Two women indicted with wilful neglect of children were married and their husbands were convicted with them. Another two women were indicted with wilful neglect, although one of these indictments involved abandonment; another two women with ill-treatment; and one woman for causing actual bodily harm. One woman was indicted along with her husband for ill-treating a child not belonging to them, and one separated woman and five unmarried women were indicted with abandoning children.

Only four women are known to have been acquitted in this category of non-fatal violence against children. They were all married and were indicted for “ill-treatment”, “cruel neglect” and “bodily harm” to their children. Two of these cases implied that the mothers had deliberately and knowingly used physical violence upon their children. The callous nature implied by the indictments may have influenced the juries to acquit the women. Neglect may have been understandable if the women were inexperienced mothers or if they were financially pressed, but there was sufficient doubt as to whether mothers could be deliberately cruel to their own children. Unlike neglect these charges involved the use of physical strength, whereas “neglect” could be, and indeed was, seen as merely ignorance on the part of the mothers. A woman’s motherhood skills went under public scrutiny when she came up for trial without her husband on a neglect related charge. Women’s motherhood skills could also be the focus of attention even when the husband was being indicted with her.

The most severe sentence which any of these Canterbury women, charged with non-fatal violence against older children, received was two years’ prison. That sentence was passed upon

---

79 Another woman was indicted for abandonment but no information has been found on the trial.
80 One woman was indicted for cruelty but it was the result of neglect.
82 Brooks Case: The Press 24 November 1903 p.4, The Star 23 November 1903 p.3
Winifred C. in 1915 for abandoning her one month old baby. (Winifred was tried for the murder of this same baby when she was released from prison in 1918). Winifred C. was unmarried and only twenty-four years old. Four of the unmarried women facing indictments for abandonment pleaded guilty to the charge, the one woman who pleaded not guilty was acquitted. Ruth R. was indicted in 1919 and sentenced to twelve months' probation whereas Kathleen M., indicted in 1922, was discharged with her conviction not recorded. Kathleen M.'s sentence was probably lenient because she had married after the offence was committed and had taken the child back. It was apparent that Kathleen's new husband would be able to care for her. The sentences passed upon the two unmarried women involved longer periods of being under the surveillance of the criminal justice system than the sentences passed upon the married women. Married women had their husbands to monitor and discipline them. Beatrice M. was charged with abandonment but she was merely ordered to come up for sentence if called upon. She was a married woman, albeit separated, but she had other children who needed her care. The crimes committed by the unmarried women may have been seen as being of a more serious nature. Unmarried women may also have been seen as “fallen” women who needed reforming and so they were given sentences where they could be monitored. Beatrice M. was not a “fallen woman”, nor did she have the guidance of a male; however she did have thirteen other children to care for.

Women generally received the lesser penalty than the husband when they were tried together: in 1903 a husband and wife both received three months’ imprisonment for neglect, in 1912 the husband received three months’ imprisonment and the wife was to pay a five pound fine (even though, during the trial, it was acknowledged that she did not earn any money and he was the only breadearner);83 in 1952 the husband was sentenced to one year's hard labour and the woman to four months' hard labour. The apparent dilemma in the sentencing was that the married women had children who required their attention. Sentencing them to prison was taking them

83The Press 15 August 1912 p.4
away from their children. Although Beatrice M. was not married, this situation made the Judge state that passing sentence was difficult for “if he sent her to gaol, who was going to look after the children?” In the sentencing of both a husband and a wife, the judge may have decided that the care of the mother was more important than the attention of the father and therefore inflicted a longer prison term on the husband.

The remaining cases of homicide found during the period did not fit into the categories already discussed. They have very little common ground between them except that the victim was “unknown” to the alleged female offenders. I have termed these crimes as “non-intimate”. Six murder and manslaughter indictments fitted into this category, four of the accused being nurses and the victims their clients, one woman was indicted for murder after hitting a cyclist with the door of her motorcar and one woman was an abortionist. The four nurses were all indicted with manslaughter through negligence, one indictment was found to be a no bill, two were found not guilty and one was retrialed, the verdict for which I have been unable to find. Two of the nurses were married and ran the nursing homes, another woman was in her mid-thirties, the age and marital status of the fourth nurse was unstated. These women were professionals and there was a strong element of respect for them in the trials as their professional performance went under scrutiny.

There was only one indictment against a woman abortionist for murder during this study and that was against Bridget C. in 1912. Bridget was fifty-six years of age and was indicted with the murder of an abortion client. She had been convicted of the same offence nineteen years earlier and had served four years in prison. The jury found her guilty but recommended mercy in sentencing on account of her age. Even so, she was sentenced to eight years' imprisonment. The harshness of the sentence, in spite of the mercy recommendation, and the description of her as

---

84 Ibid 21 February 1907 p.5
85 See Table 5:13
being a "danger to society" is evidence of the pro-natalist attitude which was prevalent in society during this early period.\textsuperscript{86} Abortion was widely believed to be prevalent in society but only a few cases came to the attention of the police and the courts. Bridget's sentence was harsh as it had to serve as a warning to other abortionists of society's disapproval of their actions.

The category of non-intimate and non-fatal indictments had a larger sample than non-intimate fatal indictments. Twenty-three Canterbury women appeared on non-fatal indictments against people they did not know personally.\textsuperscript{87} From 1900 to 1968 seventeen of these non-intimate indictments were abortion-related and fifteen of these were against alleged abortionists.\textsuperscript{88} These women were the oldest group of female offenders found during this study: all of the alleged abortionists being aged over forty years. One twenty-three year old woman was indicted with merely assisting an abortion in which she permitted her house to be used for the operation and helped to sterilise the equipment.\textsuperscript{89} Another woman aged twenty-five years was indicted for attempting to abort herself. This was the only indictment against a woman for attempting a self-procured abortion from 1900 to 1968. Of the seventeen women indicted for abortion-related offences, six were married, two were widowed and four women were either separated, deserted or divorced. None of the women who allegedly performed abortions were stated as never having been married. The one single woman indicted had merely provided the location for the operation. Information has been found on fifteen of these women.

The rates of indictment for abortion are not to be taken as an indication of the occurrence of abortion in society. Coney states that abortion was lightly policed and that:

\begin{center}
Court cases and medical statistics usually tell the story of unsuccessful abortions. A good indication that many abortions
\end{center}

\textsuperscript{86}\textit{The Lyttleton Times} 17 August 1912 p.9
\textsuperscript{87}See Tables 5:10 and 5:14
\textsuperscript{88}See Table 5:10
\textsuperscript{89}\textit{The Press} 30 July 1963 p.16
were successful is the rapidly declining birth rate...90

Abortionists were not usually detected until their patient came to the attention of the police through being admitted to hospital. It is impossible to establish from the court trials how extensive their abortion trade was, but the police claimed that many of these women were reputed abortionists. In the main they were detected when their patients either died or were admitted to hospital for incomplete abortions, thus opening up police enquiries. Seven women were admitted to hospitals in cases involving eight of the women indicted, and in a further two cases three women died. In both cases in which the patients died, the alleged abortionists were found guilty, but their sentences were not the harshest passed on to abortionists during the period of this study.91

Abortion may have predominated amongst the indictments of Canterbury women for non-fatal violence from 1900 to 1968, but it was by no means “a woman’s” crime. During the period of this study thirty-one men were also indicted in the Christchurch Supreme Court for abortion-related offences.92 These indictments ranged from counselling women to have an abortion to performing the operation. Twenty men were indicted with committing or attempting to commit abortions, nine with supplying abortifacients and two with counselling another to procure an abortion. Eighteen men were found guilty, eleven not guilty, one verdict is unknown after the case went to retrial and in another trial the jury was unable to agree on a verdict. Male indictments for involvement in abortion were at their highest at the turn of the century with thirteen indictments from 1900 to 1919. From this date they declined until between 1960 to 1968 there were only four indictments. Of course this pattern reflects the policing of male abortionists and not the actual fluctuations of male involvement in the abortion industry. Male abortionists

90Coney, Sandra Standing in the Sunshine: A History of New Zealand Women Since They Won the Vote Auckland: Penguin 1993 p.73
92See Table 4:9
were not as visible as female abortionists because they were able to disguise their operations under their general medical practice. The high rate of indictments against men in comparison to women would suggest however, that men were more involved in the abortion industry than women. Only four women were indicted from between 1900 to 1919 but women’s charges peaked from 1920 to 1939 with five women charged. This number was still lower than the eleven men who were indicted for abortion between 1920 to 1939. The statistics of charges against male abortionists could be even greater than indicated here as they do not include murder or manslaughter charges that may have resulted from abortions, as the cause of these offences were not mentioned in the Christchurch Supreme Court Return of Prisoners Tried.93

During the period of this study ten of the fifteen women indicted with abortion-related offences were found guilty and the verdict of one trial is unknown, whereas only sixteen of the thirty-one men charged were found guilty, little over half of those tried.94 The age of women offenders does not appear to have deterred judges from sentencing the accused to prison; the older aged defendants appeared more likely to have been sent to prison. Four women aged in their sixties were all sentenced to prison. Their ages made these women appear less reformable but so did two of the women’s previous abortion indictments, one of which resulted in a conviction. From between 1945 until 1968 only one women was acquitted, in 1946, out of the seven women tried for performing abortions.95

The harshest sentences applied to the only two female abortionists convicted in the early

93It is known that from 1900 to 1968 only one woman was indicted with murder resulting from a fatal attempted abortion. The Return of Prisoners Tried did reveal that at least one man was indicted with manslaughter as a result from a fatal abortion attempt as he was also charged with the "unlawful use of instrument." The outcome of this trial is unknown as the jury was unable to agree.

94See Table 4:6 and 4:9

95Barbara F. was also acquitted for an abortion-related offence but she was indicted with inciting another to have an abortion.
twentieth century: one woman received seven years' imprisonment in 1900 and another woman five years' imprisonment in 1917. The pronatalist sentiment during this period may have resulted in these more severe sentences which were considerably harsher than any of the other abortion-related sentences. No other woman is known to have been found guilty of abortion until 1936 when one woman was found guilty after a patient died. She was sentenced to eighteen months' prison. From 1940 onwards the average sentence was two years' on either probation or in prison. This followed a New Zealand wide pattern which is indicated by the Judicial statistics. After 1933 no woman was sentenced to prison on an abortion-related conviction for more than five years whereas prior to this date women were frequently sentenced for up to ten years.

Male abortionists indicted in Canterbury were younger than their female counterparts. Twenty five males had their ages recorded and nine of them were aged in their thirties with only ten being aged forty years and over. The men aged in their thirties appear to be the group most likely to be convicted with seven of the nine found guilty. The harshness of the sentence seems to relate to the period in which the indictment was tried than upon the specifics of the offence. Like women charged with abortion the sentences were much harsher up until about 1917. The youngest man convicted between 1900 to 1917 was given the most lenient sentence of one year in prison but the most common sentence during this early period was six to seven years' imprisonment. These sentences were also received by the two women convicted of abortion from between 1900 to 1917 which suggests that women faced with abortion charges were not dealt with more leniently than men once they were in the criminal justice system. Between 1927 and 1967 no man found guilty of abortion was sentenced to prison. During this time five sentences of probation were given in the Christchurch Supreme Court and one man was fined. During this same period of time however, five women were sentenced to prison: one woman for three years' imprisonment, two women for two years, one for eighteen months and one for only six months. A further two women were sentenced to two years' probation and one woman to one year's
probation. The degree of severity in sentencing for female abortionists appears to be similar to
the male sentences before 1919. While the overall sentences for abortion become more lenient in
the 1920s, males appear to have been dealt with more leniently than females facing similar
charges from the 1920s.

Of the other six charges laid against women within this category of non-intimate crimes, three
related to motor car offences (one being found a no bill), one was a woman defending herself
against a male stalker, one against a nurse and the last against a woman for assaulting a male.\(^{96}\)
Both of the women tried for death by negligent driving were found guilty and one woman had
her license revoked for life. The age of this woman is unstated but the recommendation of mercy
suggested that she was an older defendant. The youngest woman in this category of crime was
nineteen years old. She was convicted and unable to apply for her license for three years, not
having one when the fatal driving accident occurred. Very few women were indicted for fatal car
accidents in the Christchurch Supreme Court. There were only five such cases between 1929 and
1968. The other woman convicted in this category of crime was the only case of “stranger
danger” found during my study. In 1955 Una M. stabbed a man who had been stalking her. The
charge of wounding with intent was dropped but Una M. was found guilty of assault causing
actual bodily harm and was sentenced to six months’ prison followed by one year’s probation.\(^{97}\)
In 1908 Beatrice T. was also charged with assaulting a man while working in her husband’s
shop. The circumstances of the offence are not recorded in the newspapers but she was found not
guilty.\(^8\) As with the previous nursing-related indictments, Ivy Mc.’s professional performance as
a nurse went under scrutiny when she was indicted for physically abusing a patient. Ivy Mc. was
shown to have acted out of concern for the patient who was described as being "feeble-minded".
She was acquitted.\(^9\)

\(^{96}\)See Table 5:14
\(^{97}\)The Press 23 August 1955 p.3
\(^{98}\)Ibid 21 August 1908 p.2
\(^{99}\)Ibid 15 August 1961 p.11
The last group of homicide offenders were those accused of killing or attempting to kill their relatives. There were three charges in this category: in 1951 a woman shot her husband; Pauline P. and Juliet H. killed Pauline P.'s mother in 1954, and in 1966 another woman beat her mother to death. Significantly all of these cases happened after 1950. There were no trials of this nature in the first half of the century. No husbands have been found to have died at the hands of their wives according to the charges laid in the Christchurch Supreme Court from 1900 to 1968.

I had expected to find more than one case of spousal homicide in my study as Allen found it to be a regular charge in her study of New Town Bench in Sydney from 1900 to 1968. I can therefore only compare Kathleen H., charged with attempted murder, with the findings drawn by Allen and other appropriate overseas studies. It is interesting in itself that during the period in which Allen found the greatest incidence of spousal homicide committed at the hands of women, there were no such cases in the Christchurch Supreme Court. There were no cases of women killing their husbands between 1900 to 1919 in the Christchurch Supreme Court when Allen found an average of one case per year in New Town Bench. She found the crime became more infrequent until it was only occasionally reported in the 1950s and 1960s. Moreover, the women indicted increasingly came from suburban areas whereas they previously were predominantly rural women. During this latter period women began to use more “masculine” methods of inflicting fatal injury upon their husbands by using objects such as guns and knives. The use of such weapons coincided with juries treating women indicted with spousal violence more leniently than earlier spousal offenders, who predominantly used poison in New South Wales, as their crimes appeared unpremeditated and provoked. Kathleen H. does not fit easily into Allen's

---

100 See Table 5:11 The attempted spousal murder is in Table 5:9
101 Two women were indicted within the Christchurch Supreme Court for the deaths of their husbands in the nineteenth century. In 1859 Christina G. was acquitted for murder by poison and in 1886 Katherine K. was convicted of manslaughter by inflicting serious bodily injury.
findings. She did use a gun but she was young, rural and she does not appear to have been acting under the direct provocation of a violent argument.102

Kathleen H. was acquitted. This may have been on account of her age and also as a result of sympathy for her history of domestic abuse. It is significant that Kathleen was the only known rural resident charged with a homicide offence I found during the period of my study. Moreover, the nature of her crime differed from any of the other homicide charges facing women from between 1900 to 1968. Urban and suburban women possibly had access to networks of females to assist in coping with their situation or to share their burdens (if appropriate). In a rural situation Kathleen would have been isolated and possibly unaware of alternative actions or unable to access assistance.

From 1926 insanity was used as a defence in seven of the nine trials in which women were charged with murder, attempted murder and manslaughter, (excluding motor car and nursing related indictments). Kathleen H. claimed innocence. That her defence did not claim insanity suggests that sympathy was expected from the jury for her situation. In four out of the seven cases of homicidal violence the jury found the women insane. The three women indicted with murdering their mothers were found guilty. The verdict of Pauline P. and Juliet H. who were found guilty of murdering Pauline P.'s mother remains a contentious issue today. The two girls were only aged fifteen and sixteen years and were the youngest women to be convicted of murder in the Christchurch Supreme Court. Whether they were insane was argued for five days in a full court-room.103 Gertrude L. was also found guilty of beating her mother to death after her sanity was debated in the courtroom for four days.

102 The Press 16 August 1951 p.8 & 17 August 1951 p.8
One woman charged in the Christchurch Supreme Court, was found guilty of the manslaughter of a man. In 1956 Barbara M. ran over a close male friend during a weekend of heavy drinking. The quantity of alcohol drunk cast shadows over the reliability of witnesses' testimonies. However the evidence was irrefutable.¹⁰⁴ Barbara M. was a divorcée aged forty-two years with two teenage children. She was charged with manslaughter and not death through negligent driving because it appeared as though she had deliberately hit this man twice. Her car was seen as her chosen weapon to inflict the injuries. Unlike the cases involving offences committed against children or other relatives, none of the cases relating to women assaulting their husbands, or in Barbara's case boyfriend, saw insanity used as the defence. Instead the defence relied upon proving provocation and in Barbara's case, drunkenness.

Three women were charged with non-fatal assault of their husbands: Rosina M. aged fifty-seven years in 1942; Madeleine D. aged forty-six years in 1945 and Patricia J. aged twenty-two years in 1958.¹⁰⁵ In all three cases there was an element of husband abuse and the degree of provocation was debated during the trial. Two of the cases involved the husbands being assaulted when they had been heavily drinking the night prior to the assault. Madeleine D. and Rosina M. used masculine instruments of violence upon their husbands. Madeleine attacked her husband with an axe. Even the husband who was drunk admitted that she may have acted out of self defence. Madeleine claimed that he was threatening her with the axe and he could not remember.¹⁰⁶ She was found not guilty. Rosina assaulted her husband with a tomahawk. In this episode however, Rosina was drunk and could not remember the event in question. She was convicted and placed on probation with a two year prohibition order. The degree of provocation was more uncertain in the trial against Patricia J. She was charged with throwing hot fat over her husband's face while he was lying in bed. Patricia faced three charges of assault and was found

¹⁰⁴Criminal Trial File T/3 1956 Mercer, National Archives, Christchurch
¹⁰⁵See Table 5:9
¹⁰⁶T/1 1945 Dack, National Archives, Christchurch

*The Press* 16 May 1945 p.5
guilty of the lesser charge. Provocation was dismissed in this trial because she had to leave the bedroom to fetch the fat to throw, and thus the assault was deemed to have been premeditated. However it appears that her husband’s past assaults upon her affected the sentencing. Patricia merely had her conviction entered and was released. Although Madeleine’s assault was far more brutal than Patricia’s, Madeleine was acquitted because of a greater likelihood of provocation and less of premeditation. In her study of similar cases in Sydney Allen also found that, during these years, that women convicted of spousal violence were mostly acquitted or released on a non-penal arrangement, such as probation.

There is a further category of women’s non-fatal violence in which some episodes could have had fatal outcomes. This comprises victims who were known to the accused women but also were not relatives. There were six cases which clearly fit into this category of crime, and in another case it was unclear as to whether a man and woman charged with assaulting a young girl knew her prior to the event. Two of the cases involved women shooting men over financial matters. Three other cases involved women assaulting other women: one of these cases also involved the use of a firearm; another woman used poison. In the final case a woman lured a man into a situation where he was beaten by male accomplices. This is the category of non-fatal violence in which women more commonly used firearms. On one occasion a gun was used as a form of protection against a man and, in another similar occasion, a woman was defending her house from being taken away by the landlord.

Both women who used firearms as a form of protection were aged over forty years. Both pleaded not guilty, although it was clear in one case that the woman had fired the gun and hit the victim. In this case Myrtle L., aged 45 years, was found guilty of firing a gun at a man who had been

\[T/37\] 1958 Jones, National Archives, Christchurch
The Press 2 December 1958 p.24
\[\text{See Table 5:12}\]
blackmailing her and who also owed her money. It was evident that she had fired the gun, but the degree of justification for the shooting was discussed in Court for two days.\textsuperscript{109} In 1935, only two years after Myrtle L.’s case, Tessie Z. was found not guilty of shooting her landlord when he and others arrived at her doorstep one day when she was at home alone.\textsuperscript{110} The third incident that involved a firearm was when a young woman shot her female flatmate after an argument, but this case was uncertain and open to a number of interpretations. She also was acquitted.\textsuperscript{111} A woman was indicted for assaulting her female domestic servant over a period from 1957 to 1960. Raey B. was found guilty of this and sentenced to four months prison.\textsuperscript{112} Dorothy M. was charged with administering a noxious lotion to the wife of her lover in 1951. The charge was non-fatal and the defendant did not intend any serious injury upon her victim.\textsuperscript{113} Dorothy was found guilty and sentenced to two years’ probation. The Christchurch cases involving Raey and Dorothy were the only ones found of serious violence committed by women against other women who were not relatives, in the period 1900 to 1968.

The leniency with which the women indicted for 'neonaticide' appear to have been treated may not only be on account of male chivalry regarding the nature of the crime but also reflected juries being reluctant to convict women of such young ages. The oldest woman in this category of cases was aged thirty-one years, the youngest was only sixteen years and the others were in their mid twenties. During the period 1900 to 1968 no Canterbury women under the age of forty-two years were found guilty of manslaughter or murder except the young Pauline P. and Juliet H. in 1954. Altogether, eleven out of the sixteen women charged under the age of forty-two years were found not guilty, another was retried, and a further two women aged thirty-four and thirty-five were found not guilty on account of insanity. Only two women were found guilty of

\textsuperscript{109}The Press 5 May 1933 p.3; 6 May 1933 p.6
\textsuperscript{110}Ibid 16 May 1935 p.9
\textsuperscript{111}Ibid 5 February 1964 p.9
\textsuperscript{112}Ibid 3 December 1960 p.12
\textsuperscript{113}Ibid 14 April 1951 p.8
manslaughter and four women were found guilty of murder during this period. Apart from Pauline P. and Juliet H., the four other women convicted of homicide were all aged between forty and fifty-six years.

Children clearly were the most vulnerable to violence committed by women with almost half of the cases found in this study involving children as the victims and with another sixteen being abortion-related. Men were the next group most vulnerable to female violence, but they only appeared as victims in ten of the cases, including those against husbands. Women drivers of motor cars were the next most dangerous category of female assailants with five cases involving people being struck by a woman driver. Other women appear relatively safe from being harmed by female offenders, with only three women being tried within the Court for injuring women. Nursing-related charges only appeared five times. Women’s violence against strangers was also rare and only one of the last cases was definitely against a stranger for self-protection, the other cases being unclear. Mothers were the least vulnerable group of victims with only two being killed by their daughters during this study, one being killed in the sensationalised Pauline P. and Juliet H. case.

Until the 1930s women’s fatal violence was mainly infant-related, that is women were charged with killing their young children, babies, or causing death at the time of their birth. Women were charged with concealment of birth in the Christchurch Supreme Court until 1949, when this last case involved the baby dying from asphyxiation. After 1934 there was no case against a young woman being charged with the manslaughter of her young child or baby. Instead there were a series of seemingly exceptional cases where women were brought rather sporadically into the court system for murder and manslaughter charges. Often the only thing that these indictments had in common was the sex of the offender. The non fatal indictments were of a similar type to the fatal indictments yet in larger numbers. The only striking difference between charges for
women's lethal and non-lethal violence was, the crimes committed against persons known to the accused and possibly complete strangers. Only relatives appear to have been victims of women's fatal violence, with the one exception of Barbara M.'s victim. However the victims of women's nonfatal violence could come from outside their family. In the fatal indictments women were ridding themselves of what they perceived as being a burden. Women indicted of violence that was fatal were always involved with the victim in some manner, excluding the nursing and motor car fatalities. The following chapters will examine the way in which these Canterbury women charged with both fatal and non-fatal indictments were perceived both within and outside of the courtroom and how these women explained their alleged crime.
Chapter Four
Violence Against Babies

In 1968, under the heading “Causes of Female Criminality”, the New Zealand Justice Department wrote:

Probably only in periods of unusual stress is a woman likely to break the law. The stress may be physical, emotional, economic or social...

Periods of particular stress are likely to occur:

a) during adolescence
b) during pre-menstrual or menstrual periods
c) at menopause
d) during pregnancy and for a short time after the birth of a child

During these times the hormone activity tends to leave a woman more vulnerable than at other times. Irritations, frustrations and annoyances... become magnified out of all proportion. Information on these matters is seldom included in case records...

Although the Department acknowledged that a woman were motivated by factors relating to social and economic pressure, her actions are seen as the result of hormonal activity.

This report is evidence of the belief held by Havelock Ellis that all women's offences needed to be put in relation to where the offender was in her menstrual cycle when the offence was committed. The explanations outlined above were offered by the defence counsel for a number of cases in which women were indicted with serious violence in the Christchurch Supreme Court form 1900 to 1968. The fourth explanation, the stress of pregnancy and giving birth was an obvious defence for women who were charged with concealment of birth or neonaticide as it was seen as involving the temporary illness of “puerperal insanity”. This defence was used in seven cases concerning the death of babies. Explanations (c) and (d) were used as defences for women who killed their children after parturition. There was no evidence that the stress of adolescence was offered as a defence in cases concerning the death of babies that were tried in the

---

1Department of Justice 1968 p.270
Christchurch Supreme Court. Of the twelve women indicted for concealment of birth, only two were adolescent, the remaining ten were all aged between twenty to thirty years. Of the seven women who were indicted for neonaticide, and whose ages are known, only one was adolescent and the remaining six were aged between twenty to thirty-one years. A medical expert in the defence used adolescence for Pauline P. and Juliet H. for the murder of Pauline’s mother. The second explanation of menstruation was raised in the trial against Nola L. for the murder of her mother and the third explanation of menopause was used in defence of Winifred T. who was indicted with the murder of her two teenage children.

The subsequent chapters aim to analyse the way that the narratives within the courtroom influenced the verdicts passed upon women charged in the Christchurch Supreme Court. The narratives relate only to those eighty-one cases that fit within this study. They relate to crimes committed by women within Canterbury from 1900 to 1968. This entails considering the narratives of the accused women given in statements, the explanation of the event put forward by the defence and the narrative offered by the prosecution. Consideration needs to be given to the purpose of each narrative and to whom it was directed. The narratives of the courtroom not only affected the jury’s verdict but also the judge’s summing up and the severity of the sentence that was passed by the judge. After the verdict was given the narratives were then directed to the judge to influence the severity of the sentence which he imposed. The probation officer's report was written for the judge only to see and no doubt had an impact upon the sentence given. The defence and prosecution also addressed the judge in the courtroom after verdicts were given. If the women pleaded guilty the defence narratives were directed solely to the judge for the purpose of mitigating the sentence. Accordingly this chapter will also discuss the narratives which were directed at the judge to influence the sentencing and the narrative
of the judge given in summing up and in passing sentence.

The following chapters will also examine the existence of male chivalry within the Christchurch Supreme Court towards the female defendants. Juries were solely male until the 1942 Jurors' Act which enabled women over twenty-five years to sit on juries. However this service was only voluntary and by 1959 only two women had served on a jury in New Zealand.³ It was not until 1963 that jury duty for women was on the same basis as men, but even then a woman could exempt herself from duty simply on the basis of being a woman. Thus most of the trials studied involved all male juries. Only six trials were held between 1963 and 1968 and of these only one trial was known to have had a woman juror. This perhaps indicates that women were using their powers of exemption to excuse themselves from jury duty and therefore kept the Courtroom a male environment. It was not until 1976 that women were unable to exempt themselves from jury duty on the grounds of being women.

The male environment must have intimidated the women accused, as Shapiro aptly notes:

The accused - seduced, abandoned or betrayed, the victim of an overpowering male will - arrived in the courtroom where, once again, her fate would be decided by the will and perhaps generosity of more powerful men.³

Shapiro suggests that for these reasons many women who appeared within the court were literally speechless and were portrayed by the defence counsel as simple in an attempt to comply to the passive feminine stereotype. The court may have been too intimidating or else the women defendants believed that their speech would have been irrelevant anyway when the disjunction between the “official” story and the personal became too extreme.⁴

³One woman who was called up for jury duty during this period recalls being visited to see if she was of the “right moral character” to serve. Coney p.40
³Shapiro p.168
⁴Ibid p.90
The narrative as well as the behaviour of each of the accused women who stood in the witness box was important in shaping the jury's verdict and the judge's impression of them, as was the silence of the accused women in the dock during the court's proceedings. Relatively few women testified at their own trials. In part this was because of a general reluctance amongst defence counsels, regardless of the accused's sex, to submit the defendant to cross-examination from the prosecution. From the trials for which information is available, only nine women appear to have gone into the witness box to defend themselves. Another two women merely answered when the judge asked if they had anything to say, and on one occasion this was after a guilty verdict had already been reached. One woman was known to have represented herself in the Magistrates' Court, but the reports of the Supreme Court trial were not found in the press. A further woman was reported to have reserved her defence for the Supreme Court, but the indictment was found to be a no bill so she never took "the stand". Five of the nine women who took the stand were acquitted. Of the four who were convicted, one was not sentenced; one was released on probation; another was fined and another was merely called up for sentence. No women charged with neonatal offences defended themselves during the trial, but three of the nine women charged with neglecting their children defended their "mother-craft" during the trial. It appears that, when a woman's performance as a mother was being questioned, the defence believed that the mother would be able to gain support. On the other hand, it would have been contrary to defence counsel's portrayal of women tried for concealment-related offences to put them in the stand. Their silence during the trials would have best complied to the defences' portrayal of the accused as scared, confused women. Their silence also portrayed them as objects to be pitied. Three of the four women charged with assaulting their husbands defended themselves in the stand to testify to a history of domestic violence and to gain jurors'
sympathy. The fourth woman charged did not need to defend herself as her husband was willing to testify that he might have provoked the assault. Of the remaining three women who took the stand, one was for a traffic offence for which the defendant was claiming liability, another was a nursing offence and the other was an assault case which the accused woman denied ever occurred.

As very few women took the stand in their trials it has been necessary to rely upon counsel’s portrayal of events recorded in the press reports. Often the defence did not give an account of the circumstances of the alleged incident. Instead the defence portrayed the women defendants in patronising terms in an attempt to justify their actions and to arouse pity instead of blame. The voice of the women defendants was not very often expressed through the counsel. The defence would focus upon the apparent ignorance of the women and the poor situation that they might be in. The defence was shaped so that by the end of the trial the women accused often appeared to be victims of circumstances beyond their immediate control.

Twelve women were indicted with offences related to concealment of birth and eight women faced indictments of murder or manslaughter for neonaticide. Ten women were convicted for concealment whereas none were convicted of neonaticide. Seven of the eight women brought to trial on charges of neonaticide were acquitted and one was found insane on the lesser charge of concealment of birth. Only one woman was acquitted of concealment of birth and three charges were found to be no bills. The two types of crime were very similar and often women charged with concealment of birth were suspected of having killed their babies but the lack of evidence for a conviction meant that they faced the lesser charge of concealment of birth. Although this was the lesser charge it had higher rates of conviction than murder or manslaughter indictments for a similar offence.
Juries were obviously reluctant to convict women of neonaticide, when they were indicted with murder or manslaughter. For the purpose of comparison the narratives concerning women indicted with concealment of birth will be separated from those relating to women who were indicted for “neonaticide” type crimes. Nonetheless these two types of offences will be discussed in the same chapter, as the circumstances in which they occurred were similar since many of the babies of women charged with concealment of birth were found dead.

At the beginning of the trial against Lillian H. in 1907 Judge Chapman stated:

> These cases were always painful. A young woman, from a sense of shame, concealed her condition as long as she could, and then from a continued sense of shame, though with no good result from it, she concealed the fact of having given birth to a child.

Throughout these trials it was implied that it was only an unmarried woman’s offence. Higginbotham found that whenever an unidentified baby's corpse was discovered in Victorian England it was assumed to have been illegitimate: “The unmarried mother, it was assumed, would seek above all to conceal her fall from virtue by destroying the evidence of her sin, the illegitimate infant.” The life of the legitimate baby was believed to be protected from this temptation. This belief may be reflected in the indictments against women in the Christchurch Supreme Court. Of the twenty births to women indicted for concealment of birth and neonaticide, nineteen were known to have been illegitimate. One woman was stated as being married but it is unknown whether she was living apart from her husband. These figures should not be taken as evidence that married

---

5 Narratives concerning sixteen of the women facing charges for concealment of birth and neonaticide were discovered either in the Court files or from press reports. Seven of the reports found were on cases in which the women were found guilty for concealment of birth, two charges were found to be no bills and one woman was found guilty.

6 Higginbotham p.322
women were unlikely to commit neonaticide, only that this crime was not detected when women were married. The death of a legitimate baby could more readily be accepted as being accidental overlaying, which was a common cause of death early this century. The notion of a married woman killing her baby was perhaps too difficult to accept.

The confusion and fear that Higginbotham believes many of these young mothers felt will be evident from the court narratives. Higginbotham believes that a concealment of birth was, in many cases, evidence of the isolation of these women's lives in that there was nobody in whom they could confide about the pregnancy. They may also have feared losing their employment and only means of support. Some may also have hoped that if they ignored the situation it would disappear. Similar narratives will be heard within the courtroom of the Christchurch Supreme Court where the alleged motives for the concealment of a birth or infanticide were questioned.

Concealment of Birth
Information was not found on three women who were convicted of concealment of birth. However information was available on the remainder of the cases: seven of the women who were convicted; the two women whose indictments were found to be no bills and the one woman who was acquitted. The women were aged between fifteen and thirty-one years. Only one woman was known to be married. The marital status of one woman is uncertain. Trials in which the women defendants pleaded guilty reveal very little about

7Ibid p.326
8Information was not available from either press reports or the court files on the following charges for concealment of birth:
1904 Emily P.
1906 Mary-Ann F.*
1941 Myrtle K.
*Denotes the case in which none of the circumstances of the offence were reported in the newspapers, although the trial was mentioned.
the offence as the onus was only upon the defence to prove good character in mitigating
the sentence. Such trials relied upon witnesses to testify to the accused's previous
conduct. Three women who pleaded not guilty were convicted: Mary B. in 1911, Delia
R. in 1936 and Margaret D. in 1947. Both Mary B. and Margaret D. were aged twenty-
two years and Delia R. was aged twenty-seven years and married. The remaining four
women charged with concealment of birth are known to have pleaded guilty to the
charge. Indictments against a further three women were found to be no bills. The
Supreme Court trials for these cases were not reported in the press, but information about
the cases is available from the Magistrates' hearings and court files. Only one woman
who went to trial was acquitted of the charge.

The one woman who was separated from her husband was found not guilty of
concealment of birth. She was also the only woman with previous convictions. In five of
the seven cases in which women were convicted of the charge made, there was some
form of appeal to the woman's good character or clean record and that they were good
workers. The defence for Violet M. made no such appeals, yet she was the only woman
acquitted of the charge. Violet M. pleaded not guilty to the charge although she had
admitted committing the offence. She claimed that she had intended to return to the site
where she had given birth to, and subsequently left, her child. This was the ninth charge
that Violet had faced, having been convicted of eight prior offences related to theft and
escaping from custody. Violet was aged twenty-nine years. She was not treated leniently
because of her age, as another woman aged twenty-nine years and one aged thirty-one
years were found guilty. The child that Violet abandoned was her third child and it was
conceived illegitimately. Violet was not treated leniently because she was married, as her

---

9 The Court files claim that Delia R. was aged twenty-seven years whereas the New Zealand Truth states that she was aged twenty-three years. This study will use the official court records as being more accurate.
10 There are some cases which did not mention the plea of the women.
husband had left her twelve months before the birth. Her previous two children were boarding with another woman. Violet was receiving no assistance from her husband.

The defence for Violet M. claimed that she “was of a mentality below the average and was deserving of sympathy for the position in which she found herself...” The detective, cross-examined by the defence, “stated that he understood that the accused was slightly sub-normal and had only passed the third standard.” The list of prior convictions may have helped the defence's argument that Violet was of low intelligence suggesting that she had not been intelligent enough to avoid committing crime. The defence succeeded in its presentation of Violet as a victim of circumstance who was not intelligent enough to form any criminal intent: “she had not intended to abandon the child, but had become frightened at the thought of being seen at the house where the birth had occurred and had failed to go back”. The files on Violet contained a probation officer's report written for a judge on an earlier theft offence. This report, written in 1929, described Violet as being “a difficult case, not quite responsible not truthful and very erratic.” Then in 1931 she was described as:

> a troublesome unbalanced child, nothing womanly or sensible about her, and lacking in any fine feelings, she always seemed busy making future trouble for herself... irresponsible - consequences seemed never to enter into her mind. I doubt Your Honour if accused had any reasoning powers, or ever tried to think for herself... In accused’s own highest interests she seems to require constant guidance and supervision...

The probation report depicted Violet as a big child with no maturity, this seems to follow beliefs espoused by Lombroso earlier in the century. The defence supported this belief

---

11 *The Press* 19 August 1931 p.7
12 Criminal trial File CH 273 T/16/1931 Moor, National Archives, Christchurch
The following quotes are taken from this file unless otherwise footnoted.
13 For more information on the beliefs of Lombroso see Chapter One
by arguing that Violet had no moral sense or maturity and was unable to think for herself. This suggests that Violet was mentally deficient and therefore unable to form criminal intent.

No other woman was described in such sympathetic terms nor treated so condescendingly. Violet M. was clearly incapable of knowing any better. Unlike other cases of concealment of birth, the baby was found alive. This may have made the offence seem less serious to the jury as there was no evidence to suggest that Violet M. had attempted to kill the baby, she had merely abandoned it in an empty house. Indeed she did not even attempt to hide the baby. Like the other women charged, she also had not told anybody about the pregnancy and had given birth alone.

Three women were not tried for concealment of birth after the charges were found to be no bills. Although the causes of death were known to be suffocation or strangulation, the charges became no bills because the prosecution was unable to establish whether the death was deliberately inflicted. Amongst those charged, Caroline H. was the only woman who informed anybody of her pregnancy. She was charged with concealment of birth in 1904 but the charge was found to be a no bill. This may have been because the charge was inappropriate as Caroline H. made no attempt to conceal the birth. She had a woman present to help her give birth to the baby and a doctor called to examine the baby immediately after it was born. Unlike all the other cases involving both neonaticide and concealment of birth, the prosecution had witnesses able to testify that the baby was born breathing and was apparently healthy. The essence of the charge was that Caroline deliberately suffocated her baby. She was left alone with the baby in bed for forty-five minutes. When her friend returned the baby was dead and Caroline was awake. In evidence the doctor stated that death was due to suffocation caused by overlaying and he
did not think that it would have been accidental as “He had never heard of an instance where accidental overlaying had taken place so soon after birth.”

In her statement Caroline claimed that she was awake the entire time. The only case for defence was to claim that “it was the experience of women in a very much less distressing condition than the accused was in to think they were awake when they were not really awake.” 

Caroline then, may have fallen asleep and, unconsciously, smothered her baby. “Overlying” was the predominant form of infant mortality until the interwar years when living standards rose and babies began to sleep apart from their parents.

Overlying became an increasing social concern in England and Wales from the 1890s. In 1907 there were around fifteen hundred infant suffocation victims in England and this figure occasionally rose to seventeen hundred. Ninety-five percent of these deaths were seen to be “accidental” with only one or two mothers convicted of murder or manslaughter in a year. For this reason a barrister in Scotland stated in 1893: “one could not lose an overlying case if one was defending a woman.”

The charge against Caroline H. was found to be a no bill because there was insufficient evidence as to how the suffocation was caused.

In 1943 another charge for concealment of birth was also found to be a no bill because of difficulties in establishing the cause of suffocation. The doctor’s evidence for the prosecution claimed that it was impossible to establish how the suffocation of the baby was caused. Alwyn W., a twenty-two year old laundress, gave birth and put the body of the baby in a radiobox. The doctor found that it had breathed, but there were marks on

—

14The Press 20 October 1904 p.2
16Ibid p.177
17Ibid p.178
18Criminal Trial File CH. 273 T/2 1943 Walton, National Archives, Christchurch
its throat which were sufficient to have caused suffocation. The doctor believed, however, that from the amount of blood in the room, it was a difficult delivery and the marks were possibly from the mother trying to assist the baby out. The amount of blood lost would also suggest that the woman could have collapsed or fainted smothering the baby. There was no doubt in either of these cases involving Alwyn and Caroline that the women had given birth to the babies. Alwyn's condition was detected the morning after the delivery. Although she had tried to hide the baby, she had left her room with "extensive bloodstains". Perhaps not enough time had lapsed between the birth of the baby and its discovery to indicate whether Alwyn intended to conceal its birth. Certainly there was not sufficient proof to charge her with a more serious charge of manslaughter.

Unlike Caroline H. and Alwyn W., Jane B.'s baby died from being strangled by the umbilical cord. Again there was also no proof that Jane tried to conceal the birth so, like Caroline H., the charge may have been inappropriate for the alleged offence. The doctor for the prosecution contended that it was possible that the baby might have been strangled before birth was completed as its lungs were not fully aerated. This was an important issue in distinguishing many of the trials for concealment of birth from those of infanticide, for in law a person could only be tried for murder or manslaughter if the victim was legally a human being; that is, it had fully proceeded from the mother and was in a living state. Generally, if there was not enough evidence to prove that the baby was a legal human being the women were charged with concealment of birth. The contention that a baby might not have been born alive was not therefore relevant to a trial for concealment of birth. However for many Judges, the Victorian notion that infanticide often followed concealment was apparent. As Judge Denniston put it in 1911:

A secret delivery is always a temptation, and often

Both *The Lyttleton Times* and the *Christchurch Star* titled the offence as "Infanticide" in their reports.
a deliberate preliminary, to the destruction of the infant. When there is a deliberate concealment there are the greatest temptation and facility for so dealing with the infant as to ensure that it is not born alive, or to destroy life immediately after birth...

This belief echoes the Victorian assumption, which Higginbotham discussed, that concealment was often evidence of the guilty intent to dispose of a baby. The cause of death was also debated during trials to ascertain the state of the women during parturition and whether the concealment of birth was deliberate.

The defence for the three cases in which the women defendants pleaded not guilty varied. The judge agreed that “there were extenuating circumstances” in the charge against Delia R. She had other children and was apparently not keeping very good health. The defence claimed that “The crime would never have been committed if Delia had been in good health. Her purpose in abandoning the child was to get into a Home.” The crime “had brought shame and publicity to the prisoner” but it was not stated whether this was because the child was illegitimate or because she had tried to abandon a legitimate baby. The “circumstances” of the case, although unreported in the newspapers, meant that Delia only received one years' probation.

The charge of concealment of birth against Mary B. in 1911 followed the typical narrative of events. In Mary’s statement to the police she admitted “she had given birth to a male child, which was dead. She kept it in her box for a few days, and then wrapped it in a cloth and threw it into the river at the Armagh street bridge.” The means by which the baby met its death were not mentioned in the trial as they were not relevant to

20 The Star 13 November 1911 p.3
Judge Denniston in passing sentence upon Mary B. for concealment of birth.
21 The Press 15 February 1936 p.10
22 The Press 15 August 1911 p.10
the charge. As Mary had already admitted to disposing of the body of her infant there were very little grounds upon which the defence could argue. Instead the issue turned on the identification of the body found. The Crown admitted, “The body found in the river was not that of a male child, and might not be that of the prisoner”. The Crown contended however, that “the absence of identification did not affect the question of concealment.” The defence argued, drawing on English law books, that the jury could not convict as there had been “no identification of the body found as that of which the accused had been delivered.” Judge Denniston stated that he “did not agree with this proposition.” The jury recommended mercy on account of the “circumstances under which the offence was committed.” On the matter of the sentence, the defence counsel argued that Mary had already been in prison for three months “where she had worked hard, and had given every satisfaction to the authorities there”, and suggested that Mary be ordered up for sentence when called upon. To this Judge Denniston replied: “it would not do to treat [these cases] as mere cases to come up for sentence when called upon. The class of case had been too lightly treated hitherto...” Mary was sentenced to a Samaritan Home pending an appeal. The following year, however, Judge Denniston sentenced Margaret B., found guilty of concealment of birth, to come up for sentence if called upon. In November Mary B. appeared before the Supreme Court for sentencing of the same charge to which she pleaded guilty. The Judge sentenced her to three months’ in a Samaritan Home from the trial date in August. Then Mary B. was released.

In 1947 Margaret D. was the last woman to be convicted of concealment of birth. The case was not very fully reported, but there appears to have been a respectable male witness to testify to Margaret's character, confirming that “the prisoner was a good worker and came from a well respected family”.

In mitigating the sentence, the defence

---

24The Lyttleton Times 15 August 1911 p.5
25The Press 22 March 1947 p.2 The subsequent quotes are taken from this source.
had only her previous character to rely upon. Like the case against Violet M., the defence relied upon prior character. In Margaret's case, however, the defence sought to confirm good character and that the offender would be unlikely to appear before the court again. In sentencing, Judge Fleming agreed that: “The girl’s previous history was good except for this most unfortunate incident.” This was “a case for probation.” This lenient sentence may also have been influenced by the fact that Margaret D. was married. The importance of the offender’s character was central to the defence when the accused women admitted the offence. This was especially true when the women pleaded guilty to the crime in the lower court and came up for sentence in the Supreme Court.

Margaret B. and Mary-Ann C. pleaded guilty to concealment of birth in 1912, so too did Kathleen D. in 1930 and Alwyn W. in 1949. In all of these cases witnesses testified to the good character or work habits of the accused women. The narratives reported in the press for woman who pleaded guilty to the offence do not mention the circumstances of the crime. However information on Alwyn W. and Kathleen D., who was originally charged with the murder, was found in the Court files. Kathleen D. was found not guilty of murder and then pleaded guilty to the lesser charge of concealment of birth. In 1912 Margaret B. was tried before Mr. Justice Denniston for concealment of birth. A year earlier Denniston had stated that these cases were treated too lightly, yet he sentenced Margaret B. to come up for sentence if called upon. During the sentencing of Margaret the defence testified to her good character and that she: “had been unfortunate enough when she was young to lose both of her parents, and for the last six years she had gone out to work as a domestic servant.” She had saved money to give birth to her baby in Wellington but “was unexpectedly taken ill...” These circumstances were not, however,

---

26Jan Robinson found evidence of a Madonna/whore duality in nineteenth century trials against women in Canterbury where respectable women were treated leniently but troublesome women were damned.
27The Press 13 February 1912 p.5 The subsequent quotes are taken from this source.
mentioned by the Judge in his summing up. What seemed to influence Denniston's sentencing in this case most was the defence claim that a “respectable member of society” was prepared to marry the accused woman. After passing sentence Judge Denniston stated: “your friend in the background...had better act on his word...”.

The defence claimed that “every case should stand on its merits.” Justice Denniston held a contrary view. There was no criminal intent in the majority of these cases, but a natural impulse... What was to prevent her destroying her offspring? The only security against this was what he had mentioned [the law]. It was no use formulating rules on the subject, and then in each case not acting on them.

To see every case on its merits would make “a dead letter of the law.” He sentenced Margaret B. to probation: “I have laid down very clear and proper rules in regard to these cases”. The sentence passed upon Margaret by Judge Denniston revealed the belief that women who committed this offence were not beyond rehabilitation. Margaret B. would be rehabilitated by a husband who would give her correct guidance. Mary-Ann C., also sentenced in 1912, was committed to the Salvation Army Home for five months which was a rehabilitative sentence. Denniston believed that concealment of birth was an offence committed under “temptation” by unmarried women. There was an “obvious temptation to a mother in the case of an 'unwelcome visitor' to destroy the child.” This indicates the belief, that Higginbotham found in Victorian England, that married women did not commit infanticide. Infanticide was believed to be committed out of a sense of shame for having an illegitimate child. If Margaret B. had been married she would not have committed the offence because she would not have been ashamed and would have been under the guidance of her husband. This long standing belief that women can be reformed under the guidance of a man was reemphasised became increasingly popular in the 1930s by the work of the Gluecks. Lombroso had also believed that a husband would constrain the “occasional criminal”.
Alwyn W., however, had been charged with concealment of birth in 1943 before she was convicted of the same offence in 1949. Her first charge was found to be a no bill, but the second time she pleaded guilty. In a statement to the police, Alwyn W. revealed that for four years she had been having a relationship with a man. He stopped seeing her about four months before the baby was due.

Marriage was discussed but as far as I could see he did not seem to bother much about it and he did not seem to worry or make any endeavour to look after me...Finally he stopped coming to see me altogether.28

Alwyn W. gave birth in the room of the hotel where she lived and worked as a cook.

I did not experience any difficulty...As far as I know the child was not alive ... I did not hear any cries...After having the baby I rested for a while and left the baby on the bed...I then tidied my bed and I wrapped the baby up in a white blanket...The following morning I pushed the baby underneath my bed.

There was nobody else present at the birth and nobody knew about her pregnancy. Although her employer’s wife had questioned her about her weight gain she denied it, and when she was suddenly slimmer said that she had gone on a diet. Alwyn’s employer also testified to her good character and he “never knew her to be off [work] at all.”

The judge was sympathetic to Alwyn W. In sentencing he stated: “It was a fact that she was left to bear the brunt of a trial which should be borne by two.” The judge clearly saw Alwyn W. as the injured party since she had been deserted by the male responsible for the pregnancy. Very seldom in any trials was there any mention of a share of the blame going to the male involved in the pregnancy.29 In this case, however, it had been noted by

28Criminal Trial File CH 173 S/40 1949 Walton National Archives, Christchurch
The following quotes are taken from this file unless otherwise footnoted.
29The males involved were mentioned in the court trials against Lillian H. 1907; Alwyn W. 1949; Mary B. in 1911; Winifred C. in 1915 and Margaret B. 1912. However in the
both Alwyn and the probation officer that Alwyn had been involved with a man for four years and was preparing a glory box for the marriage. Alwyn was depicted as the abandoned female in distress. The probation officer believed:

this woman lost interest in everything from the time she mentioned to ... [the father] her condition, his lack of co-operation. I feel had he done something for her then this charge would never have occurred.

The probation officer tried to offer medical reasoning for Alwyn’s decision to conceal the birth of her child:

I can only conclude that the accused was temporarily demented [sic], overwrought, incapable of thinking, otherwise the first thing she would have done was to attend to her room, and not leave it in that condition.

The condition the officer described resembled puerperal mania but the grounds on which her reasoning was based were rather doubtful. She concluded: “With what she passed through physically and mentally must have left her weak, she is a simple not bright woman.”

In her statement Alwyn W. said:

I put something in the baby’s mouth but I am not sure whether it was a piece of sheeting or a piece of rag... I did this in case the child might have been alive. I really wanted the child in the first place ... but when he did not stick to me as I was worried and then got the feeling that he did not want it...I did not want to be left alone with it.

The medical experts found tightly rolled cloth in the mouth of the baby and another two pieces of moist compressed cloth in the baby’s pharynx. The lungs were aerated and case against Margaret B. the male did not receive any condemnation. The father of Lillian H.’s baby was referred to as her “poltroom lover” by Judge Chapman and received severe condemnation in the *New Zealand Truth* 23 November 1927 p.5.
death was found to be the result of asphyxia “probably largely due to obstruction of the air passages by pieces of cloth.” There was, however, the possibility that the death was the result inhalation of liquid and secretions which “may be the complication of any birth...unattended.” Even with the strong sentiments expressed by Alwyn for not wanting the baby, and her admitting that she stuck cloth in the baby’s mouth, the judge stated in sentencing:

I don’t propose to comment at any length on my findings, nor do I think it proper to find that the mother of the child placed obstructions in the air passages with intent... 

One judge had seen this action as a “natural impulse” experienced by single mothers. However for Judge Denniston it was unconceivable, even when the mother had stated that it was her intent to get rid of the baby if it had been born alive. Rather the Judge was apparently influenced by the Probation Report that Alwyn W. was “tempory demented” (sic) and a “simple” woman.

This case illustrates the difficulty the courts had in accepting women's neonaticide. Although she did not face a murder or manslaughter indictment, Alwyn was suspected of murder. Alwyn appears to have made a rational decision following the failure of the father's support, to dispose of her baby. It was clear that if the father of the child had stayed with her she would have kept the baby. She did not want to bring the child up alone, possibly because of the stigma of illegitimacy, but also because of the lack of support and finances. Daly and Wilson believe that “acts of desperation are principally the products of desperate circumstances.”

This seems evident in Alwyn’s statement to the police that if the child had lived she intended to kill it. Yet the judge could not comprehend how a mother, of rational thought, could decide this. It was easier to label these infantical women as suffering from a mental illness than to accept that they could

30Daly, M. and Wilson, M. p.69
deliberately kill their children.

The women who were charged with concealment of birth were not portrayed by the prosecution or the judge as being habitual or hardened criminals. With the exception of Violet M., none of the women had been convicted for prior offences and were not seen as a threat to society. The lenient sentences which were passed on these women were probably not because of their sex but because they had no prior convictions and were shown to be of good character. Zedner discovered that these lenient sentences were also probably because it was recognised that the women were unlikely to be recidivist offenders. In five of the trials defence counsel appealed to the defendants prior clean records and good character in making the case for lenient sentences. This was often the only defence strategy available when the accused had already pleaded guilty to the charge. Ironically the only woman who was acquitted of the charge had a list of previous convictions. Instead of using this as evidence of her being “bad”, it was taken as proof of her low intellect and lack of intent to conceal the baby’s birth. One woman received a lenient sentence because she had a “respectable” man prepared to marry her and hence rescue her while other women were to be reformed in rescue homes. These outcomes indicate a recognition of the belief that these women were reformable under the supervision of men and social constraints. Three charges became no bills because of uncertainty as to cause of death. The defence also used this argument in two charges where the accused women were found guilty. “Puerperal Mania” was not mentioned in the trials, but symptoms like it were described by the women to account for their committing the offence. In one case it appeared that the judge was influenced by this condition and passed a lenient sentence. Allen also believes that lenient sentences were passed because the courts became familiar with the narratives offered by the women for the offence and that the courts were unwilling to question the circumstances of the
conception and the crime. Similar stories were being offered in Christchurch as were found in other studies. The universal narrative appears to be that of a young woman, abandoned by the father, conceals her pregnancy and gives birth in a boarding establishment of some kind, claims that the baby was born dead and attempts to hide it in a case under her bed.

Neonaticide

Allen found that from 1900 women indicted for crimes of infanticide “somehow women had lost their innocence” and claimed that

in crimes such as infanticide, the cherished stereotype of the poor, innocent teenage domestic servant, shamelessly seduced and abandoned, on whom late nineteenth century juries showered acquittal or recommendations to mercy, seemed difficult to sustain.”

Allen discovered that from 1900 juries were more likely to hold women responsible for infanticide which showed new levels of calculation to both judge and jury. Yet this level of accountability was not given to women indicted for fatal violence against babies in the Christchurch Supreme Court.

The narratives of women indicted in the Supreme Court for crimes of neonaticide were similar to the narratives relating to the crimes of concealment of birth. Of the seven Christchurch women facing these charges of murder and manslaughter, four were dropped in favour of the lesser charge of concealment of birth. All the women charged with manslaughter or murder were acquitted and only one woman was convicted of the lesser charge. In 1906, and then again in 1907, Lillian H. was acquitted on the lesser charge.

Allen p.31
Ibid p.108
charge of concealment of birth; the first acquittal was on the grounds of insanity. Then in 1916, 1920, 1921, 1922, and 1930 Mary-Ann R., Catherine S., Hilda B., Phyllis S. and Kathleen D. were acquitted respectively. Kathleen D. pleaded guilty to the lesser charge of concealment of birth, but the remaining women were acquitted of this charge. In all the cases the defence raised doubts as to how the baby died and whether it was legally a human being before it died. Typically, in the case against Catherine S. in 1920, the Crown stated that its case rested on three grounds: that the child was born alive; that it was strangled after it was born; and that it was deliberately strangled by the accused woman. In all of the cases of woman charged with neonaticide the Crown attempted to prove these facts. At the beginning of the trial of Lillian H. in 1907, Justice Chapman again raised the issue of a woman’s “natural impulse”, expressing a contrary view to that of Justice Denniston. Chapman implied that it was the natural impulse for a woman to care for a baby:

Obviously it was the duty of the mother, no matter what the conditions were...to do her best for the child. She should do what nature suggested...In this case...[she] left the child... Like Lombroso, Judge Chapman attributed socially acquired traits as being based in women's biology. Lillian deviated from the stereotype and the defence could only plead mental impairment to gain sympathy and prevent her seeming depraved.

In 1907 Lillian H. was charged with manslaughter after she gave birth in a lavatory, left the baby there for an hour and later retrieved it to put in a box in her room. The defence gave a medical reason for the offence by arguing that:

She was in a state of physical distress and anguish and mental torture, and was utterly incapable of forming any intention of

33The Lyttleton Times 11 February 1920 p.5
34The Press 19 November 1907 p.5
concealing what must have been obvious to everyone around her.³⁵

The doctors claimed that the baby was born alive and died from lack of attention. The
defence argued, as in other cases, that the baby had not cried or moved. The defence then
claimed that the baby was not legally a human being as it was not alive at the completion
of the birth.³⁶ As Lillian H. left the scene of birth, the defence could not argue that the
baby died from lack of attention because of the collapse of the mother and it had to cast
doubt as to whether the baby was born alive.³⁷ Moreover the defence questioned the
mental state of the woman immediately after the birth claiming that she was not in a state
to commit the offence with any intention. Lillian H. had been found insane for
committing the same offence in 1906, but on this occasion the defence did not contend
that the defendant was insane. The defence highlighted that Lillian H. had not tried to
conceal the birth as evidence of her lack of intention. This lead the Judge to query in his
summing up: “Was it an act with the intent to conceal the birth, or was it done under the
impulse of a bewildered woman, who had no intention of concealing the birth?” The
prosecution was unable to prove intent and the all male jury was unable to accept that a
woman, in a “normal” mental condition, could deliberately neglect and conceal her baby.

This issue of the sanity of the mother at the time of the event was also raised in the trial
against Mary-Ann R. charged with murder in 1916. Mary-Ann was aged thirty-one years
with four children from her marriage. Her husband had left her over three years prior to
the offence and she was living with her parents. In the garden where she was living, the
bodies of her newly born twin babies were found with rags around their necks. For this

³⁵Ibid 20 November 1907 p.2
³⁶This was used in the defence for the cases of Lillian H. in 1907; Phyllis S. in 1922; and
Kathleen D. in 1930. The possibility that the baby was not born alive was also used in
defence of Mary-Ann R. in 1916; Catherine S. in 1920 and Hilda B. in 1922.
³⁷The defence claimed the possibility that Hilda B. in 1921 and Phyllis S. in 1922 had
fainted and that their babies died from lack of attention during this time or that the
mothers unwittingly smothered their babies while they were unconscious.
case the defence rested on whether the prosecution could prove beyond a doubt that the babies had existed as “human beings as required by law” and contended that the defendant was temporarily insane. This defence was hindered by the defendant’s statement to her mother after she admitted that she had given birth and that the bodies of the babies were in the garden. Mary-Ann said to her “Oh mother, if you knew what I have suffered, mentally and bodily, YOU WOULD FORGIVE ME.” This suggested to the prosecution that Mary-Ann must have committed the murder as she asked for forgiveness. As Mary-Ann had taken the rags and string with her when she gave birth, the prosecution argued that Mary-Ann intended to kill her children.

All of the witnesses testified as to the sanity of the accused following parturition. Her mother noted that there was no history of mental illness in the family and a doctor who saw her the day after the offence was committed claimed that she was sane and normal. However, under cross-examination by the defence a medical witness, Dr. Borrie, conceded that “Rapid childbirth, at times, affected the mentality of a mother”. Doctor Fox, from the Christchurch Public Hospital, claimed that there was “nothing abnormal as to the accused’s mental condition...” He too conceded that “at such periods women were more liable to sudden mental changes and derangements”. Judge Stringer clarified this issue for the jury and explained that “until it has proceeded in a living state from the body of its mother” it was not legally a human being. The doctor found that the babies had breathed but this might have occurred before the completion of the birth. Judge Stringer told the prosecution that "you cannot ask the jury to convict the woman on the balance of probabilities." The Judge did not call for the defence counsel's closing address as he informed the jury that the case did not have “that absolute proof that the law demanded”

38New Zealand Truth 26 February 1916
39The Star 19 February 1916 p.6
40The Press 21 February 1916 p.4
41The Star 19 February 1916 p.6
that the babies existed as human beings and that “it was their duty to find the prisoner not guilty.”

This same defence was used successfully again in the case against Catherine S. in 1920. Catherine was aged twenty-five years and lived with her Uncle. A baby was found on his premises with a tape mark which went completely around the baby’s neck. Catherine confessed that the baby was hers and doctors found that the baby had been born alive and had died probably due to strangulation. However one doctor claimed that:

as accused had no one to attend to her when she gave birth to the child...it was impossible to be certain what would happen under such circumstances.42

Childbirth was seen to be emotionally dangerous for women and that the risk of this was greater when women went through the ordeal alone. No evidence was called by the defence. The defence counsel stated that if the baby had been born alive there was no doubt that it would have been the accused who strangled it; but first the Crown needed to prove that the child had been born alive in the “legal sense”. 43 The defence also created doubt by arguing that, if the baby had died from strangulation, then it was possibly the result of the mother tying the blouse around her baby’s neck too tightly. The prosecution took as evidence that as the child was illegitimate and that the mother had concealed her pregnancy; “probably she never intended the child to live.” Judge Herdman stated that if there were doubts the jury would not be able to convict Catherine. He reminded the jury that it was possible that the lower extremities of the baby might not have been born before the baby died. Moreover, even if “it was possible that the mother might have wickedly and deliberately strangled the child before it was fully born ....she would not be guilty of murder...” The jury was unable to find Catherine guilty on the basis of medical

---

42Ibid 10 February 1920 p.6
43The Lyttleton Times 11 February 1920 p.5
evidence alone. She was acquitted of both murder and concealment of birth.

In 1921 Hilda B. was also acquitted of murder. Hilda was sixteen years old and also employed in a hotel in Christchurch. In her statement Hilda claimed that she gave birth and fainted. On waking and finding her baby dead she wrapped it and placed it in a dress basket beneath her bed, where it was later discovered. However nine stab wounds were found on the body which suggested the use of an instrument and which were sufficient to have killed it. Hilda claimed that the child showed no signs of life before she fainted. But “she did not interfere with the body of the child after she had put it in the basket. She left the body in the basket when she went away from the place.” It was important that the wounds were inflicted before the baby was put in the basket, as the defence cross examined the medical witnesses on the mentality of women directly after childbirth:

- Undoubtedly there is such a thing. 
- Wouldn't there be a little tendency towards it in a young girl who was having an illegitimate child? - I would think so. 
- Her shame, her fear for her life, her ignorance of the whole thing would affect her? - Yes. 
- Would you say that a woman was wholly responsible for her acts while she was in that condition? - No, it would be a state of frenzy.

The defence counsel, Mr. Cunningham, quoted a highly regarded medical authority who claimed: “If a woman reached that state, she would not know the quality of an act she did.” The doctor in evidence referred to the condition as puerperal insanity which he claimed: “always occurs after labour, not during labour.” Judge Herdman did not wholly accept puerperal insanity as defence in this case, questioning why, if the child was born dead, would Hilda want to stab the child? He went on to state:

It might be true a girl in that dreadful position might not know what she was doing, but he did not know that there was any

---

*The Star 2 August 1921 p.8* The subsequent quotes are taken from this source.
evidence of insanity against the accused, except that she was overwrought, and even that did not amount to insanity...

Unlike other charges against mothers for neonaticide, Hilda's baby was born premature at seven months. This meant the doctors were willing to doubt that the baby survived birth and that this, as well as the absence of attendants at the birth, may have contributed to the "shock" experienced by Hilda.

It is important to remember that these trials were held in the context of capital punishment as a possible sentence. In the trial against Hilda B. the defence reminded the jury that if the Court found Hilda guilty, the Judge would have to impose the death sentence. Counsel informed the jury that:

> it was better for twelve guilty people to escape than for one innocent person to suffer. There was no living soul who could say that the child was born alive...It would be dangerous to convict a girl on mere theories. It was highly probable that the unfortunate girl, during the birth of her child, became frantic and delirious and if she did kill it, it was done in a frenzy...

If juries were reluctant to convict women of murder and manslaughter, they would be even more reluctant if the sentence of capital punishment was mentioned prior to their reaching a verdict.45

Cases of neonaticide appeared to depend on medical evidence on three key issues: whether the baby had been a human being in the legal sense, the cause of death and the mentality of the mother at time of birth. In 1922 Justice Adams followed the prosecution in asserting that the case against Phyllis S. "hung on the opinion expressed by the medical man as to the cause of death... the case against the accused rested wholly upon opinion evidence..."46 Medical witnesses were central to these trials despite the uncertainties of

45The death sentence was also mentioned before the verdict was reached in the trial against Winifred C. in 1918.
46The Press 16 August 1922 p.5
their evidence. Such witnesses always had to admit that it was possible the child did not breathe after birth was completed. This was true of cases against other women who faced the same charge. Phyllis lived in a boarding establishment and had not confided in anyone about her condition. After giving birth she put the baby in a suitcase beside her bed, telling the doctor later that the baby “had not cried or moved” and was dead. Although the doctor found no marks of violence on the baby, the lungs were aerated and the baby was apparently healthy. The doctor admitted that: “The mother might have collapsed and during that time the child might have died of exposure.” The defence claimed that the baby had died as a result of the collapse of the mother and its consequent exposure, and asked that the case not go to the jury. The crown agreed and Judge Adams asked the jury to return a verdict of not guilty.

In 1930 Kathleen D. was acquitted of murder and pleaded guilty to concealment of birth, but her conviction was not entered. She was presented as being of good character in the trial and also in her probation report. Kathleen’s employers testified to her good character for the time that she had been living and working at their hotel. The probation report stated: “In view of the type of girl we are dealing with and knowing how the accused has suffered already, [I] suggest ‘Deferred Sentence’."

During the trial the defence stated that Kathleen was sorry that she had not told her friend, her employer’s wife, about her pregnancy. She claimed that if the child had lived she would have done so. These regrets of Kathleen’s may have proven to the judge that the offence would not occur again.

Kathleen gave birth in her room at the Waipara Hotel where she had been working as a cook for three months. She had had one other child and was unmarried. Kathleen had told the father that she was pregnant. He did not deny paternity but, “He did not say what he

\[\text{Criminal Trial File CH 279 T50 1930 Dodd National Archives, Christchurch}
\]

The following quotes are taken from this file unless otherwise footnoted.
intended to do about the matter...” Kathleen gave birth alone in her room claiming consciousness during the entire time. After the baby was delivered she waited for the afterbirth for five or ten minutes before checking the baby: “It was then dead. It had not cried. It had not moved from the time it was born.” On finding that the baby was dead, Kathleen decided to conceal its existence. She wrapped it in a blanket and first put it near the pig sty, and then moved it to a water hole where it was later found. Kathleen said in her statement: “I remember coming to my senses in the back yard of the Hotel sometime before day break.” However she also stated that she removed the body from her room “because I did not desire any person to know of the matter when I knew that the child was dead. If I had found it alive I intended to tell...” This suggested that Kathleen was thinking rationally at the time she committed the offence, but perhaps tried to evoke sympathy by suggesting that she did not have all her senses about her when she committed the offence. She later stated:

Since making my former statement I now recollect having visited a water-hole...and later coming to my senses in the yard of the hotel carrying the night dress only that I had wrapped the body of my child in the first place.

She remembered visiting the water hole and later discovering that the body of her baby was no longer in her nightdress but she could not remember disposing of the body anywhere. Even though she remembered her reasoning for wanting to get rid of the body at the time, she implied that she was not thinking rationally, thus conforming to popular narratives of infanticidal women. Kathleen may not have been thinking rationally or else she may have adopted this explanation to account for her behaviour that night. By implying that she had “lost her senses”, Kathleen could still conform to social notions of femininity, and certainly more so than if she was found to have intentionally and rationally killed her baby.
The medical witness at the trial said that the baby “died from some obstruction causing suffocation...the child would have lived with proper attention.” But he had no opinion as to what the obstruction to the baby’s breathing could have been. He contended that “there was a danger to both mother and child when no attention was rendered ...The child might die at birth through lying on its face or under covering...” The defence also cross-examined the doctor regarding the possible mental condition of Kathleen at the time of the parturition and when she gave her statement to the police. The doctor believed:

If she were alone and without help she would not be normal under the strain and stress of the time...Under the circumstances I would expect this girl to be in a very nervous condition for days or weeks afterwards. She was in a highly strung condition I could not give a definite answer as to whether her condition would enable her to give a truly correct statement...I saw her after that interview. She did not appear to be in a normal condition then. She was very highly strung.

This medical explanation of the woman’s condition at the time of the offence indicated the medical belief that giving birth was an enormous psychological upheaval for woman and could result in puerperal mania. It seems as though medical experts at these trials were reinforcing the belief that doctors should be present at every birth, as it was a dangerous and potentially pathological experience for the women concerned. All women were potentially mentally abnormal after birth. The doctor did not state that he believed the accused had puerperal mania but her psychological condition was believed to have been severely affected by her giving birth and that this condition could affect her for some weeks following parturition.

Kathleen's conviction may not have been entered because the Judge was probably influenced by the extremely sympathetic portrayal of Kathleen in the probation officer's

48Christchurch Times 7 March 1930 p.3
report. It portrayed Kathleen weeping bitterly and longing “to grasp that something that had been missing in her life” and speaking “freely of the disappointments in her life.” It records Kathleen’s life as “graft-graft-graft” and with no time to think of “spiritual things” and “with nothing of the Higher to stand by in the time of temptation.” The probation officer suggested deferred sentence to the Judge during which time “I will endeavour to prove a friend and sister to her...” Feminists have contended that leniency was offered to offenders who showed genuine regret for their offence and who were apologetic. A letter written by Kathleen to the probation officer after the trial records these sentiments. The Judge probably saw this letter which was written before the probation officer’s report and prior to sentencing. The letter was in the Criminal Trial Files, suggesting that the Judge did have access to it. It read as follows:

I have been thinking a lot about our talk we had...I was also glad I got back to Mrs. Potton [her employer] Mrs. Potton has been like a mother to me as well as a good friend being here is just like being home...I regret that I did not confide in Mrs. Potton but still the Lord has had to punish me for somethink (sic) or other. I must from now on look on the sunny side of life and be a different girl as I am going to take the right road not the wrong one. I am happy here... I will be a different girl and be a helping hand. Everyone was so kind to me the day of the Court...

Kathleen showed signs of regret and expressed a desire to reform herself. She knew that what had happened was wrong and was considering spiritual matters which, apparently, the probation officer had alerted her to. Clearly Kathleen was going to reform herself under the guidance of her employers. It is likely that the Judge was influenced by this letter in merely ordering Kathleen to come up for sentence if called upon.

The only case in which a woman was found insane on a charge of neonaticide was that of Lillian H. in 1906. This was the only case in which there was no debate about whether the baby had been alive. Lillian had given birth after which she appealed for the
assistance of two married women and both times was refused. The report stated that “in her desperation she threw the body of the infant into a cesspit, conveying it thence some days later by train, and then threw it into a well.” There is no record of the defence case for this trial but it was obviously unable to argue that the mother collapsed and the baby died from exposure or that the baby had died before the birthing was completed. The only defence was temporary insanity and this was easier for the jury to believe than a woman rationally killing her baby, despite recognition of her desperate circumstances. The crime took place over a number of days after the actual birth but it was believed that the psychological upheaval of giving birth could affect women for some days.

There was only one case in the Christchurch Supreme Court from 1859 to 1968 where the defence argued insanity for the murder of a baby and the woman was not acquitted. This case is outside the time frame of this study as it occurred in 1891, however, it is interesting for the judge's reluctance to accept the insanity plea despite the atrocious nature of the offence. Sarah F. and her mother Anna F. were charged with the murder of Sarah's illegitimate baby. Like the twentieth-century indictments, a knife was used but the baby was decapitated. The baby was killed within a month of parturition so it was within the time frame of puerperal insanity. Doctor Moorhouse stated that: “A woman, after confinement, was very liable to get excited; and grief tended to cause mania.” Another doctor claimed that he:

knew that it sometimes happened that a woman became insane with acute mania quite a month after the birth of a child. In some cases the natural instinct of the mother was quite changed.

---

89 The Press 8 February 1906 p.8
90 Ibid 4 October 1876 p.2
91 Unlike cases studied in the twentieth-century Sarah had her mother as an accomplice to the alleged crime, this may make the murder appear more premeditated.
92 The Press 26 February 1891 p.3
Again was this betrayal of natural instinct itself evidence of insanity? That a woman could betray these natural instincts and decapitate her own baby, despite her desperate circumstances, was undoubtedly difficult to comprehend. But the motive was apparent to the nineteenth-century judges and the judge in this trial stated that if the insanity plea was allowed “the murder of infants might take place with impunity, and the jury should be very careful at this point.”53 The jury found the baby’s mother and grandmother guilty and the judge sentenced them to death.

Puerperal mania had been successfully used as a defence for a woman charged within the Christchurch Supreme Court for murder as early as 1876. Again the woman indicted, Alice S., could be seen as having made a rational decision as she was single and the night before the death was stated to have said that she did not want to care for the baby and was going to nurse it out. Another of her babies was believed to have died by suffocation only two years earlier. The current baby drowned in a bucket and Alice said that she did not have the strength to take it out. She made no attempt to hide the dead baby. Puerperal mania had thus been introduced into the Christchurch Supreme Court prior to Sarah F’s trial. The prevalent feminine stereotypes may have influenced the guilty verdict passed upon Sarah. The atrociousness of the decapitation undoubtedly made Sarah appear insane, but this, in turn, may have confirmed that she was merely an irrational, and hence, normal woman responsible for her actions. As Higginbotham puts it: “The murdering mother’s wild and emotional response to an unwanted birth reinforced assumptions about the irrationality of all women.”54

In trials for murder and manslaughter involving the deaths of infants the juries appeared more reluctant to convict women of such charges than concealment of birth. There was

53Ibid p.3
54Higginbotham p.337
not one case of neonaticide in which the jury held the mother responsible for the death of her baby. In all of the trials the defence based its case on either raising doubt as to the cause of the baby's death or else the sanity of the mother at the time the offence occurred. In three cases of neonaticide, the cause of death was questioned and the doctors could not discount that the mother might have collapsed on the baby causing suffocation, or prove that the babies were "human beings" in the legal sense. In the remaining five cases the defence argued that the mothers were suffering from the psychological upheaval of giving birth and were therefore unable to think rationally or act with intent to kill their babies.

The defence for such women varied very little throughout the period of this study. There does not appear to have been a trial that set a precedent for subsequent trials. This was probably because the types of crimes that were coming before the Courts were already familiar to the courtroom discourse and defence strategies were already well established. Indeed from 1859 to 1900 in Christchurch there were fourteen indictments for concealment of birth, at least twelve indictments for murder or manslaughter where the victim was a child, and eight of these were babies. The difficulty of proving that the baby was born alive had been a long standing problem for the prosecution and saw Louisa S. acquitted in 1874.55 This study did not find that insanity defences for infanticide were unique to twentieth century as five of the thirteen woman indicted for murder in the nineteenth century were found to be insane. The victims were only known in three of these cases and they were all children. It would appear as though nineteenth-century juries likewise found it difficult to believe that a mother could rationally kill her children. The defence of puerperal insanity was introduced to the Christchurch Supreme Court in 1876 and was again used in 1891. This mental condition was not mentioned again within

55The Press 14 April 1874 p.3
the court until 1921 but allusions had been made to the effects of childbirth upon women earlier than this. Mental illness dominated the narratives of all "neonatal" indictments throughout the twentieth-century.

Unlike Allen's study of New South Wales, the court did not view women who were indicted for "neonaticide" as callous and shameless between 1900 to the interwar years. Throughout the period of this study there has been a tendency for the court to try and avoid holding the women responsible for indictments of fatal violence. This was probably the result of the capital punishment penalty which was not finally removed until 1961, though suspended between 1936 and 1949 and between 1958 and 1961. Even when a woman committed what was perceived as a callous offence, the blame was displaced to imply that she had been lead astray and committed the offence out of her feminine traits of shame and guilt. In 1907 Lillian H. was believed to have committed neonaticide out of the shame of having an illegitimate child. Zedner believes that the defence of psychiatric disorders were employed in the courtroom in an effort to save these women from the gallows. This may have been the original intention but such explanations were used against indictments which were not punishable by death.

This study did find instances of concealment of birth being depicted as a rational decision. In 1911 a judge stated:

That is a crime to which the reason for its enactment is not generally understood. When it is publicly discussed, it is generally on the lines of hardship of the woman, often the victim of male seduction, left to bear the consequences of her lapse and to undergo the ordeal of maternity while the seducer goes unbranded and unpunished. This is true in very many cases and it is impossible not to sympathise with...

---

56 Indeed, Lillian H. was found to be insane in 1906 on an indictment of concealment of birth.
57 Allen p.108
such sentiment...\textsuperscript{58}

This description of the crime also implied that the woman who committed such an offence was unmarried. This opinion was expressed in other cases where the baby was described as an "unwelcome visitor" and that it was a natural impulse to want to destroy the illegitimate baby. In the Christchurch Supreme Court concealment of birth was regarded as a rational decision and it was the death of the baby concerned which was believed to be the result of either accident or mental imbalance. Alwyn W. gave a rational reason for killing and concealing the birth of her baby in 1949. During the first quarter of the century this would have been accepted, but by 1949 the Judge was incapable of believing that she could have acted with intent.

The narratives offered by the defence and the women involved became formulaic for indictments related to concealment of birth and neonaticide. This was found to be true in other studies of infanticide. The women were usually young and single, living in quarters with other women, either in a hostel or the place of employment. They did not confide in anyone about the pregnancy and gave birth in secret and kept the corpse of the baby near them for sometime following the birth. Typically they claimed the baby had never breathed but often there were marks of violence upon its corpse. In spite of evidence of tape marks and rags found around babies necks or stuffed down their throats, none of the eight women indicted for neonaticide type crimes were convicted. Women indicted for concealment of birth were only found guilty if there was evidence that they had tried to hide the baby, and one woman was found to be insane. Typically the defence would argue that the baby was not born alive or that death resulted from the mental confusion of the mother following childbirth or puerperal mania. There were no exceptions to this pattern from 1900 to 1968. The lack of preparation for the baby following birth was taken by Victorians at the turn of the twentieth-century as evidence that its death was

\textsuperscript{58}Christchurch Star 13 November 1911 p.3
premeditated and intended. However the narratives seem to indicate that many of the
deaths were unpremeditated, for otherwise arrangements would have been made for
concealing the birth and for the disposal of the corpse.

Expert witnesses were crucial to the defence and prosecution as they testified to the cause
of death and the possible mentality of the accused women at the time of the offence.
However their evidence was always open to questioning from the opposing counsel. The
prevalence of psychiatric reasonings for the destruction of newly born infants also was
evidence of the battle for doctors to gain a monopoly over childbirth and to achieve
hospitalised births. In 1920 a doctor noted that it was impossible to know what women
would do when they were unattended at parturition. This sentiment continued through
until the last case of neonaticide in Christchurch in the period up to 1968 when a doctor
stated that there was always a chance of losing a baby at birth when the mother was not
attended by a doctor. Thus childbirth was constructed as a potentially hazardous
condition for women.
Chapter Five
Violence Against Older Children

Fatal Violence

The evidence given by medical experts was also central to many of the cases against women involving the death of their “older” children. This was especially true when the defence rested on the plea of insanity. This defence was used in 1926 for the charge against Elizabeth R., in 1934 for Bertha P. and finally in 1966 for Winifred T. The verdict of insanity was reached in each case. In all of the cases the women used a knife to cut the throat of their child and then they all made some attempt at committing suicide. The mothers were all married and the paradox is that they were reported to have been “very fond” of their child victims. The acts appear to have been committed because of their intense concern for their children and thus they considered themselves to have committed an act of mercy. Wallace, cited by Polk also found these mercy killings in a study. The well being of the child was the primary concern. These women did not claim the lives of their children because they wanted to commit suicide themselves. They attempted suicide because they had killed their children, although they had felt that killing their children was justified at the time. This is best illustrated with the case against Winifred.

Winifred T. was charged with the murder of her fifteen-year-old daughter and thirteen year old son. Doctors claimed that Winifred had developed “a morbid fearfulness about

---

1 In the case of Elizabeth R. and Bertha P. their victims were babies but they are being discussed as “older” children since the fatal incident did not occur at parturition. Moreover I expect that the defence will differ to those cases which I have distinguished as being “neonaticide” since Elizabeth and Bertha’s babies were known to have survived parturition. Strictly speaking Elizabeth’s baby was neonatal as it was killed within the first month of life.
2 Polk, Kenneth When Men Kill: Scenarios of Male Violence Melbourne: Cambridge University Press 1994 pp.142 - 143
their health and acceptance by other people." The daughter developed bronchitis and Winifred was staying awake all night worrying about it. In a police interview Winifred claimed that her daughter was also suffering from a bad heart and had become very childlike: "Rose...had gone back to the seven year old age group...She was very highly strung..." and not taking care of herself. Winifred also expressed concern that her daughter was insane stating that "Rose could never come back [from insanity]." She was apparently concerned that Rose had inherited insanity from her side of the family as her mother, her mother’s Aunt and her own cousin had all been admitted to “mental hospitals”.3

Doctors found evidence to indicate that Winifred’s health had deteriorated from the birth of her two children and diagnosed her as suffering from “menopausal psychosis of a mixed depressive and paranoid type, with distortions of reality amounting to delusions.”4 Since her children were born she was reported as having:

felt at that time that she had lost her personality, had had difficulty in coping with her ordinary duties, and had been unsettled and miserable.

Winifred was thirty-five years old when she committed the offence. The evidence that her mental health had deteriorated in the two to four years before the incident was seen in her sleeplessness, indigestion, morbid worry and menstrual irregularity. Winifred also described her symptoms as pain in the left arm, leg, and chest, and had said “I felt awful”. These symptoms were seen by doctors as being characteristic of a depressive illness.

In an interview after the event Winifred stated to the doctor:

3Criminal Trial File CH 273 T/36 1966 Tozer National Archives, Christchurch All of the following Quotes are taken from this file unless otherwise footnoted.
4The Press 2 August 1966 p.6
I felt terrible. I could not go on. I could not leave the children. Something drove me on. It seemed the only possible thing and it was right...I wanted to be sure that Rose did not wake up injured. I wanted to save James ever knowing.

Winifred had bashed both her daughter and son over the head with an axe and then slashed their throats. Her daughter died from the head injuries but the son did not die until his throat was lacerated. When the police arrived at the accused's house she was found:

crouched on her hands and knees in behind the bushes. The defendant was conscious. I [Detective Scott] spoke to her and asked her to come out. She made an effort but then slumped... I could see she had a wound on her head and she had a stocking wrapped round her throat.

She injured her head with the axe and then lacerated her own throat. A medical witness attending to her said “it was a determined effort” at suicide. The suicide attempt complied with the doctors' diagnosis of her mental condition. Doctor Begg, quoting medical authorities, said that “the melancholic often slaughtered loved ones, and almost always took his or her own life, or attempted to...”5 Wallace stated that “Altruistic intentions appeared to motivate the offenders to take the lives of their children...rather than any hostility toward the victim...”6

For his part, a medical expert at the trial, Doctor Medlicott,

felt she was so disturbed that she could not give coherent evidence, and could not properly appreciate many of the questions that would be asked by the counsel...I am satisfied that she could not follow intelligently a reasonable proportion of the evidence given.

The case never went to trial as the insanity defence was never challenged by the prosecution. There was no doubt that Winifred was insane and Judge Macarthur in his

5Ibid 2 August 1966 p.2
6Cited by Polk p.143
summing up of the medical evidence said: "the proceedings had been an inquiry".

The victims of the other two women found insane for killing "older" children were younger than those killed in the Winifred T. case. They have been categorised as "older children" because they did not meet their death at parturition. However the victims were in fact babies. Elizabeth R.'s baby was less than three weeks old and Bertha P.'s child was two months old. Elizabeth was the mother of five children, the eldest being seventeen years. Before the trial began Judge Stringer invited people to leave the Courtroom "in the interests of humanity, as the case is of a peculiarly distressing kind". Most of the public were reported to have left the Court. The Crown did not contest the notion that Elizabeth was suffering from puerperal insanity, but noted that the "case was a very sad one. The medical evidence would show that at the time of the offence Mrs. R. was not in a mental state to know what she did...". Her fourteen year old son claimed that on the morning of the offence mother said she was "Not too well" so he made her fish for breakfast and took it to her in her room. She was tending to the baby when he entered and she requested a bigger knife for her fish. The baby was found later with its throat lacerated and Elizabeth had walked across to the beach in an attempt to drown herself. Witnesses testified that Elizabeth was very fond of the baby. Her domestic servant stated that Elizabeth had been very worried "because she had to take the baby off the breast."

Pronatalist doctrines, which were popularly espoused at the time of this offence, emphasised the importance of breast feeding for the health of the baby. These ideas were being taught to mothers through the influence of Truby King and the Plunket society,

7Criminal Trial File 1926 Robinson, National Archives, Christchurch. The following quotes are taken from this file unless footnoted otherwise
which by 1930 was supervising sixty-five percent of New Zealand's non-Maori babies.\textsuperscript{8} With the strong emphasis upon scientific feeding of babies, taking her baby off breast milk could have been a real concern for Elizabeth as she may have feared for her baby's health. Elizabeth may also have felt like an incompetent mother not being able to give her baby the breastmilk it required.

Elizabeth R.'s form of insanity was diagnosed by Doctor Slater as being "puerperal mania" which was believed to occur within three weeks after confinement. Doctor McIllop agreed she was "in an exhausted semi stupor condition and was suffering from stuporous melancholia". This was apparently seen as a symptom of puerperal insanity as he went on to say: "The puerperal insanity is a mental disease and a form of insanity". McIllop stated that: "A person suffering from that disease would not know right from wrong". Both doctors confirmed that Elizabeth would have suffering from insanity at the time of the event and that this also complied with the legal definition of insanity. The probation officer also believed that Elizabeth was mentally unwell and reported that:

Prior to the crime the family lived very happily together at Sumner but since the birth of the child (which was murdered) Mrs. R. was not in good health and was suffering from the effects of the change of life. ... The accused comes from a very respectable family [with] no criminal or mental tendencies...

Both Winifred T. and Elizabeth R. were diagnosed as suffering from mental illnesses directly linked to women's reproductive cycle. Winifred's mental instability was traced back to the birth of her two children even though her children were born fifteen years prior to the event. She was still seen as suffering from the trauma of birth at the age of fifty when she began to experience menopause and was diagnosed with "depressive

menopausal psychosis.” Elizabeth R.’s condition was directly related to the birth of the baby victim, as puerperal mania only occurred after childbirth and was seen as a form of “insanity” which only affected women. The probation officer also used the vague phrase that Elizabeth R. was “suffering from the effects of the change of life.” This may have been menopause since Elizabeth was aged forty-three years. Medical professionals diagnosed both women as insane in the legal sense.

The medical testimony was again crucial in the charge against Bertha P., however her condition was not linked to her reproductive cycle. This may have been because the event occurred after the time in which puerperal insanity was believed to occur. Bertha was giving her baby a bath when it started coughing and crying. She was reported to have said that she thought the baby would be happier dead. She then attempted to drown the baby in the bath and when this was unsuccessful she tried to cut its throat with a razor. She then attempted to commit suicide by slashing her own throat. Bertha was aged thirty-five years so there was no reference to menopause. Doctor McIllop was again called for his diagnosis of her mental condition which he believed “was insane in both the medical and legal meaning of the term, suffering from maniac depressive insanity.”9 Doctor Bates agreed with this diagnosis. The Blakiston’s Gould Medical Dictionary defined this illness as:

One of a group of psychotic reactions, fundamentally marked by severe mood swings from normal to elation or to depression or alternating and a tendency to remission and recurrence. Illusions, delusions and hallucinations are often associated with the change of affect...the depressive type exhibits outstanding depression of mood, mental and motor retardation and inhibition.10

9The Christchurch Times 3 May 1934 p.5  
10Blakiston’s Gould Medical Dictionary
Bertha had been admitted to Sunnyside Hospital six times in nine years so she had a record of recurring insanity but “The question was whether or not she was insane at the time she committed the acts.” Judge Johnston commented that:

> The circumstances are only too unfortunate... The mental condition of the accused is the only matter you have to consider... There is no doubt that she was insane at the time the acts were committed.\(^{11}\)

The jury reached its verdict of not guilty on the grounds of insanity without leaving the court. All-three of these cases appear to have been committed out of an act of mercy. The suicide attempts that followed may have been because the mothers felt guilty for killing their children. Nonetheless they believed that their children were suffering, or would suffer, if they did not “put them out of their misery”.

Gertrude McC. who confessed to attempting to drown her son and herself attempted another “mercy killing” in 1932. However, upon having jumped into the river, Gertrude claimed “I began to come to my senses and was trying to get out when a man came along...” and helped her and the child out.\(^{12}\) This witness testified that she appeared to have been trying to push the child up on to the bank. Gertrude said that she had been intending to drown herself and the child for sometime. Her son’s father, Lee, had been treating her “cruelly, and has been nasty to me, this led me to believe that he did not want me but only wanted the child, my feelings were that I could not be parted from the child...” This case fits more readily the cases discovered by Wallace where the women wanted to take their own lives and only took their children's lives because they were concerned about leaving them behind. Wallace explains that:

---

\(^{11}\)Criminal Trial File CH 273 T/1 1934 Pike National Archives, Christchurch  
\(^{12}\)Criminal Trial File CH 273 T/5 1932 McConaghey National Archives, Christchurch  
All of the following quotes are taken from this file unless otherwise footnoted.
For various reasons, largely unrelated to the children...
the parents contemplated suicides. But they could not
face leaving their dependents behind, defenceless and
unprotected (in their view) to face the world alone.  

Gertrude was unemployed and dependent upon Lee and his mother for survival as her
family would not accept her child. Gertrude was portrayed by the probation officer in
stereotypical terms: “she is a weak woman, more sinned against that sinning, one than
needs sympathetic care and protection, until her next trouble is over.” Gertrude was
pregnant again to Lee. She claimed that she was driven to commit the act by Lee and his
mother. She was reported as being desperately unhappy but with nobody to turn to.
Gertrude changed her plea to guilty but the magistrate advised her to

plead not guilty and let your counsel try to show the judge
and jury that your mentality was not quite right at the time.
We are all trying to do our best for you...  

This advice may have been given on account of Gertrude's compliance to the feminine
stereotype of helpless and wronged women. It may also have been in recognition of her
genuine feelings of regret for what she had attempted. The Grand Jury returned a no bill.

Two other women were acquitted of inflicting fatal violence upon their children. Harriet
F. was acquitted of manslaughter in 1906 and Winifred C. was acquitted of murder in
1918. They were the only other single women, excluding Gertrude McC., charged with
fatal violence against children which was post neonatal. They were also the youngest
defendants, Harriet being only seventeen, while Winifred and Gertrude were twenty-
seven.

13Polk p.143
14Ironically Gertrude McC. had not long learned that she herself was illegitimate and that
the person she thought was her elder sister was in fact her mother.
15Christchurch Times 9 December 1931 p.13
16Bertha P., Winifred T. and Elizabeth R. were married.
Harriet F. was charged along with her mother, Ann F. Both women pleaded not guilty to neglect leading to the death of Harriet's illegitimate child, aged eighteen months. The defence claimed that the Crown had no case against Harriet as "her mother had admitted that she alone had control of the child. The mother of the child was only a young girl when her child was born..." Thus the responsibility for her child's death was removed from Harriet. The defence rested on Harriet's young age and "ignorance" of how to care for a baby. The doctor gave evidence that the baby was grossly malnourished with no food present in the stomach at the post mortem. There was no disease present but it weighed only six pounds. The normal weight for an eighteen-month old baby was then twenty-five to thirty pounds. In summing-up the Judge stated that the mother was legally responsible for the care of the child but agreed that Harriet did not know how to look after a child because of her age. This factor meant that she would "naturally be dependent on some older person." It was up to the jury to decide whether Harriet "was really careless whether her child lived or died..." or they could "take the more humane view and say that there was no wicked negligence." She was acquitted essentially because of her young age and "ignorance".

The defence tried to argue ignorance for Ann, as it did for Harriet, but Ann's other children were all healthy. Ann is recorded as saying: "I never did any harm to the child. I was not in the disposition to get the doctor." Judge Chapman conceded that they were a poor family and that it was a difficult case but the other children were healthy. Ann, therefore, could not have been ignorant. The jury found her guilty but with a recommendation for mercy on account of her age. In sentencing the judge stated that if she had been younger he would have given her a harsher penalty than the three years'
hard labour he was sentencing her too. “He was sorry to treat her with severity but he could not conscientiously treat her more leniently.” Presumably the sentence was harsh because Ann still had other children in her care. This factor would have influenced the jury’s recommendation for mercy as there was a reluctance to imprison women with families as it took them away from their duty. Judge Chapman wanted her sentence to serve as a warning, presumably to other women.

In her study of infanticide, Piers claims that neglect was often an unconscious method of making a “natural” death more bearable. Hence Ann’s claim, which she may have believed, that she “never did any harm to the child.” Piers notes how “Neglect reduces a small child in a short time to an unresponsive, totally passive creature who soon appears subhuman, almost vegetable-like.” Neglect was able to put an emotional distance between the mother and child. As in other cases of infanticide, neglect may be in response to living conditions and be a rational decision. During the trial of Ann the defence appealed to Ann’s poverty and that she had a large family to care for. This may have created sympathy for Ann’s predicament, but it probably confirmed that the neglect of this child was deliberate as Ann’s other children were apparently healthy. If the child had lived it would, essentially, only be taking scarce resources away from her own, legitimate children.

The case against Winifred C. was more complicated than that against Harriet and Ann. Judge Chapman stated before the trial began that “the case was one of circumstantial evidence, but...the circumstances had justified proceedings being taken against the mother.” Winifred had been convicted of abandoning her child in 1915 and sentenced to prison for two years. The child had been boarded out and authorities did not want

---

19 Piers p.17
20 The Press 12 February 1918 p.4
Winifred to know where the child was or who he was with. Winifred had been released from Addington Gaol on 30 January 1917. Subsequently troubled by the police about maintenance, she was reputed to have said that she would rather go back to jail than pay for the child, and was wanting him out of the boarding house to have him adopted. She discovered the whereabouts of the child and was seen on 7 December 1917 in the vicinity of the house. The boy was found dead the following day in the backyard of the house where he was boarding. The boy’s skull had been smashed and there was a bloodstained spade and spanner found nearby.

Winifred was suspected because, according to the prosecution:

> In his brief life [the child] could not...have given offence to or quarreled with anyone...In the present case it was submitted that there was the amplest evidence of motive......she was careless whether the child lived or died...  

Winifred did not want to pay maintenance and the “extraordinary coincidence” was that the child was murdered on night the accused discovered his whereabouts. The jury was taken to inspect the scene of the crime and also the scene where Winifred’s child was abandoned in 1915. In response to the notion that Winifred had already displayed unnatural feelings towards her son by abandoning it, the defence claimed that: “It was common for mothers of illegitimate children to abandon their offspring ...by adoption, by the roadside and by other means...” The motives for the abandonment did not preclude Winifred committing the murder.

Winifred was tried, without firm evidence connecting her to the scene of the crime, because she had deviated from feminine stereotypes. The Crown prosecutor expressed the sexual stereotypes when opening the case for the crown:

---

21Ibid 20 February 1918 p.10  
22The Lyttelton Times 20 February 1918 p.7
In an ordinary case of mother and child, maternal affection was strong and great, and it was almost unconceivable that a mother had murdered her child... In this case the child was an illegitimate, an unwanted child, and it had been shown that shortly after its birth the mother had unholy and unnatural feelings towards it.23

As in contemporary criminological theories such as those developed by Lombroso, the prosecutor had confused sex and the socially acquired gender characteristics. It was unnatural for an “ordinary mother” not to want a child, again motherhood was assumed to be a woman’s natural role. Yet these maternal instincts were believed to sometimes be lacking when mothers were not “ordinary” and the child was illegitimate, the prosecutor calling illegitimate children “unwanted”. By 1918 it was “unconceivable” that even an unmarried woman could murder her child, whereas prior to World War One the murder of babies was understood as being because of the shame of an illegitimate birth and economic hardship. Such reasonings were offered in cases of neonaticide around the time of Winifred’s trial, but Winifred's child was a toddler. There was no doubt that Winifred’s child was a legal human being.

The defence in the case against Winifred called no evidence. The accused could not state her whereabouts during the evening of the murder or why she had booked a room in a hotel for that night without staying there. But the defence appealed to the jury that “an adverse verdict must be followed by a sentence of death, and that that sentence must be passed on a woman. They probably knew before entering the jury-box that accused had not been a virtuous woman,” but they were not to let this prejudice their decision. The defence also strongly appealed to patriotism in the closing address by discussing the principles of British Law:

23The Press 20 February 1918 p.10
They [the jury] were aware, probably, of the broad principle of English law—that at the trial for one crime it was not permissible to bring evidence of a crime committed by the accused at some previous time. That principle was at the very foundation of English law...the common law of England. It was the expression, in jurisprudence, of the principle which found expression in our social life in that national quality, prized so highly and which they were proud to call 'the British sporting instinct'...— that the hunted fox should have a fair run. 24

The defence claimed that it was wrong to infer the motive, which drove Winifred to abandoning her son three years earlier, still existed. The Judge, however, disagreed and stated that the jury “had to take the whole history into consideration.” The respectability of the people whom the child was boarding with protected them from being suspects. As the Judge put it, they: “were obviously respectable persons and did not come into the class of persons who had any motive for the destruction of the child.” Winifred had lost her respectability and was portrayed as belonging to the “class” of persons who would commit such a crime—the criminal class. The jury must have sympathised with the “fox” in this case and let her have a “fair run” by finding her not guilty.

The defence had also argued that “the fearful force with which the child must have been struck so that its head was buried nearly up to its ears...pointed to the murderer being a man...” and that it “was impossible for the crime to have been committed by a frail woman.” 25 This form of defence had also been used in 1878 when Sarah S. was indicted for the murder of her son. Sarah was also acquitted because a doctor testified for the defence that she “could not have thrown the iron produced with such force as would have resulted in the death of the deceased...” An iron was found with blood and brains on it, but Sarah claimed her son slipped and cut himself on some glass. In both cases, the defence counsel were obviously appealing to male beliefs about the weakness of the female sex by claiming that the women were incapable of inflicting the injuries believed

24Ibid 20 February 1918 p.10
25The Lyttleton Times 20 February 1918 p.7
to have caused the death. It is doubtful whether chivalry saw Winifred C. acquitted, as the judge had conceded prior to the case that it was based upon circumstantial evidence.

One other woman was charged with fatal violence upon a child, Edith M. in 1907. She was indicted with manslaughter resulting from neglect, the charge was found to be a no bill and was lessened to abandoning her child so as to cause it suffering. Edith left her infant in the care of her fourteen year old daughter on an Easter Monday. Nurse Maude arrived on the Thursday to find the child malnourished. The baby died on 19 April 1907. In Court medical experts stated: “The absence of proper scientific feeding would have caused injury to its health.”26 That the mother had not returned to give the infant natural nourishment had caused it unnecessary suffering and would have affected it very seriously. A neighbour testified that Edith had been concerned about the child’s health as it was often unwell, but the defence case rested on Edith’s drinking. The defence claimed that Edith was a “dipsomaniac” and had been arrested on 12 April 1907 for drunkenness. She had since been put into a Samaritan Home and was under a prohibition order. She was shown to be a kind and hard working woman with a drinking problem. The jury found her guilty of abandonment with a recommendation to mercy.

The defence pleaded insanity in three cases where women were charged with fatal violence upon older children. During these trials doctors testified that Elizabeth R. was suffering from puerperal insanity and Winifred T. from “menopausal psychosis.” The third woman, Bertha P., had “maniac depressive insanity.” As psychiatry extended its influence into the Courtroom narrative, insanity defences were used to label and explain behaviour which was seen to be abnormal. Although there was strong evidence that these women did suffer from mental illnesses, there was always the contention that the nature

26Ibid 16 May 1907 p.5
of the offence was evidence enough of mental illness. Although there was a sense of horror surrounding the crime in which these three women were found to be insane, they never lost their femininity but were instead portrayed as being victims of their biology. The women were able to fit social stereotypes of infanticidal women as being mentally unbalanced. The defence for another two women, charged with manslaughter, stated that they were merely ignorant. This defence was believed by the judge and jury for the younger defendant in the trial against Ann and Harriet F., however the older woman Ann was convicted. The defence unsuccessfully appealed to the poverty of the older accused woman, but this had no effect upon the judge in sentencing.

Non-Fatal Violence Against Older Children

Thirteen women faced non-fatal indictments related to violence against older children. Four women were acquitted of serious non-fatal violence against older children and seven women were convicted. Two of the women who were acquitted and three of the women who were convicted were tried with their husbands. Two women were married but their husbands did not face charges. The remaining two women were not married. Albert and Agnes B. were charged with the wilful neglect of their son in 1903. The child was adopted illegally three years prior to the trial. Albert and Agnes had been paid twenty pounds for taking the child. On 16 August 1903 Agnes took the child to a nurse for her to take charge while the child was unwell. When the nurse acquired the child the following day she testified that it was raw from the hips to the heels and was swollen in various parts. The nurse said that: “When she first got the child ... he was addicted to dirty habits, but after three weeks of training he had got over his troubles, and was an ordinary child.”

Medical experts testified that the raw skin was the result of acute eczema from

---

27Two verdicts are unknown. Ivy McI. was indicted with assaulting an older child but this charge will be treated as a nursing related offence.
28The Press 24 November 1903 p.4
not having his clothes changed regularly enough and that he also suffered from internal disorders. One doctor for the defence claimed that there were “definite marks of inherited disease. A lack of intellectual development had prevented the child from having good habits, so that it required constant attention...” This echoes the Darwinism belief that unfit bred unfit, as there was an implication that the child’s bad habits were inherited from his birth parents and that he had also inherited their slow intellectual capacity.

A neighbour testified that she often saw the child outside unattended in the hot sun and locked in the yard. She went on to say that “Mr. B. was always kind to the boy”, thus implying that Agnes was entirely responsible for the child’s lack of attention. Agnes B. gave evidence during the trial and explained that the boy had eruptions on him often and that she had informed the nurse of this condition. She refuted all the charges that the neighbour had made about her lack of attention to the boy. But perhaps the most important evidence came from Albert when he took the stand and claimed that the “child had been treated as well as his own children.” All of their other children were stated to be in a healthy condition and Agnes was therefore a competent mother. The child was not being neglected because of his adopted status. Both Agnes and Albert were acquitted.

The same year Annie D. was charged with intent to do grievous bodily harm to her son Robert D. Annie pleaded not guilty to wilfully throwing a knife at her son. Her husband, John, had told the police of what occurred in the presence of Annie:

> He said that the lad was washing himself in the kitchen, and his mother was hurrying him up as she wanted him to go a message. The boy made some saucy replies, whereupon his mother, who was preparing the tea, and who stood about eight feet away, threw a knife at him. The blade penetrated the clothing and inflicted the wound.29

29Ibid 17 November 1903 p.4
However Robert, the victim, gave a different account and stated to the police that his mother was waving a knife about when it accidentally slipped out of her hand and struck him. The husband’s account altered when it was given in Court so that it resembled the account that his son had already given to the police. There is no mention of Annie’s account of events but it might be assumed that her version was the same as her husband’s since she was present when the police took his original statement.

Studies have discovered that it is common for children to defend abusive parents:

> The mistreated child often fiercely defends the parental practices he knows because...The child...simply cannot imagine getting along without his parent... 30

Medical experts for the Crown testified that the knife would have needed to have been thrown with considerable force to inflict the wound that Robert received. It was “most improbable” that the knife slipping out of a hand could have caused the wound. The husband clearly changed his statement to try and protect his wife. With the husband’s changed account of events and the lack of certainty from medical experts the jury found that there was room for doubt and acquitted.

No other woman was acquitted of a similar charge until 1958 when Rosemary D. was charged with ill-treating her baby girl. Rosemary was married but her husband was not also charged with the offence. Rosemary pleaded not guilty and the trial took place over three days. She was charged with causing her baby’s fractured arm, leg, ribs, collarbone, skull and the second degree burns and multiple abrasions. The baby was eventually admitted into hospital and on release went into foster care. The baby was reported to have not suffered from any further injuries once it entered foster care.

---

30 Piers p.99
On the second day of the trial Rosemary D. gave evidence. She denied ill-treating the baby and neglect but was unable to explain the fractures. She stated that on 5 September she went out for about twenty minutes at four o’clock leaving the baby asleep in its basinet. When she returned there seemed to be something wrong with the baby as it was unresponsive and limp. It was then that she noticed the baby had several bruises and a scratched chin and lip. She accounted for the burns to the baby by its sitting on the bench and pulling over the jug and sitting in the hot water. She said that the baby was more docile after it was scalded and “at times a peculiar look came over her as though she had suddenly become cold.” Under cross-examination Rosemary said that she had never struck the baby a violent blow but had only smacked its bottom. She had never left her where she could fall or injure herself and was always handled carefully. Her baby bruised easily but she never lost her temper with it and she only slapped it in moderation.

Witnesses were called by the Crown to testify that Rosemary did ill-treat her baby. One woman claimed that Rosemary had told her:

she had thrashed the baby because it would not take its bottle. She said she had thrashed it because she was tired.
The baby had gone stiff, and its hair had gone like bristles...

A neighbour testified that two weeks before the baby went to hospital she had heard “thuds and slapping and the sound of a door being slammed. She noticed later that the baby looked pale and ill, and there were noticeable scratches and bruises on its face...”

The following day Rosemary’s husband gave evidence for the defence. He stated that he would have noticed if the baby was ill-treated. He said that on the night of the “altercation” that the neighbour was talking about, he had to take the baby away from his wife as she was pushing the bottle into its mouth. In his statement to the police he had said he had to take the baby away because his wife had slapped the baby half a dozen

---

31*The Press* 12 February 1958 p.11
times. His reason given in Court for removing the baby from his wife changed from the statement he gave police.

Medical witnesses for both the defence and the Crown were central to the trial. Doctor Bennett was the doctor for the defence. On the third day of the trial he testified that the child had fragile bones as “Such injuries could not have been produced without external evidence of violence on the skin.” The burns on the baby’s lower torso and legs supported the claim that the baby was sitting in hot water after attempting to pull itself up by the cord of the jug. Throwing itself back could have caused the fractured skull.

Crown witnesses testified that the “child must have been struck, beaten, handled with violence or persistently left in circumstances where it could fall or do itself injuries.” The injuries were said to have only occurred when the baby was aged from two months to six months old. Under cross examination by the defence the doctor admitted that the child was well cared for in the first two months of life and the injuries might have been caused in the manner that Rosemary claimed they had been. Another doctor later testified that it would “take considerable violence to break the baby’s skull” and to displace the leg. Also there was no evidence that the baby had fragile bones.

The defence raised the issue of Rosemary’s mental stability. A doctor found on his examination of Rosemary there was no evidence of a “psychopathic personality” or that she would even consider ill-treating the baby. This evidence given by the defence implied that a mentally sound person could not inflict such injuries to their baby. In summing-up Judge Adams also queried the type of person who would be able to inflict such injury: “If the accused did cause the injuries as suggested by the Crown, she would have to be a

---

32 Ibid 13 February 1958 p.14
33 Ibid 11 February 1958 p.8
“very evil person”, and it would be almost a “murderous act”....” A normal sane person would not cause these injuries. There was no mention of any form of insanity related to a woman’s menstrual cycle, nor of post-natal depression. Instead the doctor looked for signs of a psychopathic personality. The defence claimed that there was no evidence that violence had been applied or, if there was, who had applied it. It seemed strange that Rosemary on each occurrence of an injury “calmly goes on each occasion to a doctor with the baby.” In summing up Judge Adams stated that circumstantial evidence can sometimes be stronger than direct evidence but continued saying: “I personally would hesitate to say that I accept the view that the accused is guilty with such certainty as to justify a conviction...” The defence had created doubt about the Crown’s case. Rosemary was acquitted.

Another three women were convicted of similar offences during the period of this study. Two of these women were charged with neglect and another with ill treatment. Alice H. was charged with her husband for the neglect of a child that was apparently not their child. They were undefended by counsel and both pleaded not guilty. The Crown told the Court that the injury was not permanent but was the result of exposure to the cold. In defence the male accused stated that the child had been sent into the outhouse “in order to teach him cleaner habits”.34 The judge in summing up stated that the accused were not guilty of “repeated and protracted cruelty” but “appeared to have treated the child decently up to a point.” That “point” though had obviously been crossed as they were both found guilty and sentenced to three months in prison.

In 1912 Emily and George S. were charged with wilfully neglecting their children. Judge Denniston introduced the case by saying that: “Though there was a certain prima facie
case against the male accused the wife was not the breadwinner, and was accordingly in
law, not responsible, and the jury would be justified in bringing a no-bill against the
female prisoner, no matter how much they might think she was morally to blame.”35
Nevertheless Emily was sent to trial and indeed tried to have her husband acquitted by
accepting all of the blame herself. The defence claimed, according to Emily's wishes, that
her husband was away the entire day and was not aware of what the children's needs
were. This was not accepted by Judge Denniston who in summing-up implied that they
were both to blame for the children’s lack of proper food and clothing: the father for not
noticing that these requirements were not being met and the mother for not requesting the
money to meet the requirements. In espousing sexual stereotypes the Judge held Emily
responsible as she failed to provide proper food and clothing for her children and also
failed to keep them clean. Moreover the Judge emphasised that her children from her
previous marriage were healthy and attended to, whereas George's were not. This
marriage appears to have been the second for both Emily and George. Emily could not
have been ignorant of children's needs if her children were well attended to. The husband
was sentenced to three months' prison, despite the fact that he was the only income earner
in the family. Judge Denniston may have decided that it was more important that Emily
was home to care for the children as she was only sentenced to pay a five pounds.

Beatrice M. was also found guilty of the wilful neglect of her child in 1907. She pleaded
not guilty. A nurse testified that in April 1906 Beatrice gave birth to a healthy son. She
saw the child again in February 1907 and it was a “skeleton”. Medical experts testified
that there was no disease present in the child. The child had been in a licensed home from
April until September when he was returned because the payments were irregular and the
owner was forced to close the home. The child was reputed to have been in good

35Ibid 15 August 1912 p.4
condition when it was returned. Beatrice told police that she had left her husband “on account of his ill treatment of her, and she was supporting all of the children with her.” She took the stand in the trial and stated that:

her husband had been very cruel to her and to her children. She did the best she could for all her children, of whom there were fourteen. She did not know where her husband was now...She had to go out to work...She had taken no steps to compel her husband to support the children.36

When the police arrived at Beatrice’s house on 2 February 1907, the baby was in “a filthy state” and in the care of the oldest child, a girl aged twelve years. She informed the police that: “her mother had gone away for a fortnight to nurse, and that she fed it on arrowroot.” Beatrice replied that she had to earn a living. In sentencing the Judge stated that he had no sympathy for Beatrice, “but it was an exceedingly difficult thing to know what to do with her. If he fined her, how was the fine to be paid, and if he sent her to gaol, who was going to look after the children?” Beatrice was convicted and required to come up for sentence if called upon.

Reports upon six Christchurch women indicted for abandonment exist. One of these woman was acquitted and five were convicted, four of them pleaded guilty to the charge.37 One of these woman, Winifred C., was convicted of abandoning the child she was later acquitted of murdering in 1918. The other women were Ruth R. indicted in 1919; Alice H. indicted in 1925, Kathleen M. indicted in 1922, and Mary-Ann D. indicted in 1940. All of these women were young, single and apparently in financial difficulties when the offence was committed. Alice H. pleaded guilty to abandonment. In seeking mitigation of the sentence the defence counsel appealed that: “She said that she

36Ibid 21 February 1907 p.5
37Another woman, Pearl B., was indicted for abandonment but no information has been found on the trial, the verdict of which is unknown.
had tried to get work, but had been unable to do so. She had no help from the father of the child, and had been compelled to take the step she had. She asked for another chance.\textsuperscript{38} The judge apparently sympathised with these unfortunate circumstances and not seen maliciousness in her actions. Alice was sentenced to three years' probation during which time she was to stay in the charge of Salvation Army authorities. She was perceived as being reformable.

Kathleen M. had shown Judge Adams prior to the trial that she was reformable and lacked “criminal intent” since “accused had been married and taken her child back...” The financial difficulties facing Kathleen and perhaps all unmarried mothers was disturbing to the Judge. Kathleen had tried to get her child into five or six homes as she had only two pounds in money. She had left the baby on the lawn of a house. The defence claimed that: “The place was occupied and the child's life was not endangered.” Judge Adams believed that “the facts did not indicate criminal intention...” Since Kathleen had taken the child back Judge Adams did not record her conviction. “He did this only in view of the very special circumstances, and because he was satisfied that the accused had abandoned her child under pressure of destitution.”\textsuperscript{39}

Poverty was also mentioned in the indictment against Mary-Ann D. when the detective mentioned that, “The girl's home conditions were poor - it was one of the poorest homes he had ever been in.” The case against Mary-Ann was described as “painful and pathetic” by the prosecution and the judge agreed. Mary-Ann went into labour on a Friday morning and was walking to phone an ambulance with her mother when she gave birth in a plantation. The pair went home and left the baby in the field. Mary-Ann remained in bed

\textsuperscript{38}The Press 14 March 1925 p.6
\textsuperscript{39}Ibid 22 November 1922 p.5
for two days and on Monday cycled twelve miles to work.\textsuperscript{40} Although the baby was born alive and subsequently died, Mary-Ann was only indicted with abandonment as, the defence claimed, the baby might have died before it was abandoned. As with cases of neonaticide, the doctors were unable to establish when and how the baby died in relation to the delivery. Moreover Mary-Ann was assumed to have been mentally affected by parturition and Doctor Pearson testified that: “In the tragic circumstances in which the girl found herself she would be at her wits' end. She would not know how to meet her circumstances.” No responsibility was given to her mother who was present during the birth, but she was described as “not only deaf but appeared illiterate and sub-normal.” Judge Northcroft was sympathetic to the case and said that if the jury convicted Mary-Ann he would sentence her “with mercy.”\textsuperscript{41} Mary-Ann was acquitted.

Ruth R. defended herself in the Magistrates' Court and was committed to the Supreme Court for trial. Ruth also informed Judge Herdman that she had tried to find a home for her child but had twice been refused. She had abandoned the child “in a fit of desperation.”\textsuperscript{42} After evidence had been given against her, Ruth, “with tears in her eyes said ‘When I left the child I did not leave it there to perish. I stood a few yards away and waited and saw the child being picked up.’” These circumstances must have influenced the judge who sentenced her to twelve months probation. This was a lenient sentence in comparison to Winifred C.'s sentence of two years' imprisonment.

The trial against Winifred C. in 1915 was extensively reported in the \textit{New Zealand Truth} but barely mentioned elsewhere. It revealed chauvinistic attitudes towards women in the Courtroom. Winifred abandoned her six-week-old baby in a hollow trunk of a tree in

\textsuperscript{40}Although Mary-Ann worked she only earned thirty shillings a week.  
\textsuperscript{41}The Press 17 October 1940 p.10  
\textsuperscript{42}Ibid 5 May 1917 p.3
Christchurch and then moved to Palmerston North. As the baby had been circumcised the police enquired with medical doctors in Christchurch about the names of all recently circumcised boys until they were led to the disappearance of Winifred. When Winifred was found she admitted to the police that the baby was hers. In seeking mitigation the defence counsel claimed that:

```
at the time she committed the offence, her mind was disordered beyond all ability to recognise the seriousness of what she was doing...it was apparent that HER PRESENT PLIGHT was the result of her not having been brought up and educated as a girl should. 43
```

The defence counsel requested Winifred be sent to a Samaritan Home, however Judge Dennistone thought it was in the public's interest to sentence her to prison for two years. The *New Zealand Truth* reported that the defence counsel claimed:

```
it was almost impossible for a man to estimate the mind of a woman in circumstances such as those which surround the girl before the Court, but his Honour replied that, be that as it may, he would sooner trust a jury of men than a jury of women to pass judgment on her.
```

Judge Denniston claimed that the act was “a most callous abandonment” and obviously did not want sympathy for her situation to cloud the facts of the case. The Judge also reminded the court that it was not Winifred's first offence. When she heard the sentence Winifred was reported to have, “collapsed on the floor of the dock and was carried out of Court.”

These women, Ruth, Alice and Kathleen received lenient sentences. The narratives offered by the defence counsel in seeking mitigation of the sentences for the three women were similar: the women had little money, they had been unable to find homes for the

---

43*New Zealand Truth* 7 August 1915 p.5 Capitals reporter's own. The subsequent quotes regarding this case are taken from this source.
child or unable to find employment and had left the child in a situation where it would be
found. The defence for Winifred made no such claims. Winifred had left the baby in a
place where it seemed he might have died. Although Mary-Ann's baby did die, her
circumstances earned an acquittal. Since the offence was neonatal, she was described as
being in “distress” and unable to know how to respond to the situation. The nature of
Winifred's indictment appeared far more callous than the other four indictments, despite
the defence of impaired mental functioning.

In the trials of women for causing injury to their children, their motherhood skills went
under public scrutiny. The defence had to prove that these were competent mothers and
that the injuries were the result of accidents or unfortunate circumstances. When it was
possible, the husbands were the best witnesses for this defence. In three of the trials the
husband's evidence was crucial to the defence. Both Agnes B. and Rosemary D. were
shown to be competent wives and caring mothers and the husband of Annie D. obviously
altered his statement to protect his wife. The jury assumed that the husbands would know
if their wives were not caring for their children competently. If there was no husband to
testify, the defence tried to evoke sympathy for the accused's situation. In three cases of
abandonment, the accused women escaped prison sentences on account of their desperate
financial circumstances that invoked a degree of sympathy from the judge. The defence
also tried to raise sympathy for Winifred C. on account of her mental ability. That women
with families were treated more leniently could be seen in the trial against Beatrice M.
She was convicted, but the judge had difficulty knowing what would be an appropriate
sentence to pass upon her as he did not want to take her away from her children. He also
knew that a fine entailed money which would be better spent on the children. Beatrice
was treated leniently not on the basis of her sex but because of concern for the children
who were in her care.
Chapter Six
Abortion-Related Indictments

The rise in the number of abortion indictments from the 1910s needs to be kept in context of the declining number of infanticide indictments. Notably, from 1859 to 1899 only three women were indicted in the Christchurch Supreme Court for abortion whereas twenty-three women faced indictments concerning fatal violence towards children. Methods of birth control were unreliable and inaccessible to many women, during this period, which is reflected in the high birth rate. “Neonaticide” and concealment of birth, which were used as desperate methods of “family planning”, continued to feature as women’s most common indictments for serious violence until 1930, after which no woman was indicted for the murder of her baby in the Christchurch Supreme Court. This indicates that women were using more effective and surreptitious methods of family limitation and birth control from the 1930s. This pattern of falling indictments for fatal crimes against children corresponding with more indictments for abortion was also discovered in Allen’s study of New South Wales.

Contemporaries suspected that women were increasingly relying upon abortions to rid themselves of unwanted pregnancies. Prior to the 1920s the incidence of abortions can only be approximated as the risks of septicaemia were almost as high for spontaneous abortions as they were for criminal abortions. Press reports and medical journals indicate that abortions were “quite common” prior to the 1920s. Between 1892 to 1914 there were one hundred and thirteen offences related to abortion reported to the police, of which only thirty-eight people were convicted.¹ The few abortions which came to the attention of the police usually involved the death of the client.

¹Levesque p.7
Court statistics support the claim that women increasingly used abortionists during the 1930s, however, indictments for abortion were rising from the 1910s. The number of abortion indictments before the New Zealand Supreme Court rose to a higher annual rate against men between the years 1920 to 1930 and against women from 1910 to 1940. This pattern does not prove that abortions were declining after these years but that abortion fatalities were not bringing abortionists to police attention. The indictment rate reflected patterns of policing and abortionists might not have been a police priority.

During the period of this study the feminine stereotype varied as it adapted to the social concerns of the time. However there was a dichotomy in women's lives between the stereotypes of ideal womanhood and the reality of their social situation. Probably this is nowhere more visible than in the issue of fertility and fertility control. As it became apparent that women were successfully limiting the size of their families, and that this was occurring throughout the British Empire, there arose a concern for the decline of the British race.

The average family in the 1880s had six children but by the 1930s the average family had only 2.5 children.\(^2\) It was obvious to state officials that women were increasingly practicing methods of birth control and to compound the problem statistics also revealed that New Zealand had a high infant mortality rate.\(^3\) Truby King established the Society for Promoting the Health of Women and Children, better known as The Plunket Society, essentially out of concern for the infant mortality rate. The state, King and Plunket encouraged women to have larger families out of concern for the declining birth rate and a perceived decline in racial fitness throughout the Empire. King established himself as

\(^2\) Brookes p.117
\(^3\) Olssen, p.12
an authority on child-rearing techniques and the eventual decline in the rate of infant mortality was taken as evidence of King’s and Plunket’s achievements. 4

Once the infant mortality rate declined attention was given to New Zealand’s maternal mortality rate, which, by 1923 was the highest of any so-called civilised country. The maternal death rate had risen from 3.58 maternal deaths per one thousand live births to 6.48 by 1920.5 The maternal death rate initially concerned the government and King, who was appointed Director of Child Health in the Health Department from 1920 to 1927, because the health of babies depended upon the health of the mother. His subsequent efforts to protect mother’s lives had the alternative benefit of protecting the quality of infant life.

It was not until 1927 when maternal deaths from septic abortion were separated from other causes that the true impact of abortion upon the maternal mortality could be realised. In 1927 seventy women died from puerperal sepsis in New Zealand. Puerperal septicaemia accounted for half of the maternal mortality rate from 1927 to 1928. 6 The figures soon revealed that the death rate from septic abortion increased by over 100 percent from 1928 to 1930.7 By 1934 New Zealand had the highest maternal mortality rate from septic abortion compared to other countries keeping parallel statistics. 8 At a time when the State was promoting larger families, these figures confirmed to officials that New Zealand women were using criminal abortions as a last resort at family planning. Ironically, despite their demands for larger families, the new rigorous standards of motherhood advocated by both the State and King could have contributed to the...
number of women resorting to abortion as motherhood became more time consuming and expensive. The rate of septic abortions was taken by the Health Department as indicative of the increased number of criminal abortions which had a high sepsis rate because of the lack of skill and cleanliness involved in the operation.

By the 1930s the performing of abortions was believed to be rampant throughout the colony and it was held that juries were sympathetic to the alleged criminal abortionists. It should therefore be no surprise that abortion trials were the most extensively reported cases against women as abortion clearly became a contentious social and political issue. Sandra Coney believes that it was difficult to convict an abortionist because of public sympathy for the abortionist and women who sought abortions. However, according to the results of trials in the statistics from the Christchurch Supreme Court, contemporaries had little justification to argue that juries were lenient towards alleged abortionists: of the seventeen indictments during this study twelve women were convicted. This conviction rate was higher than the national rate and also higher than the conviction rate of males for abortion-related offences in Christchurch Supreme Court. This figure at best indicates that there was no chivalry in the Christchurch Supreme Court for women who were indicted with abortion-related offences.

Information was found on thirteen of the seventeen abortion-related indictments brought against women. Four of these women were acquitted of the charge and nine were convicted: five of these convicted women were condemned by the judge for imperiling the lives of women for financial motive. In cases where women were acquitted of charges relating to performing abortions, it was always because the defence questioned the

---

9 Coney p.73
10 See Tables 5:10 and 2:5 and 4:1
11 This number does not include the murder indictment against Bridget C. for a fatal abortion.
identity of the woman who allegedly performed the operation. This defence was also used unsuccessfully in one charge against Mary B. in 1954. No woman was charged with having an abortionist operating upon herself. Only two women did not face charges related to the performing of abortions upon clients; one woman was charged with performing her own abortion and another woman was charged with inciting her daughter to have an abortion.

The first woman acquitted in the Christchurch Supreme Court of an abortion-related offence during the period of this study was Emily W. in 1911, then Gertrude T. was found not guilty of performing abortion in 1937. Mary B. was found not guilty in 1946 then again in 1954 on one charge, and Barbara F. was found not guilty of inciting another to have an abortion in 1942. The defence was able to successfully question the identity of the women abortionists in cases where the prosecution relied upon uncooperative witnesses. These were women witnesses who had consulted a doctor or had been admitted to hospital after complications following their attempted abortions. Their testimonies were vague and it was clear that they did not want the abortionists to be convicted. These women may have been reluctant to testify because often the operation performed by the abortionist was successful and the abortionist had come to the attention of the police only through minor implications. The abortionist was performing the woman’s request and doing her a favour. The threat to these women may have been that if they did not cooperate with the police they were liable to face criminal charges for having an illegal abortion.12 However not all witnesses were uncooperative. The defence often questioned the reliability of witnesses’ testimony which implicated the women accused with performing the operations. The defence also reminded the jury that the witnesses

12There were three types of abortion: spontaneous, therapeutic and criminal abortion. Spontaneous abortions occurred naturally, therapeutic abortions were performed legally when pregnancy or parturition endangered the life of the mother. Criminal abortions were performed illegally by the mother and maybe with the assistance of an abortionist.
requested the operation and the accused merely complied with the request. Moreover the witnesses were escaping possible criminal charges in exchange for their testimonies. Without the positive identification of the women performing the operations, or the location of the house, the juries were unable to convict the women charged.

In 1946 a woman who wanted to have an abortion, testified that she went to Mary B’s house with her friend for the operation. They could not identify the woman who performed the operation, as the light was very bad. Moreover the woman who had the abortion failed to make a positive identification of the house where the abortionist lived. She went to Flat 1 at 56 Worcester street because “she had heard that there was a woman there who would help her ‘out of her trouble’...” On the way to the hospital in the police vehicle she pointed out the house where the abortion might have been performed. However, under cross examination she claimed that the police had pointed out the house and that she had said, “as far as I knew that was the place where I had the operation...” but the flats “all looked alike.” She did not see the number of the flat.

When the police searched Mary B’s house they found a number of tools that medical witnesses claimed were unusual to be in the hands of somebody who was not a doctor. During this search Mary is reputed to have said, “What is a woman to do when they come pleading to me?” During cross examination the detective was queried whether he had put these words into Mary’s mouth and whether she had been forced into making a statement, all of which he denied. The defence rested on the ambiguity of both the identity of the flat where the abortion was performed and of the woman who performed the operation. Furthermore, the defence claimed that Mary had kidney problems and the tools found were for her own personal relief. With the lack of co-operation from the two key

---

Footnote: Criminal Trial File T/7 1946 Blair, National Archives, Christchurch. The following quotes are taken from this source unless footnoted otherwise.
witnesses the Crown’s evidence was circumstantial. It appears as though the women were protecting Mary from being convicted. The abortion was successful and was only detected when the woman called a doctor over a minor implication who notified the police. The witness had five children already and did not want another. Mary B. had done her a service. 14

A similar scenario saw Mary B. acquitted again of a charge in 1954. This time however the woman, Vassiliki S., became extremely ill and was admitted to hospital by her husband and neighbour. Vassiliki claimed “I have never seen the lady in the box before...” In hospital a catheter was removed which was protruding from Vassiliki’s uterus. The defence argued that it was obvious that an instrument was used but the question was who had used the instrument. Mary B. denied all knowledge of Vassiliki and the operation. 15 When Mary was arrested she said, “I have nothing to say.” There was no was evidence that proved that Mary B. had performed the operation. In both of these trials Mary was acquitted because the women witnesses would not positively identify her as the woman who performed the operation. The witnesses also failed to identify the house where the alleged abortions were performed. 16

Before this case went to trial Mary B. was found guilty of performing an abortion on another woman who again tried to conceal the abortionists identity. The operation was successful but the witness was admitted to hospital when she did not stop bleeding after the miscarriage. Mary pleaded not guilty to this offence also. The woman claimed that the abortionist called herself “Mrs. B.” but that the woman she saw was not the accused.

14The Press 2 and 3 August 1946 p.8
15During a police visit Detective Urquhart reported that Mary said, “You know I have women coming round the place bringing their own things to do it...” She then said, “You would wonder how these people have the cheek to come around.” Criminal Trial File T/12 1954 Blair, National Archives, Christchurch.
However, on cross examination by the Crown the woman said that she saw no other woman in the house and there was nothing to suggest that the woman she saw was not the Mrs. B. who was in the dock.

Detective Urquhart visited the accused about the operation. Mary is alleged to have told the Detective that she remembered performing the operation yet she claimed that she had not performed any other abortions. Mary did not make a written statement to the police. In the police search they found pills and five catheter stillettes which were used for abortions.

The defence stated that there was no doubt that the operation was performed but again questioned the identity of the abortionist. The defence rested on the fact that the key witness said that the woman in the dock was not the woman who performed the operation:

Mrs. Herbert had said that if she saw the woman again she could identify her, but the accused was not that woman. 'That just cannot be got round,' said Mr. Thomas. 'On the evidence before you, on the negative identification, the way the so called admissions were got, and the accused’s refusal to put the admissions in writing, I submit your verdict must be not guilty'.

The defence argued that Mary’s statement was not an admission of guilt and the pills and medicines discovered could be found in any home.

Mary's admissions were the only real factor that differentiated this case from the previous cases in which she was found not guilty. The defence argued that Mary's admissions were

\[\text{\footnotesize{\cite{source}}\text{}}\]

\[\text{\footnotesize{\cite{source2}}}\text{\footnotesize{\cite{source3}}}\]
gained through the influence and direction of the police, therefore that these admissions were not accurate evidence. However the admissions must have succeeded in eliminating any doubt for the jury about Mary’s guilt despite her plea of not guilty and the negative identification.

The probation officer reported that Mary was unable to receive the widow’s pension and that “she appears a normal woman with no viciousness towards other people, kindly and industrious and fond of her family.” Medical reports accompanying the probation report testified that she kept poor health and required regular medical supervision. One medical report stated: “she will react badly if she has any emotional upsets which are liable to throw her metabolism out of balance and render her unconscious.”

Information contained in the probation report was referred to Judge Adams, but it did not influence his sentencing. He stated that since Mary B. had been tried for this offence in 1946 she must have been aware of the severity of the offence and of the possible consequences. He rebuked Mary for performing the operation for profit motives and placing women’s lives in peril. Also he believed that the sentence must serve to deter the offender from offending again and to deter other abortionists. Judge Adams stated:

I ... disregard ... the state of your health. It is tragic to have to sentence a woman of your type, apparently a refined woman, already advanced somewhat in years and one who has ... taken a great interest in your home and family.

The Judge sentenced her to three years’ prison for reformative purposes.

This was the harshest sentence imposed upon a woman abortionist in Christchurch since 1917. Allen found that older women were often treated more harshly because they were

19Criminal Trial File T/12 1954 Blair National Archives, Christchurch The subsequent quotes are taken from this source unless it is footnoted otherwise.
seen as being less reformable than younger women. Essentially Mary was sentenced to prison yet the “reformatory” nature of her sentence might have been influenced by the “type” of woman Judge Adams perceived her as being - “a refined woman”. The defence counsel attempted to portray Mary as respectable and conforming to sexual stereotypes. This defence was supported by probation officer’s report which noted that Mary had no prior convictions, yet Mary had already faced charges for abortion. The length of Mary’s and the other “older” women sentenced for abortion compared to those of younger women indicates that older women were perceived as being more difficult to reform. In two cases this was probably affected by the prior indictments for the convicted women.

In 1937 Gertrude T. and Agnes B. were charged with using an instrument or other means to procure miscarriage. 20 The trial was set in the context of great public concern about the extent of abortion in the country and was reported to have “aroused considerable interest in Christchurch in view of the recent public controversies on the abortion question.”21 The controversy over abortion was mentioned during the trial by both the defence and Judge Northcroft who warned:

If juries were to decide on sentiment, or because of public controversy, the law would be brought into contempt. It was much more dangerous that justice not be done than that abortions should continue as rampant as it was suggested they were at present. 22

Gertrude was found not guilty and Agnes was convicted. They were both married women, Gertrude was aged forty-two years and Agnes sixty-three years. The operations allegedly took place at Agnes’ house where “Mrs. Bell” would perform the operation. Gertrude was alleged to have been “Mrs. Bell”. Agnes was cooperative with the police

---

20Gertrude T. had been indicted in 1924 for performing abortions under the name of Gertrude B., which was her name from her previous marriage. No information has been found on this earlier trial.
21The Truth 27 October 1937 p.16
22Ibid p.16
throughout the investigation and signed a written statement admitting that she did assist in the operation but that, "I took no active part in the operation apart from preparing the catheter and obtaining some water." For her assistance she received five pounds from Mrs. Bell.

Detective Mackenzie visited Agnes with a search warrant and said that she invited the police into her house. When being questioned about the operation which she was charged with performing, she replied, "Yes, it is no good telling you any lies. I will tell you the truth." She then retrieved the instruments used. She signed statements supporting those given by the women patients and emphasised that the only part she took in the operation was heating the water. When the police continued to ask her questions she replied, "For Christ's sake don’t ask me any more questions. I have told you the truth...” It was not until Agnes had given the police incriminating evidence that she was warned that she was not obliged to answer any charge. When Agnes was being arrested she said to the Matron: "You are not going to take me alone aren't you taking the other one when all is said and done I only did it to oblige her." Agnes did not say who this other woman was until she was convicted and testified at the subsequent trial against Gertrude.

The police got a different reception when they visited the house of Gertrude T. She had nothing to say to the police. When her husband said something to her she replied, "Bugger them, that’s their job to find out, that’s what they are bloody well paid for.” Unlike Agnes, Gertrude made no admissions of guilt. In Court a young woman testified that she was operated on by a woman she knew as Mrs. Bell and identified Gertrude. Despite this positive identification of Gertrude as Mrs. Bell, she was acquitted. The jury might not have wanted to rely upon the identification given by the women who had

---

23Criminal Trial File CH 273 T/2 1937 Taylor and Burns The subsequent quotes are taken from this file unless it is footnoted otherwise.
abortions performed upon them as they were accomplices to the crime.

Contemporary critics of the perceived leniency given to abortionists in trials believed that abortionists were acquitted because juries did not want to convict abortionists on the evidence of accomplice witnesses.\(^{24}\) The defence counsel for Gertrude had warned the jury:

> It would be extremely dangerous to convict on the uncorroborated evidence of accomplice witnesses... [which] should be regarded with suspicion, for they might quite well be unconsciously assisting the Crown in order to purchase their immunity - even their freedom...

Agnes testified that Gertrude was the woman she called to perform the operation, but Agnes also was an accomplice witness and never actually saw Gertrude perform the operation. Unlike Mary B. and Agnes, Gertrude had given no information to the police and there was no evidence found in her house. The jury was, once again, reluctant to convict a woman when her identity was doubtful and the accomplices escaped criminal charges.\(^{25}\)

Agnes B. was sentenced to six months’ hard labour on each count. Again Agnes’s age influenced the sentence as she appeared unrefonnable and unappropriate for probation. The probation officer’s report stated that Agnes could not reform without imprisonment. However it went on to say:

> The accused appears a kindly, quiet disposition, a heavy drinker, but would appear to live a quiet life. She has no religious tendencies. Mrs. [B.] has not been before the Court on any previous charge. I feel it is not a case where I can recommend Probation, in view of the seriousness of the charge.

\(^{24}\)Bennet, Francis and Gordon, Doris *Gentleman of the Jury* New Plymouth: Thomas and Avery 1937 p.3

\(^{25}\)The Truth 27 October 1937 p.16; The Press 21 October 1937 p.9; The Press 27 October 1937 p.4
She believed that it would not serve public interests or the interests of the offender to put Agnes on probation. Like Mary B., Agnes was also reputed to have health problems but these might not have influenced the judge in passing sentence. However, unlike Mary B., Agnes did not have prior associations with this offence which might have lessened the length of her prison sentence.

Given their ages it was believed that Mary B. and Agnes B. were unlikely to “reform”. Their ages also may have made them more likely to cooperate with the police as both Agnes B. and Mary B. gave incriminating evidence to the police. The degree of Agnes’s cooperation with the police possibly reduced her sentence as she was prepared to testify against her accomplice. Judge Northcroft agreed with the jury’s recommendation to mercy for Agnes but “At the same time...[she] did such things systematically and as a business.” The sentence imposed upon Agnes was no doubt influenced by the controversy concerning abortion during the period and the judge’s perception of Agnes to be a professional abortionist. Yet it was mitigated by her character and that she had no prior connections with the offence.

In 1942 Barbara F. was charged with inciting her daughter to terminate her pregnancy. Barbara had visited two doctors about having the pregnancy terminated. Barbara appeared to be seeking a “therapeutic abortion”, which was not illegal as they were performed legally when the life of the mother was in danger from “pathological” causes.26 Her daughter had suffered from a tubercular spine five years prior to the pregnancy and she argued that the pregnancy would injure her spine. She also told the doctor that her daughter was unhappy and “in a highly nervous and excitable state.” To another doctor she explained that, “her daughter could not continue living with her husband and that

26Mein Smith p.102
owing to the pregnancy her daughter could not work and that if the pregnancy continued she would then be without means of support.” The seeking of a therapeutic abortion was not illegal, but the doctors had refused to permit the operation yet the daughter was admitted to hospital following a miscarriage.

Barbara F.'s justification for the abortion corresponds to those of the narratives of “mercy” killings of older children, she was concerned for her daughter’s health and for the mentality of the child which was expected. The defence claimed that:

The accused had not done any more than an ordinary anxious mother would do in like circumstances. The whole of the evidence shows that the only motive the accused had was her daughter's health... 27

She believed that she was performing a favour for both her daughter and the baby by trying to terminate the pregnancy. She was concerned that the baby would bind her daughter to an unhappy and abusive marriage that was damaging her health. She explained:

I was extremely worried about the treatment meted out to my daughter by Doczi [her husband]. I was frightened that there would be a recurrence of tubercular trouble. He knocked her about taking her by the hair and banging her head against a wall, hitting her and slapping her face. He was a man with a violent temper... 28

She had complained of the violence to the police and, on taking her daughter to visit a doctor after a domestic dispute, her daughter had been told not to return home for two to three months. On being interviewed by the police, Barbara is alleged to have said:

No matter what the police may think we believe that Doczi is

27 The Press 12 February 1942 p.3
28 Criminal Trial File CH 273 T/5 1942 Foster National Archives, Christchurch

The following quotes are taken from this source unless otherwise footnoted.
mental— what would you do Inspector— if a child was expected and you thought it would be mental also.

Barbara denied all knowledge of who performed the alleged abortion to both the police and the doctors. She claimed that she did not approach anybody else about the possibility of an abortion. The doctor from the hospital said it was even impossible to say whether the miscarriage was natural or induced. There is no record of the arguments used by the defence counsel in this case. In the event Barbara was acquitted.

No other woman was acquitted of an abortion-related offence during the period of this study. In cases where guilt was conceded or found, the defence varied. Three women pleaded guilty to charges of abortion and the defence in these cases rested on the women's low mentality or ignorance of the seriousness of the offence. This defence was used for Josephine W. in 1900, Lois S. in 1963 and Marian MacC. in 1965. It was also used for Ruebena S. in 1960 - although she did not plead guilty to the offence, she had admitted that she did attend to the woman concerned. The three women who pleaded guilty were all without male support, being deserted, divorced or unmarried.

Josephine W. was charged with three counts of “an unlawful use of an instrument to procure abortion”. She pleaded guilty to two charges and not guilty to one. The defence asked for mercy in sentencing as:

his client in consenting to perform the illegal operations to which she had pleaded guilty was not fully aware of the serious nature of the offences. She was an ignorant and uneducated woman, and was not in the same position as a professional man. She had been left by a man who had left her in extremely poor circumstances, and had one son to keep. Want on her part and the solicitation on the part of others, had lead her to commit the offence.29

The personal narrative of Josephine is unknown but it would seem unlikely that she

29The Press 14 August 1900 p.2. The following quotes are taken from this source.
would have claimed to have been ignorant and uneducated, especially as she was recorded as being a nurse by profession.

This is the only case where the defence also used poverty as part of the defence for the crime. Josephine was the only “deserted” wife charged with this offence amongst the cases studied. The defence may have hoped that her predicament would incite Judge Martin's sympathy as she was the victim of first a man’s and then of women's requests to perform the operation. Desperate circumstances may have been understood for tempting women to commit concealment of birth or abandoning their children, but it was not accepted as a reason for performing abortion. In this case and subsequent cases, judges looked scathingly upon women abortionists because they were seen as having imperiled women's lives for what appeared to be a financial motive. Clearly poverty and need were not seen as acceptable reasons for committing the offence. Judge Martin did not allow the plea of ignorance of the law in the case against Josephine W. and “he could scarcely credit that she did not know the very serious nature of the crime...She would not have been solicited had it not been known that she was ready and willing to do what was asked...” Josephine received the most severe sentence for this charge amongst the cases studied. She was sentenced to seven years' imprisonment with hard labour on both counts.

In 1963 Lois S. pleaded guilty to being party to an attempt to procure a miscarriage, she was charged along with Richard Gould who was allegedly going to perform the operation. She was unmarried and aged twenty-two years. The defence argued that Lois was drawn into the affair and was ignorant of the seriousness of the offence:

This girl gives me the impression of being more worldly concerning these and other matters than she actually is.
The seriousness of the offence has only been brought home
Lois did not know about abortions in the “technical sense” and thought the woman was only going to be examined and given some “female pills.” Lois originally pleaded not guilty but later changed her plea to guilty.

The prosecution alleged that Lois was going to assist in the operation. In her statement Lois said that Gould had asked her if he could use her apartment to examine a girl. She agreed but later claimed that she did not know the serious nature of the examination. The detective said, “'surely you must have been suspicious'. She replied 'I didn't think anymore about it'.” The police officers, who were the clients, testified that Lois was boiling water in an aluminium bowl and contributed to the general discussion about the abortion equipment and process. They said that Lois seemed surprised when she learned that the patient could need two to three days to recover, suggesting that this was her first involvement in Gould's abortion practice. She handed the police a blue toilet bag, which Gould had dropped off earlier that day, and inside it was a catheter.

The probation officer wrote that it was “doubtful that she had prior knowledge of or involvement in Gould's activities.” For the probation officer, her inability to establish a “normal satisfactory relationship with a young man” was evidence of her “lack of adjustment” and instability. She had been engaged to three men and she had broken off two of the engagements. The male broke the last engagement, in 1962, and this was reported to have upset her more than anything before. She was described by the probation officer as:

a young woman whose poise, apparent independence and knowledge of the ways of the world are misleading as to her

---

30The Press 30 July 1963 p.16
31Criminal Trial File T/49 1963 Shaw, National Archives, Christchurch. The subsequent quotes are taken from this source.
intelligence, stability and degree of maturity...[Lois's] past experiences, immaturity and the influence of others should be taken into account.

Judge Wilson was influenced by the probation report and stated that he would take a “lenient view of you on this occasion” as Lois had a good work record and the “makings of a good citizen.” Lois was sentenced to two years' probation which the Judge emphasised was not complete exoneration and following any breach of it and she would have to appear before the court again for the crime of which she was just convicted. Gould received two years' prison. Lois was not depicted as being a criminal, as were other alleged abortionists, as it appeared that she had been lead astray by Gould.

Marian MacC. also pleaded guilty to the charge of unlawfully using an instrument to procure abortion in 1965. The defence counsel did not claim ignorance so much as her not being mentally sound at the time of the offence. This form of diminished responsibility, which was an effective defence in other reproductive-related offences, was used in attempting to mitigate the sentence. There were sound medical grounds for this defence. Marian had a long history of mental and physical illnesses: she had been admitted to general and mental hospitals twenty-six times. Two doctors testified that she was lacking in insight after she had had a leucotomy in 1949. Following this operation she was admitted to Seacliff Hospital where she was described as being: “euphoric, irritable, garrulous, intolerant, and totally lacking in insight...” 32 She admitted herself as a voluntary patient to Sunnyside Hospital in 1964. Doctor O’Brien wrote that:

> she may have to become a chronic certified inmate of a mental hospital. Though she is probably not certifiable at present a period in a mental hospital could I think be considered as probably a better alternative than a prison sentence...

32Criminal Trial File T/33 1965 MacCauley The subsequent quotes are taken from this source unless footnoted otherwise.
The probation officer reiterated the need for this form of care in her report: “Whatever the outcome of this case the prospect for the offender is permanent care in a mental hospital.”

The offence was described by doctors, the probation officer and by Marian herself as being the result of her “soft heartedness”. Doctor O’Brien wrote that she has:

- a very generous side to her very unstable personality...
- It could be this 'soft hearted' side of her nature that has prompted her to attempt the crimes that she has apparently been guilty of rather than a purely malicious or economic motive.

The probation officer described Marian as being “a mixture of practical competence and foolishness...she shows sympathy and generosity; she is both considerate, tactless, at times coarse... and yet very kind hearted...” Marian explained her actions to the probation officer by saying that:

- she had not thought the method dangerous to the girl because she had used it on herself ...and that her main reason had been to help the girls. She says that she has been a 'fool' and is now definitely 'cured' from doing it again. It appears important that she be safeguarded from any pressure to do so.  

Although it was agreed that Marian was of unsound mind, Judge Macarthur reminded the defence counsel that on being released from hospital she was held to be responsible for her actions. Despite the emphasis upon Marian's need for care in a mental hospital, the Judge in passing sentence was:

- prepared to accept the view..., you were not in full possession of your mental faculties at the material time and that you had lost your insight. But of course in law you are responsible for what you did. Moreover the law is that in pronouncing sentence the

---

31If Marian MacC. made a statement to the police it has not been kept with the Court files.
Court must impose the sentence appropriate to the crime notwithstanding your unfortunate mental condition; and that being so the sentence of the court must impose the sentence of imprisonment...

In terms of the rhetoric of the court, Marian received more sympathy from the Judge than did others who performed abortions for a profit motive. Marian was prepared to admit that her actions had been foolish, but unlike other alleged abortionists she appeared to have performed the operation out of a genuine concern for the woman and a desire to help. In passing sentence judges often portrayed this concern in more favourable terms than a financial motive. Marian was sentenced to two years' imprisonment. This sentence seems severe but Marian was aged sixty-years and older women were receiving harsher penalties for this offence. Her age and her mental instability may have made her appear more prone to reoffend. It was left to the Department of Justice to find more appropriate arrangements for her care if they were required in “due course”.

In 1960 Ruebena S. was charged with the unlawful use of an instrument in an attempt to procure an abortion. Ruebena was aged sixty-three years and had been tried previously for the same offence in 1936. Ruebena pleaded not guilty, although she had already admitted to the police that: “I inserted the catheter and left it in there about five minutes. I then took it out.” She also said that she had later burned the catheter in the rubbish bin. The defence claimed: “The woman [patient] was very vague as to what happened to her. The medical evidence did not point with any certainty to an instrument having been used”. This meant that Ruebena's statement was vital to the Crown and that:

It was a matter for the jury's conscience to decide whether the detective-sergeant should have warned the accused about not needing to say anything before she made a crucial admission instead of waiting until she did say it.

34A profit motive was mentioned in the trials against Josephine W in 1900; Agnes B. in 1937; Amy K. in 1948; Mary B. in 1954 and Ruebena S. in 1960. All of these women were convicted.
The statements were “made by a frightened old lady who only wanted to get out of being locked up...”35 This interrogation tactic was also employed by police in the case against Agnes B. in 1937, when she was not informed that she did not need to answer the charge until after she had given incriminating evidence. The defence counsel also questioned the method in which the admissions of guilt were gained from Mary B. in 1954.

In her statement, Ruebena claimed that she had been “pestered” by this woman to perform the operation: “She even cried and begged me to do it and like a fool I said I would. She led me to believe she was single.”36 When the police arrived at Ruebena's house she initially responded saying: “Why are you always bothering me. I told a man who came about six months ago I had given that business up. I know nothing about it, I never touched the woman.” When the police returned with the search warrants they did not find any instruments or drugs but a large sum of money in her handbag. She then admitted performing the operation and asked “Will I go for a skate over this?” At the police station Ruebena said, “Just to think that I have laid off this sort of thing for months and now to be caught by a bitch like this...” This last admission was crucial in her sentencing for, as in the case of Mary B., Judge Adams noted that: “this was by no means the only such offence she had committed since serving an eighteen month prison sentence in 1936.”

In seeking mitigation for the sentence, the defence counsel argued that the women knew of Ruebena because of her conviction in 1936: “she had been faced with importuning from persons who knew her name...It is unfortunate that once an abortionist has been convicted, her name seems to live in people's memories...” The defence quoted a passage

35The Press 20 May 1960 p.14
36Criminal Trial File T/14 1960 Shirley, National Archives, Christchurch. The subsequent quotes are taken from this source unless footnoted otherwise.
from the probation officers report which said that:

there was something in [Ruebena S.'s] background which made her unable to resist temptation to ‘do it again’, particularly with her limited income and resources...She now realised however that she must never offend in this way again...

Judge Adams believed that the woman did not remember Ruebena because of an event in 1936 and he was not sympathetic to Ruebena's financial circumstances. Again, as in other seemingly profit - motivated offences, the crime appeared worse if it was committed for money. Like Marian McC., Ruebena was sentenced to two years' prison.

In 1936 the defence counsel had also employed the tactic of reminding the jury that the prosecution’s witnesses were accomplices to the crime. This tactic was also employed by the defence counsel in the case against Ruebena S. in 1960 and also Amy K. in 1948. Critics of the supposedly low rate of convictions of abortionists believed that the prosecution’s reliance upon accomplice witnesses was the primary reason for juries acquitting abortionists. The effect of accomplice witnesses in Christchurch trials where the accused women were acquitted is impossible to gauge, however in these trials the witnesses tried to conceal the identity of the abortionist.

Attempts were made by the defence to have Ruebena acquitted by arguing that the witnesses were accomplices to the crime, and were being offered immunity by testifying against the accused. The husband of one of the woman stated: “I am quite aware of the fact that I had committed an offence myself. No promise was made to me that I would not be prosecuted.” Judge Northcroft interrupted saying the witnesses were not allowed to be castigated without giving a reason for doing so. The Judge in summing up stated that the
The doctor for the prosecution could also have been seen as being an accomplice witness as he was called in by Ruebena to perform a curettage when their were implications with the operation. He testified that:

\[\text{a miscarriage in an unmarried girl is always to my mind suspicious, I told the accused that I did not like those cases...[I] told Mrs. [S.] that I didn't want to be called to anymore cases. And I warned her of the risk she was running...}\]

The doctor performed the curettage which completed the abortion although he was not charged with being an accomplice. He had apparently been called in by Ruebena to complete earlier operations, as he admitted to having visited her several times.

In 1936 Ruebena was found guilty on two counts and sentenced to eighteen months’ imprisonment with hard labour. The defence for Ruebena S. in 1960 used a similar argument: “If there were no woman like the principal witness for the Crown there would be no women facing a charge of the type made against the accused...” Judge Adams again refuted the argument by saying if there were “no abortionists women could not permit illegal operations on themselves...” The jury could not acquit the accused solely because they thought the other women were going unpunished.

Amy K. was reputed by the Crown to have run her house as a place “where girls go for illegal operations...” In 1948 she faced five charges of aiding, assisting, counselling and

\[\text{\cite{Press15May1936p.6} Also reported in The Press 14 May 1936 p.3; The Truth 20 May 1936 p.11} \]

\[\text{\cite{CriminalTrialFileT/41936Shirley} \cite{CriminalTrialFileT/141960Shirley} \cite{Press29July1948p.6}} \]

The subsequent quotes are taken from this source.
procuring Joseph Tate to unlawfully use an instrument to procure a miscarriage on three women. Judge Fleming believed that the jury was entitled “to infer that a wholesale [abortion] business operated on the accused's [Amy's] premises...” Women were alleged to go to a chemist, George Bettle, to whom they would give fifty pounds and he would give them Amy's address. Amy would then communicate with a man named Tate who would come and perform the operation. Tate pleaded guilty to the charges against him and stated that he performed the operations with the assistance of the accused.

The narratives in the trial reflect the belief held by Otto Pollak that women were cunning and more likely to be the instigators of crime than the perpetrators. The Prosecutor said of Tate:

> he is a despicable and a guilty man himself. He seems to be a weak kind of creature who was called in by Mrs. [K]. He received the sum of only twenty-five pounds for these operations. He has nothing to gain by lying.

Amy was allegedly the instigator of the criminal activity. The degree of Tate's criminal intent was lessened by the Crown's depiction of him as being weak and under the influence of Amy. The defence counsel asserted that abortion was “a social evil of the greatest magnitude. But you are not the judges of morals”. Tate was clearly the villain of the piece and the sole culprit and was merely implicating Amy to have his sentence reduced. Amy admitted that she supplied the premises for the operations but claimed that she was only present when one operation was performed. Two of the three women died from the operations, meaning that only one woman was able to testify against Amy. This woman was operated on twice and claimed that Amy was present at each operation, had supplied Tate with the instruments and that Amy performed one of the operations.

The men responsible for two other women having abortions also testified. The defence
counsel again tried to shift the blame on to the men who brought the women to Amy for
the operations stating:

I don't think, in such cases in New Zealand, we've ever had
anything so pathetic as Moody and Saunders. The attitude of
the man on the street is that the accomplices to should be
brought to book.. Why sort out this poor woman?...All she did
was stand by.

In summing up Judge Fleming stated that, by her
own admissions alone, Amy was guilty
of all the offences. Yet he did not excuse the two men involved in the perpetrating of the
offence:

but at least we can understand their predicament. In their
ignorance they did not know that such an operation is a gamble
with death... But what can we say for those who make a trade
of it?- who, for gain, trifle with the lives of the daughters of the
people?... The fact that these people are plying their nefarious
trade is a constant temptation ... If you consider she is guilty- it
would be difficult for you to do otherwise as honest men...41

Ignorance was apparently an acceptable defence for the men involved in making the
arrangements for the women to have the abortions, although one man stated that he knew
it was a criminal offence. Yet it had not proved a sufficient argument for the defence of
women who performed the operations. This was especially true in the case against Amy
who had nursing experience, albeit that, she was not qualified and was unregistered. It
was perhaps easier for a male judge to understand the predicament of men who had got
women pregnant out of wedlock and needed a means to terminate the pregnancy than to
understand the predicament of a separated woman who at the age of forty-seven years
was trying to support herself. Again the operation appeared worse when it was performed
for money. Judge Fleming directed the jury to a guilty verdict implying that anything else
would be dishonest.

41Ibid 30 July 1948 p.3
To sum up then the most successful defence in earning acquittal was to question the identity of the woman who performed the operation. This achieved the acquittal of Mary B. in 1946 and 1954 and of Gertrude T. in 1937, as it cast doubt over the evidence given by the Crown. It was only used unsuccessfully in one charge against Mary B. Another popular strategy employed by the defence counsel was to remind the jury that the witnesses were accomplices to the crime who were testifying to escape criminal charges. Despite beliefs that juries acquitted on account of this factor, it often failed to earn an acquittal. In all of the trials where the defence was reputed to have used this strategy, the women were convicted.

In all the charges to which women pleaded guilty, the defence claimed their ignorance on account of their age or their mentality at the time of the offence. This defence was used to influence the judge in mitigating the sentence. It appears to have affected the sentencing in only one of the three cases in which it was used- that of Lois S. who was the youngest woman charged with such an offence. Her ignorance of the operation was also strongly argued in the probation officer's report. In other cases the women admitted their involvement in the operations to the police in interviews, but did not plead guilty to the charge. Amy K. and Agnes B. denied that they actually performed the operations and admitted only to assisting in the preparation. This argument was used in all of the cases when the women were charged along with another alleged offender for the crime. Frequently when the women had admitted to the offences but did not plead guilty, the defence could only argue that the witnesses were more guilty of the offence than the accused women.

Financial need was rarely used in the defence and was only mentioned in charges against Josephine W., Ruebena S. in 1960 and by the probation officer in the report on Mary B.
in 1954. The financial motive was sometimes mentioned by the judge whilst condemning women for placing other women's lives in peril for money. Financial need, although probably real in many of these cases, was not seen as justification for committing the offence by the judge or by the all male juries and made the offence appear more heinous. Abortionists were the oldest group of offenders found in this study, the youngest abortionist being aged forty years. The ages of the convicted women appear to have had a great influence upon the judge in passing sentence. Older women were given more severe sentences as older offenders were seen to be less reformable, especially given that two women had faced prior indictments for abortion, than younger offenders. The conviction rate of women and the severity of the sentences imposed on them, contradicts the notion of male chivalry, at least in abortion trials.

Notably, no women were convicted for having abortions performed upon themselves. This was not unique to Christchurch as Strange also found in Toronto that police did not prosecute women for having abortions. This may be on account of the belief held by Judge Adams that if there were no people willing to perform the operation there would be no abortions. In an attempt to prevent further abortions, abortionists' clients were perceived as being of more value as witnesses in trials against the performers of the operation. Strange found that: "It was not uncommon...for women to be threatened with criminal charges to coerce them into testifying against apprehended abortionists." The uncooperative witnesses most probably faced such threats as they obviously did not want the abortionists to be convicted. Only two of the seven women known to be unmarried had their names suppressed yet four of the nine married women who testified were granted name suppression. Ironically these trials only made public knowledge what these witnesses were often trying to conceal, an illegitimate pregnancy.

42Strange p.71
Chapter Seven

Violence against Adults - Male Victims

(1) Spousal Victims

Men were the next largest group who were most likely to be victims of women's criminal violence after charges of violence against children and the reproductive-related charges of abortion. Ten men during the period of this study were victims of women's violence. There were only four Christchurch cases in which husbands were the victims of this violence for which the following were indicted: Rosina M. in 1942, Madeleine D. in 1945, Kathleen H. in 1954 and Patricia J. in 1958. All of the women pleaded not guilty. Rosina and Patricia were convicted, but Patricia was not sentenced and Rosina was placed on probation.

The conditions in which these women lived were not unfamiliar to contemporary society, however many at the time felt awkward in questioning the actions of men within the domestic realm. Such cases were not unique to the twentieth century. In 1891 Thomas Hardy portrayed the situation in Tess of the d'Urbervilles where Tess is a woman trapped in an abusive relationship. She kills her abuser who Hardy portrays as deserving his fate. Tess received capital punishment but Hardy's description of the hanging, though fleeting, is "so wrenching that its dimension as angry criticism of society's intolerance and callousness is unmistakable."1 The conditions that battered women endured were known by society, but the women were condemned, as there was no legal defence that could gain their acquittal.

The condition known as "battered women syndrome" had not been coined when the trials

---

1Judith Knelman "Women Murderers in Victorian Britain" in History Today August 1998 p.13
found during the period of this study took place. However in three of these trials the women defendants testified to histories of violence from their victims. In 1977 Lenore Walker explained that “battered women syndrome” applies to a woman:

who is repeatedly subjected to any forceful physical or psychological behaviour by a man in order to coerce her to do something he wants her to do without concern for her rights.\(^2\)

Walker's definition does not require physical violence but appreciates that the condition can also be the result of psychological abuse. However it does require “repeated” abuse, this indicating that the women are locked in a cycle and it is supposed that from this cycle the women develop “learned helplessness”. It is described as a feeling of powerlessness, passivity and of diminished capacity for finding solutions to the problem or an inability to avoid the problem. Learned helplessness is the outcome of the cycle of abuse and creates problems when explaining the women's behaviour in Court.

In some countries battered women can be defended under the notion of “diminished responsibility” which recognises the history of violence and “learned helplessness”. New Zealand law does not recognise this defence and battered women can only argue self-defence or provocation. However juries may wonder why women did not leave the violent situations in which they found themselves, given the duty of retreat in self-defence pleas. Moreover, juries may question how the situation which stimulated the women to respond in a violent manner differed to other situations of violence which the women survived. Inside the courtroom then,

ironically, the women's status as a battered women might be a factor that detracts from rather than supports her plea of self-defence.\(^3\)

\(^3\) Ibid p.49
Juries might question whether the women really were in danger, given that they had survived the cycle of abuse until their retaliation. This thinking ignores women's physical weakness, the everyday fears of battered women and marginalises their histories of domestic violence as it focuses upon the immediate attack. It requires that the women were reacting to an immediate or imminent attack to justify their response. Self-defence requires that the women did not use force which was above what was necessary for protecting themselves. Self-defence pleas also have to prove that the woman believed her response was necessary and that any reasonable person in her situation would also consider it necessary.⁴

Provocation entails an identifiable act or speech of provocation by the victim which would deprive an ordinary person of self control and result in a sudden fury and an immediate reaction by the offender. Obviously this defence does not easily apply to battered women as it does not recognise their history of victimisation, but it is often the only plausible defence. The women need to explain why the provocation was more severe than other incidents and also why they stayed in the relationship or could not take another measure to avoid the violence. In each of the four cases in the Christchurch Supreme Court the defence counsel argued provocation, and it was never disputed that it was not the wife who had committed the assault upon her husband. However, provocation was only a partial defence and, unlike self-defence, would not gain absolute acquittal but could only reduce the sentence. The notion of “immediate reaction” caused difficulty in these cases when the women assaulted their spouses because the provocation did not always appear to be immediate, but a response to long term abuse. Self-defence was also argued in the defence of both Kathleen H., who faced the serious indictment of attempted

murder, and of Madeleine D. It is plausible that the defence counsel argued provocation to lessen the sentence in case the women were not acquitted.

Mr. Justice Northcroft presided over the trials against Rosina, Madeleine and Kathleen. There is little information available on the trial involving Rosina, yet it is known that she was aged fifty-seven years and had tolerated “shocking” and “brutal” violence from her husband. Rosina had admitted to the police that she assaulted her husband with a tomahawk which she found under the bed and had informed the detective that she attacked her husband because: “she was getting her own back.” To the police she accounted for his treatment of her to be the result of: “excess of drinking and association with other women.” On the night that she committed the assault Rosina had been drinking and claimed that she could not remember if she committed the assault. The police verified that when they saw her, “She showed signs of having had liquor and was in a nervous condition.”

Despite the evidence of brutal violence towards Rosina, Judge Northcroft stated in his summing up that, the “essential element in this case was assault...drunkenness was no excuse.” Furthermore “it was a pathetic case.” He urged the jury not to let sympathy for Rosina’s situation deter them from deciding whether or not she knew what she was doing. The judge acknowledged, however, that “the husband had been brutal and blackguardly”. The jury found Rosina guilty with a recommendation of mercy. Judge Northcroft sentenced her to two years’ probation and in passing sentence stated that: “He sympathised with accused in her position and realised that she had suffered a great deal of unhappiness because of her husband...” To describe the brutal violence, to which Rosina had been subjected, as causing her “unhappiness” appears to be an understatement. Patricia Eastell found that it was common for spousal violence to be trivialised in the courtroom. This hinders the interpretation of women's actions as being
in self-defence. Eastell notes that:

One can not be seen as killing in self-defence if the assaults one has been subjected to are seen as mere spats or 'marital problems'. By translating the precipitating violence into trivial language, the court... relegates it to the private domain and casts doubt on the notion that such violence could have been serious enough to make woman believe her life was in danger.¹

Judge Northcroft indeed thought that, “The tendency to drink was the cause of the trouble.” He did not say whose drinking he thought was the problem but Rosina clearly was responsible for some of the “trouble” as she was also sentenced to two years’ probation with a prohibition order.⁶

The charge against Madeleine D. was described by Judge Northcroft in summing up as a case, “where public interest was concerned,” thus taking it outside of the private domain. Madeleine D. was charged with “intent to do grievous bodily harm to Joseph D., she did do actual bodily harm, and further that she did assault [her husband] and cause actual bodily harm”. Madeleine was charged with assaulting her husband with an axe one night after he arrived home drunk. This case was unique amongst the cases studied in that Joseph never admitted that Madeleine had ever assaulted him and always claimed that he could not remember the event or his offender. The case only came to the attention of the police, when on the night of the assault, Madeleine went to the police station and confessed that she had assaulted her husband. It was made easier for the defence counsel to argue provocation when her husband stated:

I think I am a little bit bad tempered when I have it [alcohol]. That is one of the reasons that I ordinarily refrain from having it...I might have been bad tempered ...I must have been or else my wife would not have been provoked to do what she did if she did this to me. I don't know

⁶The Press 15 May 1942 p.6
who did it...I have a good wife...?7

Under cross examination about how much he had drunk, Joseph D. admitted, "Quite a lot, in fact I was mad with it...I generally get mad. They tell me I get very bad tempered... Goodness knows what I might have done." He confessed to remembering taking the axe into the bedroom and "scuffling with my wife at one part of it..." As her husband confessed to taking the axe into the bedroom, the defence of provocation became more plausible as the accused did not have to leave the scene of the event to fetch the weapon (which might have indicated premeditation and intention). Since the axe was already in the room Madeleine may have picked it up and used it during the heat of the argument or assault. The defence counsel was also able to plead self-defence since Madeleine’s husband remembered taking the axe into the bedroom and may have threatened her with it.

Madeleine did not give the police an official statement of the event, but the police gave evidence of what she said when she entered the station after the event. Madeleine walked into the police station late that evening and when asked the nature of her call she repeatedly said, "I am ill". She then said to the detective that she had:

had a row with her husband...that her husband had come into her bedroom...and that he had an axe in one hand and a knife in the other...she had got out of the house before he had a chance to hit her...that her husband was under the influence of drink... She said to me 'When my husband came into the bedroom and went to hit me he slipped on the mat and dropped the axe. I picked up the axe and hit him with it and he fell to the floor. When he went to get up again I hit him again. I then left the house.'

Madeleine was also very worried as to whether her husband was going to die. When she entered the police station she bore no marks indicating that she had been involved in “a scuffle” yet appeared to be seeking police protection. A doctor testified that the three

7Criminal Trial File CH.273 T/1 1945 Dack, National Archives, Christchurch
All of the subsequent quotes are taken from this file unless otherwise footnoted.
blows to Joseph D.'s head could not possibly be the result of slipping on to the axe.

In summing up Judge Northcroft stated that:

he could see no evidence that there was intent to do grievous bodily injury. Whatever did occur was not premeditated. The jury, he thought, could quite safely ignore the first count...any person assaulted was entitled to repel force by force.

This meant that Madeleine was believed to have been acting in self-defence. The issue was then whether she had used excessive force. The Judge questioned the events of that evening and whether:

the accused did more than was necessary in self-defence. It might be that Mrs. D. was so terrified that she would not be able to decide what force should be used... all the truth had not been told. 8

Judge Northcroft noted that “There was an evident desire on the part of the husband to protect his wife and accept the blame.” The Judge did not totally accept the husband's story or put any of the blame upon him. The jury was unable to measure the degree of provocation involved as they only had the story given by the accused. With no clear picture of events the jury could not convict Madeleine.

The degree of provocation and self-defence was also unclear in the case against Kathleen H., but this time the husband was trying to get the accused convicted. Kathleen was charged with attempted murder, and also that, with intent to do him grievous bodily harm, she had discharged a .22 rifle at her husband and assaulted him so as to cause him bodily harm. The defence rested on the rifle being accidentally discharged, that Kathleen acted in self-defence, and that she acted under provocation and was unable to control her actions. The prosecution claimed “there was no provocation here. It must occur

8The Press 16 May 1945 p.5
immediately before the act. The bickering and quarrels that had been going on were not
provocation at all.” Furthermore, according to the prosecution, there was not even
justification for self-defence in this case. To prove self-defence it had to be established
that Kathleen used force in defence of herself according to what she believed the
circumstances to be and that the force used according to this circumstance was
reasonable. Kathleen had made a statement to the police “in which she said she loaded
up the rifle with the intention of shooting him before he could do her any harm.” This
statement enabled the prosecution to argue that she had acted with intent.

On the morning of the offence when the police went to Kathleen's home at Waikari she
told a detective that “her husband had a terrific temper and because he was late for work
had taken it out on her. She told him about getting the rifle and said that her husband
made a grab for it, there was a struggle and the rifle went off.” When the detective
informed Kathleen that if her husband died she would be charged with murder, she
replied: “Well gentlemen you'll excuse me won't you, but in that case I won't be sorry nor
would you be if you had had to live the life I've had to with him.”

It was acknowledged by both the defence counsel and the prosecution that their marriage
was not happy. The defence counsel argued that Mr. H. had physically assaulted his wife.
In her statement to the police Kathleen, “complained that her husband had been knocking
her about for some time.” The defence counsel cross-examined Mr. H. about the
violence and he denied all of the assaults. Accounts were told by the defence counsel of
how Mr. H. “pulled her out of a chair, hit her on an eye and dragged her outside...”, and
also how he “flew at her, grabbed her by the throat, and pushed her over a low wire
fence...” Mr. H. denied all this violence, saying “I would not do that. It would not be safe.

Ibid 16 August 1951 p.8
She would half kill me. She is a big strong woman.” The police surgeon found a mark around Kathleen's neck which was consistent with a recent assault, “but not a serious assault” and it could have been caused by a finger nail or a thumb nail.

On the second day of the trial Kathleen took the stand. She claimed that she did not know who fired the gun, as it went off during the struggle for its possession. She testified that she had tried to hide the violence in her marriage from the police and the priest as she had hoped to “make a go of their marriage”. Kathleen began crying when giving evidence. Judge Northcroft told her that “in your own interests, you should try to pull yourself together...It does not help your case if you break down when the Crown Prosecitor questions you...”. Yet this did perhaps help her case, as it portrayed her as sensitive and not as a callous uncaring woman who could have injured her husband with intent. The defence portrayed Kathleen as, “a good wife, trying to save the marriage, and a good mother whose chief thought was for her children and not the cold blooded murderess the Crown would have them [the jury] believe”. Kathleen's crying on the stand highlighted her femininity, helped to disprove the notion of “cold blooded murder” and contrasted with her husband's testimony.

In summing up Judge Northcroft stated emphatically that there were no grounds for arguing that Kathleen acted under provocation, considering the lapse in time from when the argument occurred with her husband and when the weapon was used. He continued to say that nobody was entitled to injure another unless it was absolutely necessary and that she could have sought protection from the police or elsewhere. This statement reveals the lack of understanding inside the Courtroom about the circumstances that these battered women lived under and the helplessness that they felt inside abusive relationships. Judge

10Ibid17 August 1951 p.8
Northcroft reminded the jury that:

She said that she was in acute fear of her life and she told the police that she made up her mind that if one of them was to die it would be better for her to be alive to look after the children than her husband, who had no patience with the children. The jury might consider that this suggested intention on her part.\textsuperscript{11}

But the jury did not, even with the Judge directing them towards a guilty verdict. The defence counsel’s accounts of the domestic violence, and Kathleen H. crying on the stand while confessing to wanting to care for her children, may have been the determining factors influencing the jury who acquitted her of all three counts.

Patricia J. also testified to a history of domestic violence at her trial for assaulting her husband in 1958. This is the one Christchurch trial in the period 1900 to 1968 in which a woman was charged with violence towards her husband and the woman’s written statement was available. She was charged with assault causing actual bodily harm and common assault when she allegedly poured hot fat over her husband. The prosecution claimed that it was a “callous act” and there was no justification for it in law. The husband had got up one morning, made breakfast and then went back to bed. He was then woken by something hot burning his face. The husband could not explain why his wife threw the fat over him as he claimed they were in perfect harmony at the time of the offence. Yet he stated that: “At times his wife would get upset and he usually found it best to keep out of her way.” Under cross examination he admitted that he had been convicted twice for assaulting his wife and had had to resign from the police force because of a fight with another constable.

Patricia took the stand during the trial and stated that her husband had violently assaulted

\textsuperscript{11}Ibid 17 August 1951 p.8
See also \textit{New Zealand Truth} 27 June 1951 p.13 and 22 August 1951 p.9
her several times, that she had left him five times and taken proceedings against him twice. In her statement to the police, Patricia said:

My husband's behaviour towards me ever since we were married has been one of persistent violence and cruelty, and for no apparent reason he knocks me about and I think altogether I have left him on six or seven occasions. I am a Roman Catholic and do not believe in divorce and consequently I have tried in the past to patch things up between us and make a go of our married life.12

She stated that the night before the offence he had verbally abused her and spat in her face, and then stole money from her to go to a party. The next morning he refused to go to work. She brought him breakfast in bed and he verbally assaulted her. “I got upset and lost control and threw some fat over him.”13 In her statement she said: “I had got into such a state through his treatment of me that his behaviour finally got me down and I could stand no more....” This was reiterated by the probation officers report.14

The defence counsel did not just argue that the provocation was instant, but implied that it was also the result of years of being the victim of abuse: “It was simply untrue that she had poured hot fat over him without provocation...she had been goaded into it, and had been provoked beyond human endurance.” The defence counsel stated that she:

had had a terrible life with her husband; she had been kicked, nearly throttled, and assaulted in other ways several times. Although she had left him on many occasions she had returned when he promised to make good.

12Criminal Trial File T/37 1948 Jones, National Archives, Christchurch
The following quotes are taken from this file unless otherwise footnoted.
13Patricia's action, throwing fat over her husband's face, echoes the actions of the “vitriol” throwers. Like the vitrioler, Patricia used a “weapon” that was most accessible at the time. The damage however, was not as extensive as a vitriol attack.
14The probation officer's report stated that: “she lost control when he was nasty to her and threw fat at him. She says her husband then threatened to murder her and she went to a neighbour for protection...”
The evidence given by the defence showed the years of abuse that the woman had endured in an attempt to explain how she could finally “stand no more” abuse and resorted to the assault. This is the only case in which the cycle of abuse which the woman endured was undeniable and presented the obvious conditions required for battered women's syndrome. Patricia was physically assaulted and assaulted “in other ways”, and had been forced to work as he had not given her any money. The husband was described as “a no good waster” by the defence counsel.

This line of defence was unable to get Patricia a complete acquittal but was successful in gaining an acquittal on the more serious charge. Patricia had to be seen to be responding to direct provocation and not to years of mental anguish. With regards to the immediate situation Judge Hutchison stated that:

If the accused had been spoken to by her husband in the manner described by her, and had thrown the fat over him in the spur of the moment, it would amount to provocation. But she had had to go to the kitchen, fetch the saucepan, and bring it back to the bedroom...He could see no scope for a defence of provocation unless the accused was incapable of forming the intention of committing the offence. 15

The jury acquitted Patricia of assault causing actual bodily harm but found her guilty of common assault believing that she did not intend the offence. The years of abuse may have contributed to her acquittal of the greater charge, but the fact that she had assaulted her husband while he was in bed and in no immediate physical danger weakened the defence of provocation.

The defence of provocation and self-defence cannot be easily applied to the circumstances in which many women commit murder, and attempts to do so have been

15The Press 2 December 1958 p.24
largely unsuccessful. Jan Jordan writes that this is because:

Self-defence was formulated with two men of similar strength in mind, the classic bar-room scenario. Provocation refers to a sudden temporary loss of control and was devised initially to apply to situations where...men lost it.¹⁶

Both the defence of provocation and self-defence require a degree of immediacy in the response which is often not evident in cases where women are responding to spousal violence. The defence of provocation requires an act of provocation to which the women respond immediately and self-defence requires actual violence or the threat of immediate violence. The conditions of battered women do not fit well in to either of these defences. New Zealand law does not admit Battered Woman Syndrome as justification for murder. However the above cases might indicate that the key elements of the syndrome have long been seen by juries as a justification of women's non-fatal retaliation.

Both Madeleine and Patricia had allegedly assaulted their husbands while they were debilitated in some way. Both victims had recently been drinking alcohol: Patricia's victim was recovering from being drunk the previous night and Madeleine's victim was allegedly still drunk. This gave them a physical advantage over their husbands. By contrast Kathleen, using a more “masculine” method of assault, did not need to consider her victim's physical condition at the time. The degree of provocation was a central issue of all three trials outlined above. In two of the trials the prosecution argued that the provocation had to occur immediately prior to the event, making the assault spontaneous and in the heat of passion. In Madeleine's case, however, the prosecution's stance on the assault was unclear. The defence argued that in all three cases the provocation was immediately prior to the assault. Although the argument Kathleen had with her husband occurred before he left for work, he had made threats which indicated to her that he was

going to cause her physical injury when he returned. Both Kathleen and Patricia could therefore be seen to be acting in self-defence and under provocation, after years of abuse and the verbal abuse on the day of the assaults. The circumstances of Madeleine’s assault, however, were unclear. Nonetheless her defence, that she had been provoked by her husband’s actions, was supported by her husband.

If chivalry existed within the criminal justice system it would be expected to be found in cases where women had been abused by men. In the trial against Rosina M., Judge Northcroft stated that “He sympathised with accused in her position and realised that she had suffered a great deal of unhappiness because of her husband...” Yet this was the only statement made by the judge which revealed any sympathy towards the accused women. The defence counsel’s arguments of provocation were generally not accepted by the judge. In the case against Madeleine, Judge Northcroft believed that her husband was merely trying to protect his wife. In Kathleen’s case, he denied that provocation was relevant as too much time had lapsed from the time of the argument to the time of the assault. In the case against Patricia, Judge Hutchison stated that, as she had to go to the kitchen to get the fat, the act was premeditated and not in the heat of an argument. In all cases the juries appeared to be more sympathetic to the women’s situations than the judges were, indicating perhaps their possible acceptance of the condition which was later coined “Battered Women Syndrome”.

That the defence counsels had to rely upon self-defence and provocation meant that these women had to be depicted as rational and their actions as reasonable. This meant that the mentality of the women, which would have been central to a trial based upon “battered women’s syndrome”, was scarcely mentioned. Nanette Rogers argues that to base a

\[17\textit{The Press 15 May 1942 p.6}\]
defence upon “battered women's syndrome” is “explaining a woman's lethal defensive responses in terms of her mental aberration, it reinforces and underlines society's notion of the passivity of women.”\textsuperscript{18} The flaw in battered women's syndrome, then, is that it focuses upon the psychology of the battered women and not on the history of abuse. Clearly the advantage of not basing a defence upon the notion of battered women's syndrome is that these women's actions are treated as rational and, if convicted, they will not be sentenced to an indefinite period in a psychiatric hospital. Rogers argues that the best defence is self-defence, but that this needs to extend its definition of “reasonable” so that it encompasses the circumstances of battered women and can focus upon violence committed by the victim.

(2) Non-Spousal Victims

Husbands were not the only men who were victims of women's violence. In the period of this study six women were charged with violence against men who were not their husbands. Four of the accused women were convicted and two were acquitted. In one case the violence was fatal and the woman was charged and convicted of murder. In four of the cases the women knew the victims personally as either friend, landlord, old business associate or “boyfriend”. In two of the cases it does not appear as though the women knew the victims. The report on a woman charged in 1906 for assaulting a male did not mention any form of acquaintance between the offender and the victim. The other case was in 1955 when a young girl assaulted a man who had been regularly insulting her whenever she passed him in the Cathedral Square. The women in both these cases were found guilty. From these two cases there did not appear to be a correlation between the nature of the verdict and the fact that the victim was unknown to the assailant.

\textsuperscript{18}Rogers p.78
The defence counsel for the case against Myrtle L. in 1933 used an argument similar to the defence used in cases of spousal violence:

Way [the male victim] had provoked the woman to the last stage of mental endurance. It was quite evident that she needed protection. Her statement ... disclosed a very sad history. According to it Way had threatened her with violence. She attributed a breakdown in her health to Way’s actions...

Myrtle had been provoked into shooting at Way not just by the immediate argument, but by years of threats and blackmail until she could not endure anymore. She committed the assault because she believed that her life was in danger. The defence counsel stated: “If one believed that Way had blackmailed her, then one must believe that she needed protection.” Myrtle had shot at Way with a revolver which she claimed to have bought for her protection. According to the defence: “She sent him away by the only means she possessed in the house.”

Myrtle did not take the stand in the trial but was reported to have said that she intended “to do something to make him get out of her life.” She had lived apart from her husband for three to four years. Before she and her husband separated they were partners in a business where Way worked. Way became indebted to her. He had allegedly blackmailed her and threatened her. Way challenged every part of Myrtle’s statement and emphasised that he was the victim having had a gun fired at him and his name slandered by the defence counsel.

19The Press 5 May 1933 p.3 The subsequent quotes are taken from this source unless footnoted otherwise.
20The Christchurch Times 5 May 1933 p.6
21The exact nature of the blackmail was not mentioned in the Criminal Trial File or contemporary press reports.
The defence used the strategy of portraying the victim in degrading terms and implying that because of his actions he deserved the attack. This defence was emphasised and supported by Judge Macgregor who stated in his summing up:

There is no doubt that this man is an absolute rotter and a waster... and probably a blackmailer... If there was ever an excuse for shooting a man, this was probably a good one... it was difficult not to have some sympathy with the prisoner...

Although Myrtle admitted that she had meant to hit Way, she pleaded not guilty. Judge Macgregor told the jury that “The evidence was clear that she shot the man, and they the jury would be quite entitled to find her guilty on her own statement.” The Judge clearly expected and wanted the jury to find her guilty and appealed to British patriotism when, in summing up the case, he stated “We are living in a British community and we cannot allow what is called ‘gun play’. If every man who outstayed his welcome was shot, there would be very few of us left”. Apparently it was a man’s prerogative to outstay his welcome. The fact that this man was a “waster” was no excuse for shooting him. The jury were out four hours and unable to reach a verdict. The case was not as “simple” for them as the Judge had predicted. The following day, before the jury retired to consider its verdict, Judge Macgregor told them that “It was of much importance to the general public of New Zealand for, by your verdict today, it will go forth from Christchurch whether a person can shoot another who refuses to leave his or her house when requested.”

In his summing up Judge Macgregor strongly directed the jury towards a guilty verdict. There was to be no justice for the woman who had spent years being blackmailed by this man and threatened with poison and violence. Myrtle was found guilty of discharging a rifle at Way and recommended to mercy: “On account of extreme provocation and mental distress.” The jury proved New Zealand to be representatives of a good British

22The Press 6 May 1933 p.6
community. 23

For Myrtle the purchase and use of the weapon was not only for self protection but also for retribution. The defence of protection was used again in the case against Una M. who was aged twenty-one years in 1955. Una bought a knife to protect her from a man whom she claimed had been pestering and threatening her. In her statement she claimed:

The man called me names like molls and said I was fit for the gutter, and black whores, and other names and used filthy words to me... Lately the man has got more threatening towards me, and has said he would like to take me down a dark lane and tear me about, and has said that he would get me alone and do things to me... I became very frightened of this man, and got really scared of him... I thought this man might really do me some harm... 24

She said that she bought the knife “only for my own protection. I felt I was on my own, more or less, living in fear and dread of what he might do to me... I did what I did tonight in self-defence and with the intention of frightening this man off me.” On that night she had challenged him to act on his threats and a fight broke out between them. In the midst of it Una used her knife and slashed his face. “I did this because this man was always threatening me and made me frightened... I was thinking only of scaring him, to stop him following me all the time. I did not have any thoughts in my mind of trying to harm him very much, just to frighten him...” For over a month Una had tolerated the abuse from this man whenever she was in the Christchurch City Square with her friends. The defence argued the need not to view the offence as the result of one incident but as the result of a culmination of episodes “running continuously from beginning to end.” The defence counsel claimed that Una had been provoked into the attack by the victim’s continuous abuse of her and used the knife to protect herself from the immediate threat of violence.

23 The sentence passed upon Myrtle is unknown.
24 Criminal Trial File T/4 1955 Meha, National Archives, Christchurch
The following quotes are taken from this source unless footnoted otherwise.
During the trial of Una the prosecution implied that Una might have provoked Dixon’s attention by her manner of dress. Two witnesses testified for the prosecution on what Una was wearing at the time of the offence. A woman witness only saw the event because she had noticed Una’s stylish clothing. A male police officer also noted that Una was wearing slacks, a short black coat and white socks. At a time when slacks on women were very modern and still considered by some as being distasteful, the prosecution portrayed Una as using her clothing to draw attention to herself. The probation officer echoed this belief in her report noting that Una may use clothing to cover an underlying lack of poise and security ... Her clothing is also an indicator that her social attitude is at present focussed on a teen-age level ... Her behaviour seems to indicate some exhibitionism and immaturity.

Moreover the probation officer believed that her clothing suggested a degree of experience with men which Una did not have. Una’s sexuality, which was related to her clothing, was also an issue during the sentencing with the influence of the probation officer’s report that related the manner in which Una dressed to her lack of attachment to a man.

Una was also been tried in the lower court for three charges of theft, one of a bike, another for bed linen from the hospital where she worked and another of a two piece suit. The defence used these thefts in trying to mitigate the sentence by showing “what a state of mind she had reached.” Una had already been convicted of theft for which she served one year’s probation. The thefts confirmed to the probation officer that Una was immature. Both the defence counsel and the probation officer argued that Una’s immaturity would make her respond well to probation.

25The Press 23 August 1955 p.3
The probation officer's report concluded of Una: “There seems to be self-will, instability and immaturity in the offender's character that would lead to lack of self control under strain...” This argument influenced Judge Adams who stated in sentencing that: “She was overwrought...and the thought flamed through her mind to rush at Dixon with the knife...but she was carried away beyond intention...” Moreover the jury was urged to consider “What an unpleasant person Dixon was.” At the time the police were interviewing Dixon for similar abusive behaviour towards several other women.

Judge Adams told the jury: “I am of the opinion that there is no evidence here on which any reasonable jury could hold that the use of the knife amounted to a use of force no more than necessary for the purpose of self-defence...” The basis of the defence case was that Una had used the knife under apprehension of grievous bodily harm and believed: “On reasonable grounds that she could not otherwise protect herself from...grievous bodily injury.” According with the Judge's belief the jury found her guilty of assault but acquitted her of intent to assault. As in the cases of spousal violence, there was immediate provocation and Una reacted instantly. However, the method of self-defence that Una used was deemed to have used violence that was greater than was necessary and she was convicted. In sentencing Judge Adams stated:

"The community cannot tolerate the use of knives and other lethal weapons, and there must be punishment such as may deter not only you but others from acts of violence of that kind...It is, however, impossible to disregard the seriousness of such an attack, no matter what mitigating circumstances there were..."

Like the case against Myrtle L., the Judge emphasised the social importance of the offence and the verdict's effect upon the community. The case was not to stand on its own merits but that the jury had to also consider the social implications of their verdict.
Acquitting the women might be seen as lending approval to the use of knives and guns and also as setting a precedent for acquittal in subsequent trials of this nature.

Judge Adams appeared to accept the argument that the offences were committed as a result of her “adolescent naivety” and “immaturity”. The Judge made no reference to Una’s clothing. Una was not blamed for provoking the attack but only for responding with an unreasonable degree of force: “I am inclined to believe that what happened was the result of a sudden and almost uncontrollable impulse at the very end of an episode in which you...had been treated badly, and stood in some need of protection...” The Judge expressed “sympathy” for Una and believed that the man was “very much to blame” for the attack as he “had acted in a very foolish manner.” Una was sentenced to six months in prison and one year’s probation.

Despite a series of previous convictions the Judge believed that Una was reformable, stating: “I do believe that you are not a bad girl and that there is some prospect that you may hereafter lead a normal and honest life.” The Judge held the Lombrosian view that assumed when Una formed a relationship she would, “lead a normal and honest life” under the influence of her husband. This opinion was also evident in the probation officer’s attention to Una’s lack of attachment to a male which implied that Una would reform once she had formed an attachment.

Daphne Mc. also had been convicted twenty times before she was charged with two males for robbery and assault causing actual bodily harm in 1960. In this case Daphne’s prior convictions were taken as being a result of her “feeble-mind”, however, this condition meant that Daphne was not reformable. She was the only woman found during this study who was described as being feeble-minded. Zedner found that this “condition” was a concern at the turn of the nineteenth century but it was not mentioned in the
Christchurch Supreme Court prior to this trial.

Feeble-mindedness was incurable and believed to be hereditary. According to the probation report, Daphne Mc.’s family was “notorious ...[and] poor materially and morally”. The probation officer implied that Daphne’s criminal behaviour was inherited from her parents, from whom she “had an early introduction to anti-social behaviour and what might best be described as ‘parasitical’ ways of living”. Daphne was unable to lead a normal life, living “with and off her friends, mainly persons ...with criminal records or in the borderline fringe of heavy drinkers and easy spenders...”

The probation report continuously reinforced the judgement that Daphne was of low intelligence. In discussing a previous offence, the officer stated: “Considering the nature of her other offences it seems there may have been the influence of a more intelligent person in this case.” Moreover she has: “Fluent speech and a clean, neat appearance which tends to be misleading in regard to her intelligence...at times [she] showed conventional feelings...but she does appear to be lacking in any insight.” Daphne was not seen as a normal woman and “has been found inaccessible”.

Attempts at reforming “feeble-minded” women were inappropriate as the women were seen to be mentally deficient and were thought to be incapable of making correct moral judgements. The Secretary for Justice wrote of Daphne Mc.: 

She has been described as being of low intelligence, irresponsible and easily led. At liberty she tends to idleness and criminal associations with the inevitable result that she is quickly in trouble again. All that we know of this woman, her background, personality and mentality, weaknesses and her criminal history, give little hope that she will change...

26Criminal Trial File T/24 1960 McIntosh National Archives, Christchurch
The following quotes are taken from this file unless otherwise footnoted.
Lacking insight was one of the major elements in cases where the defence attempted to prove the defendant insane. Daphne was also held not to have insight but because of her mental deficiencies, but she was not deemed insane. Daphne had shown that she was "feeble-minded" by her persistently anti-social and criminal behaviour. For this reason the preventive detention report written by the Department of Justice stated that:

As she is but thirty years of age the Court may consider a further finite sentence but such as may convince her that further offending will almost certainly be met by an indeterminate sentence. If that were the mind of the Court, it is not to be supposed otherwise than that the inevitable is being deferred.

Daphne's "feeble-mind" meant that she was ineligible for the rights of "normal" citizenship and her freedom was going to be lost with an indeterminate sentence. However Zedner found in her study that there were concerns to remove women deemed to be mentally deficient from the prison system as they were unresponsive to the rewards and punishments applied. While there was pessimism that Daphne would be deterred by a further prison sentence there was no suggestion of removing her from a penal institution and putting her under psychiatric care.

The complainant in the charge against Daphne was a man who had known her for some time and visited her frequently. Judge Adams considered that:

There is something to be said in your favour, in that Barry was no stranger to you, and your previous relations with him may well have been such as to render your crime less heinous than it would have been had the attack been made upon a stranger...

A female attacking a stranger was seen in less favourable terms than assaulting a friend. Barry had apparently lent her money frequently but refused to do so on this occasion.
The Press reported the case as a stereotypical offence:

The woman, using a time worn stratagem, had lured the victim into a disused hut whereupon the two [men] had beaten him up...while the woman took his money.

On account of Daphne's “feeble-mind”, she was held to be the instigator of the assault but the judge thought that “It may well be that the crime was pursued by the two male prisoners with a degree of violence which you never contemplated, and for which you may not be wholly responsible...” The other two men involved in the assault, Martin and Howard were sentenced to prison for twelve months and eighteen months, respectively.

In passing sentence Judge Adams told Daphne that it was evident she was “Unable to control [her] criminal tendencies, and therefore the sort of person for whom the sentence of preventive detention is intended... in order that the community may be protected from [her] criminal activities.” She was sentenced to eighteen months' imprisonment but threatened with preventive detention if she appeared before the Court again. She was convicted only of attempted robbery as it was established during the trial that it was her two male associates who inflicted the bodily injury upon the victim and that she only took his wallet.

One other woman was tried for non-fatal violence upon a man. Tessie Z. was charged with firing a gun at her landlord in March 1935. She was aged forty-one years and married. The offence appeared to have been committed because of poverty. Her husband was a relief worker and since Christmas they had been unable to keep up the rent payments. The landlord threatened to take proceedings to evict them. The landlord had earlier forced his way into the house and taken the sewing machine to sell for rent. He had tried to enter on another occasion. Mr Z. bought a .22 calibre rifle and placed an

27The Press 26 May 1960 p.10
advertisement in The Press: “Anyone entering upon the premises at 20 Bligh St. New Brighton, for an illegal purpose do so at their own risk”.28

On the day of the alleged offence the landlord went to the house with a land agent and prospective buyer. Allegedly Tessie threatened to shoot him. Her landlord claimed that she did fire at him and that one bullet hit the side of his little finger. She claimed that she merely threatened to shoot then let off three fire crackers. Tessie claimed that she only intended to frighten her victim and not to inflict injury. The defence counsel argued that if she had meant to injure, Tessie would have aimed properly. Bullet hole marks found above the door indicated that, if she had fired the rifle, she did not aim at the victim. No rifle shells were discovered nor was there evidence of fire crackers on the floor. The land agent agreed that three shots went passed but nobody saw who held the gun as it was fired from inside the house. The rifle smelt as though it had recently been fired, three bullets were missing from the container of thirty, and Tessie was at home alone. She claimed to have put the cracker cases in the fire and burnt them; yet the fire was cold. Tessie was found not guilty of intent to assault, but guilty of assault. She was ordered to come up for sentence if called upon in the next twelve months.

The defence argued that the event was the result of a “culmination of disputes” between the accused and the victim. For this reason Tessie deserved pity as she “had been pestered for weeks and weeks of terrorism so that her nerves were in a lamentable state...”29 In seeking to mitigate the sentence the defence counsel claimed that Tessie “Was in a nervous state. She came from a respectable family and had borne good character...” As with the defence of Myrtle L. and Una M., Tessie Z. was portrayed as being the recipient of prolonged harassment by the victim. This provoked her into acting as she did; an act

28Ibid 9 March 1935  
29The Star 16 May 1935 p.6
which appeared contrary to her otherwise good character. In sentencing, Judge Johnston was influenced by the defence counsel’s portrayal of Tessie's character and described her as being an “unfortunate woman” for being in the situation she was in, although noting that it was her own fault.\textsuperscript{30} The Judge was pleased to be able to release Tessie at the end of the hearing.\textsuperscript{31}

Two women were charged with fatal violence upon men. One woman was found unfit to plead and no information is available on the case. The other woman, Barbara M., was charged in 1956 with the murder of a male friend. The trial opened Barbara M.'s private life to public scrutiny. Yet the trial was scarcely reported by the press. The defence counsel claimed that Barbara was under the influence of alcohol and too drunk to be able to have formed any criminal intent - an unusual defence when Barbara was in charge of driving a car. She was charged with the murder of her boyfriend by twice running him down in her car. She had let her boyfriend out of the car and the defence claimed, hit him when she was doing a U-turn to pick him up again. After hitting him, she continued a little way and hit him a second time while attempting another U-turn. The defence counsel had to establish that Barbara had no motive for forming the intent to kill her boyfriend. To do this it was crucial to prove that Barbara did not know that her boyfriend was trying to reconcile his marriage. Moreover, that she did not know that he had spent the previous night at his wife's house and that he had telephoned his wife on the night of the offence. After retiring the jury sought confirmation that Barbara was unaware of these factors before passing a verdict. In summing up the Judge stated that if the accused was suffering from the mental condition of jealousy it was easier to see the intention to kill or cause harm. However many witnesses stated that she was very jealous over Leslie (her boyfriend): “She was fairly infatuated with him but he was not quite the same way with

\textsuperscript{30}Christchurch Star 16 May 1935 p.6
\textsuperscript{31}Criminal Trial File T/1 1935 Zuppich, National Archives, Christchurch
her. She was a wee bit jealous of the deceased with regard to other women.\textsuperscript{32}

The focus of the trial was upon how much alcohol had been consumed by the witnesses, the accused and the deceased prior to the offence. The reliability of the witnesses was called into question when there were obvious discrepancies in their testimonies concerning the times of the various activities on the day and the quantity of alcohol drunk. Moreover the key witness for the prosecution failed to mention visiting a pub - trying to protect the publican who had served them drinks after hours. Both the defence and the judge questioned the reliability of this witness's testimony. The key witness had been travelling in the car with Barbara M. when she let Leslie out. He said that they had been having an argument when Leslie said, "Let me out I'm sick of this niggling" and "I'll walk back and get a taxi." After letting him out Barbara apparently said, "I'll make sure no other bugger gets him." In summing up the Judge questioned the reliability of this witness's evidence as he was in the car with the accused and the deceased and yet could recall nothing of their argument. Without this witness's testimony the rest of the evidence would have been circumstantial.

As Barbara M. admitted that she was driving the vehicle, the task of the jury was to decide whether the running over of the deceased was a deliberate unlawful act or whether it was an accident. In summing up the Judge stated that a person can be found guilty of murder without having the intention to kill: "If the offender means to cause to the person killed any bodily injury that is known to the offender to be likely to cause death and is reckless whether death ensues or not." The Judge believed that running a man down twice was likely to cause death and that motive was not essential. Drunkenness, he thought could lead to temporary insanity, but the defence of insanity was not raised. The

\textsuperscript{32}Criminal Trial File CH 273 T/3 1956 Mercer National Archives, Christchurch
All of the subsequent quotes regarding this trial are taken from this source.
question was not whether Barbara M. was drunk or sober but whether she was able to form an intention. Intention could still be formed despite being drunk. Doubt about Barbara's intention led the jury to find her guilty of manslaughter. This verdict may have been influenced by the possible death sentence had Barbara been convicted of murder.

Barbara M. was a divorced woman, which may have meant that she was perceived to be of doubtful character. The probation report revealed that there was “Gossip that during the war Barbara was associated with other men while her husband was away...neighbours revealed the impressions that [Barbara] M. lead a gay life during the war with parties attended by the servicemen and that after the war terrible quarrels occurred between [Barbara] M. and her husband...” Barbara described the war years as when she “found her feet”, and realised that she “deserved more consideration from her husband.”

The probation report tried to determine who was to blame for the divorce. The local constable in Blenheim, where she lived her married life, blamed both Barbara M. and her husband for the quarrels after the war. “She probably had a violent temper but her husband was...a nasty, sarcastic type...he had heard at one time that Barbara took to her husband with a knife...” Barbara was described by her acquaintances in terms which accorded to a feminine stereotype. She was moody, inconsistent and unpredictable, “a very unusual type”, “a muddler”, temperamental, and fond of male company. Barbara was seen as a good house-keeper, cook and mother. All through her marriage the “children were her main consideration”. When the children left home, Barbara complained that the “home was lonely”. The probation report claimed that factors which were relevant to the offence were her concern for the children, her ex-husband's “apparently happy second marriage” and the “inability of a comparatively young woman to form any permanent attachment among a wide group of acquaintances and friends.” This somehow signified Barbara M.'s emotional instability.
The Judge sentenced Barbara M. to seven years’ in prison. The probation report did not treat Barbara M. very sympathetically and this may have resulted in the lengthy prison sentence. The sentence was appealed as the defence counsel claimed that the Judge “was in error in stating that it was the practice of the Court to impose sentences of from ten to twelve years imprisonment in such circumstances as were disclosed at the trial.” The counsel reviewed the sentences for women during the past decade “who, having been charged with murder, were convicted of manslaughter.” However the number from which this sample was drawn must have been very small. It was claimed the pattern was that women were habitually treated more leniently than men, and that the Judge had not taken Barbara M.’s sex into account in sentencing. The defence counsel expected that women should be treated more leniently in Court and that sex was a consideration in passing sentence. The Court did not accept this view and the appeal was declined on the grounds that: “A hundred other circumstances may all be relevant to the degree of criminal culpability and therefore relevant also to the punishment that should be imposed...” This statement, in 1956, supports the feminist criminologists’ argument from the 1970s about the lenient treatment of women within the criminal justice system. They argue that there are other factors which influence the treatment of alleged offenders rather than gender, such as their age, the seriousness of the offence and their demeanour. The judgement on the Barbara M. case noted that: “Each case must be considered in the light of its own circumstances and in the light of the character and circumstances of the offender... [considering] his character, education, upbringing, health, age and so forth...” Indeed in passing sentence on Barbara the Judge acknowledged that he would mitigate the sentence on account of her character “and all the circumstances of the case”.

In the trials in which men were the victims it was often argued that the men had acted in some manner which led the women to commit the offence. Myrtle L. and Una M.’s
victims were described as “wasters” and had caused much emotional suffering for the women offenders. This defence was supported by the Judges. When threatened with the loss of her house, Tessie Z. was also provoked into threatening her landlord with a gun which the defence claimed that she never fired. The Crown was unable to prove otherwise. The man who was victim of the assault instigated by Daphne Mc. also was held accountable to some degree for the assault as the Judge stated that: “Her previous relations with him may well have been such as to render [her] crime less heinous...”. Three wives who assaulted husbands were able to testify to histories of assaults from their husbands and another woman claimed that she was responding to a direct threat. Although this argument of provocation did gain a degree of sympathy for the women accused, it was not enough to completely exonerate the offenders. The trials in which the married women were acquitted contained doubts about the assault as the husband’s testimonies were not trusted. The cases against Barbara M. and Daphne Mc. were the only trials in which the defendants did not argue provocation by the victims. These women were also dealt with less sympathetically in sentencing, as they did not conform to stereotypes of respectable women. Appealing to the accused woman’s good character, respectability and, when appropriate, her good motherhood skills, were still effective methods for the defence to gain sympathy from the judge in mitigating the sentence.
Chapter Eight
Violence Against Adults - Female Victims

Women were also the victims of violent crimes committed by other women. Only five women were indicted in the Christchurch Supreme Court for violence towards other women in the period 1900 to 1968. Two of the victims were the offenders' mothers. The other relationships between the victims and the offenders varied: one woman was a friend and flatmate; one victim was the offender's domestic servant and another was the wife of the offender's lover. Each case therefore was exceptional and shared very little common ground except for the same sex of the offender and victim. In both the cases in which the victim was the mother of the offender, the charge was murder. Both mothers were killed by being beaten and the women charged confessed to committing the offence. The defence in both cases rested on insanity. Nonetheless the cases were very different as one murder charge was against a fifteen-year-old daughter and her friend, and the other indictment was against a woman aged forty-eight years. All three women charged were convicted of murder.

(1) Intimate Violence
This century no New Zealand murder trial with a female assailant has been as sensationalised as that of Pauline P. and Juliet H. The crime was committed in the context of an increasing influence of American youth culture upon adolescent New Zealanders, and the age of Pauline and Juliet was important to the trial. Doctor Medlicott for the defence claimed that “Adolescence has been a factor for both accused... The achievement of adult sex adjustment and social responsibility is hazardous...” The doctor believed that adjustment to adolescence could result in “arrogant megalomania”. A doctor for the prosecution claimed that Pauline's diaries could not be used as evidence of insanity since
“I would say that adolescence is commonly a very conceited age and that very often in the diaries of adolescents there are to be found recorded the most conceited opinions without the adolescent having any firm and fixed belief in what had been written...”

The extent of the influence of the rising pop-culture was a cause of concern for the older generation as was the moral code that went with it. It has been claimed that during the trial the prosecution questioned the connection between the murder and the “corrupting influence on adolescents of the American mass culture...” Diaries which were written by Pauline and used in evidence mentioned movies, novels and pop musicians, however no link was ever established between their influence and the murder.

When the defence opened its case in the trial against Pauline P. and Juliet H. it stated that it was “clear beyond dispute” that the two girls had killed Mrs. P. but that “The sole but very important issue in this case concerns the mental capacity, the sanity or otherwise, of these girls when they committed their ill-conceived and disastrous assault.” Before the defence opened its case the prosecution had already refuted the argument that the two girls were both insane. The prosecution maintained “That this plainly was a callously planned and premeditated murder, committed by two highly intelligent and perfectly sane but precocious and dirty minded girls.” This argument was made easier for the prosecution as it was able to draw evidence from a detailed dairy written by Pauline right up until the morning of the murder. For the prosecution, the diary revealed how they became more under the “sway” of evil as Pauline described in a detached manner the plans for the murder. There was evidence from Pauline’s diary that she had wanted her

2The Press 25 August 1954 p.12
3Ibid 24 August 1954 p.12 During the trial there was much attention given to the “nature” of Pauline's and Juliet's relationship. It was popular thought that they were lesbians, hence the idea that they were “dirty-minded”.

213
mother to die from as early as February 1954. It was later written about in detail from 19 June 1954 until the murder was committed on 22 June 1954. On the evening of 21 June Pauline wrote: “We decided to use a brick in a stocking rather than a sandbag....So next time I write in the diary mother will be dead. How odd, yet how pleasing.” At the scene of the crime there was a half brick lying not far from the body and one stocking. The nearest rocks were fifty yards away, and so the death was no accident. Pauline's father and Juliet's mother testified that there had been concerns about the intensity of the relationship which developed between Juliet and Pauline but both claimed that they never considered their daughters might be insane. Yet Pauline's parents had taken her to a doctor for a psychological assessment and Juliet's were considering taking the same action for Juliet.

Neither Pauline nor Juliet testified at their trials, thus the diaries and the evidence given by medical experts became central to the trial. Medical witnesses were called by the defence counsel to prove insanity and by the prosecution to prove sanity. The trial was reduced to a battle to prove whether the girls were mad or bad. Psychiatrists for the defence argued that “These were problem children, adolescents whom competent medical opinion considered insane; two mentally ill adolescents, not brutal criminals”. The prosecution argued that “These two young people have most unhealthy minds, but their unhealth is badness and is not insanity at all.” A psychiatrist for the defence introduced the notion that the accused girls suffered from a paranoia of folie a deux: “It is a form of systematised delusional insanity.” This was evident by their Exaltation of mood and a general sense of grandeur. ... I consider the mental stability of one of the accused has affected the stability of the other. One might say they act as resonators, increasing the pitch.

*Criminal Trial File CH 273 T/10 1954 Parker and Hulme National Archives, Christchurch. The following quotes are taken from this file unless otherwise footnoted.

Under cross examination this doctor for the defence testified that both girls knew at the time of the offence that their actions were “considered wrong” both legally and according to the community's moral code. Therefore they knew the nature and quality of the act. This cross-examination greatly undermined the case for the defence. To prove insanity it had to establish that the girls were

under disease of the mind to such an extent as to render such person incapable of understanding the nature and quality of the act and of knowing that such act was wrong.

Although this medical witness believed that both girls were certifiably insane, his evidence resulted in greater support for the prosecution than the defence.

The girls' morals were under close scrutiny throughout the trial as the defence psychiatrists argued that they followed their own moral code:

The moral defences against evil had almost completely gone...they had weird ideas. They said they had their own paradise, god and religion...

There was certainly evidence to support the existence of a fantasy world on which they acted. The diary was central to the trial and it revealed that both girls “have engaged in shoplifting, toyed with blackmail, talked about and played with matters of sex.” It was believed that Juliet and Pauline had a lesbian relationship, yet there was never any proof of this, only their close friendship. The prosecution stated that they were “dirty minded” and had an “unhealthy relationship”. The defence counsel argued that “their homosexuality was a symptom of their disease of the mind,” thereby implying that their lesbianism was proof of their insanity: “Homosexuality and paranoia are very frequently related.” This doctor also linked their intense relationship to their adolescence:

Before developing mature capacity to love a person
of the opposite sex the adolescent frequently goes through a stage of forming passions for a member of its own sex - what everybody terms as adolescent pashes...

A psychiatrist for the prosecution claimed “There is no relationship between active, expressed homosexuality and paranoia.” For the prosecution, their alleged lesbianism was evidence that they were bad. The intensity of the girls' relationship was used by both sides to reinforce the arguments of the girls as either bad or mad.

Evidence that the girls lived by their own moral code was used by the defence to explain why neither of them showed any remorse for committing the the fatal violence. After committing the offence Pauline stated “We are both sane. Everybody else is off the mark...” A defence psychiatrist claimed that they knew what they did was wrong by community standards, but “Not on one occasion have I been able to get either of the accused to acknowledge that what they did was morally wrong to them.” A prosecution psychiatrist said it is unusual for a criminal to regret committing the offence as they only seemed to regret being caught.

There was also much focus on the physical health of the two accused during the trial as both had suffered from severe health problems. These physical health problems were held accountable, to some extent, for the perceived mental problems. One psychiatrist noted that their health problems resulted in “a feeling of being unusual and of having defied death.” Doctor Medlicott for the defence pointed out to the jury that

A younger sister of [Pauline's] is a mongolian imbecile in Templeton. Her parents' first baby was a 'blue baby' which died at birth. Those things raise a query as to the stock from which she comes.

Under cross-examination the prosecution questioned Doctor Medlicott:

Could not your statement give the impression there was hereditary insanity in the
Reiper [Pauline P.'s] family?
-No, there is no evidence of hereditary insanity.
-What did you mean by it?
- Simply, out of a family of four the first one died, the second one is normal, the third one suffers in my opinion from paranoia, and the fourth one is in Templeton.
-But what did you mean by it?
-Just that it suggested defective stock.
-Does it mean hereditary insanity?
-No, I have not suggested that...
His Honour: Do I understand that the fact that one child died and another is a mongolian imbecile has no bearing on the accused [Pauline] P.'s sanity or insanity?
Medlicott: I think that they did. I think it has significance that a family has just one normal child.

During the time of the trial hereditary causes were still believed to contribute towards mental and physical illness. The belief that unfit could only breed unfit was popular from the beginning of the century and was still espoused by the Gluecks in the 1930s. It was obviously still believed by some in 1954. According to Julie Glamuzina and Alison Laurie: “It is likely that opinions about Pauline P.’s ‘stock’ seemed sensible to many observers and may have been accepted as an indication of her alleged insanity.” An entire family could still be tainted if one member was deemed to be mentally ill. Since the mental deficiencies were believed to be hereditary it was unlikely that the girls would be reformable. Doctor Medlicott believed that the two accused were “grossly insane, readily certifiable and he also considered them incurable.”

The trial was reduced to a battle between psychiatrists. Judge Adams noted that there were three psychiatrists for the prosecution yet only two for the defence, but that the verdict was not to be a matter of “counting heads”. The accused had confessed to committing the offence and the case rested on the medical experts to prove their culpability. In summing up Judge Adams stated that this was a borderline case. That the doctors had merely differed on the degree of mental aberration and was no reflection

upon the medical men concerned. Disease of the mind was essential to the defence but

It was not in itself a sufficient defence. The law does not relieve persons of criminal responsibility merely because they are insane. The insanity ...must...render the person in question incapable of understanding the nature and quality of the act...and of knowing that such an act...was wrong.

The Judge further stated that

Our law does not exonerate on the ground of irresistible impulse or on the ground that a person knowing the wrongfulness of the act is by disease of the mind impelled nevertheless to commit the act. Grave crimes are almost invariably committed by people who know they are doing wrong but who nevertheless, by some perverse and wrong mental processes see justification for what they do. In some cases unhappily that springs from disease of the mind, but, in such cases, the only question is did the accused know that the act was wrong?

The Judge believed that all people who commit crime suffer from some form of “perverse and wrong mental processes”. The question in all criminal trials can therefore only be one of the degree of mental imbalance.

The trial lasted four days and in summing up Judge Adams concluded:

No medical man has given evidence which would be necessary for the defence to establish that either of these girls did not know that the act was morally wrong...It is not sufficient to suggest that an accused person has erected some peculiar private moral standard of their own... 'that what was illegal and immoral I might commit without infringing my own code of morality.' That is no defence in law.

Judge Adams emphasised that four doctors believed that the accused knew what they did was morally wrong and that the one other doctor was not questioned on the issue. The Judge concluded:

You really have no option but to hold the accused guilty of murder on the ground that the defence of insanity of the required nature and degree has not been proved.
Judge Adams admitted that it was impossible not to believe that the girls suffered from some abnormality of the mind but questioned whether it amounted to a disease of the mind or insanity. Despite the Judge's acknowledgment that the two accused must have suffered from some form of mental disturbance, they were found guilty by the jury. Though the death penalty had been reintroduced in 1950, persons under the age of eighteen years were not to be hanged but to be detained "during her majesty's pleasure."

There had also been concerns of the mental health of Nola L. before she was charged with the death of her mother in 1966. This case was not as sensationalised as the case against Pauline P. and Juliet H., although both cases involved matricide. The difference in the degree of publicity was probably because of the youth of Pauline and Juliet and that Nola's crime was not premeditated. The defence for this case also rested on insanity as Nola eventually confessed that she voluntarily killed her mother. Following this admission she took unsuccessfully a suicidal overdose. Nola had a history of mental problems and in 1962 Doctor MacLeod had noted that she:

Has been exhibiting symptoms suggesting psychomotor or epileptic equivalents...During these attacks she becomes abusive and sometimes violent, talks in an overbearing manner, is interfering and generally disturbs the household.  

Then in 1963 another doctor noted that her problem

Is a tendency too easily to take refuge in alcohol and drugs in the face of stress...She now complains of anxiety, tension, headaches, and will admit grudgingly some recourse to drugs and alcohol.

In the psychological evaluation report after the offence in 1966 the doctor noted that

She tended to be both depressed and paranoid, with drinking, sleep, recurrent worry, and psychomatic problems. Neither gross psychoticism

---

7Criminal Trial File CH 273 T/9 1966 Lorimer
The subsequent quotes are taken from this source unless otherwise footnoted.
nor homosexual interest was, however, indicated. Brain damage disease effects were not shown on her responses nor was retardation observed.

Her symptoms were noted to have been suspiciousness and extreme vigilance. It appears as though an indication of homosexual interest would have clearly indicated a form of mental disease, but it was not detected.

Nola had mental disturbances but the changes had been borderline and not “in themselves diagnostic of a compulsive background” in 1962. However, by 1966 she was described as showing

Consistent signs...of a serious psychoneurotic personality disturbance ...impairment in abstraction capacity...depressive and paranoid nature ...massive use of mechanisms of denial of hostility and projection against a life background of maternal domination...

Her “paranoid state was now residual in expression.” The defence called four medical experts to support the contention that “At the time of the killing she was labouring under a disease of the mind to such an extent as to render her incapable of understanding the nature and quality of the act or of knowing that it was morally wrong having regard to the commonly accepted standards of right and wrong.” The Crown only called one medical expert to argue that Nola was sane.

As in the trial of Pauline P. and Juliet H., there was clear evidence that Nola L. displayed mental abnormalities, but the question again concerned the degree of these abnormalities. The defence asked rhetorically: “Was the woman who wielded the barometer which crushed her mother's skull, and used the knife which cut her mother's throat a sane one?” The implication was clearly that Nola L. must have been insane to commit the offence. This reflects the contemporary view expressed by the Department of Justice that abnormal people only commit murder. 8 From the 1960s feminist criminologists noted

8Department of Justice 1968 p.49
that, women's crimes only were increasingly taken as evidence of the alleged offender’s insanity. Yet Hilary Allen also notes that it is this alleged “madness” of female offenders that caused the “courts to go on perceiving their female offenders as ‘relatively normal women’ and it is often their apparent conformity [to feminine stereotypes] and competence that make them so acceptable as psychiatric patients.”

Women may typically suffer from mental disturbances, especially at certain times of the month. In Nola’s case the psychiatrist for the Crown stated:

I finally formed the opinion that the crime... was probably due to her impulsive nature while under her menstrual period, and precipitated by the circumstances of the mother-daughter quarrel... menstrual matricide was well recognised by psychiatrists.

Menstrual difficulties had long been recognised as a defence for women's offences, even before the term Pre-menstrual Syndrome was developed. The idea of menstruation being a time of particular stress for women was officially noted two years after this trial in a book published by the Department of Justice in Crime in New Zealand, which noted: “The hormone activity tends to leave a woman more vulnerable than at other times.”

According to a local criminologist of the period there has been extensive research which linked women's offending to the menstrual cycle and some which only link the detection of women's crimes to menstruation, believing that women are generally clumsier during this period and hence more likely to be caught. These beliefs followed the much older theory of Havelock Ellis’s that it is important to detect at what stage of her menstrual cycle a female offender is when she commits a crime.

---

9 Allen, Hilary p.xi
10 The Press 13 May 1966 p.3
11 Martha Brixley was acquitted of murder in England in 1845 on the grounds of insanity resulting from “obstructed menstruation.” Scarecrows p.94
It was established during the trial that Nola L. was menstruating at the time she committed the offence. The prosecution claimed that she was not acting under an insane impulse but was instead influenced by her menstrual mood change. Pre-menstrual Syndrome was not a defence by itself for a murder charge, but required evidence of an abnormal mental state. One witness stated that:

When she had her menstrual periods she was very distressed. Sometimes when she was talking her eyes would go blank, so that she seemed to have drifted away.

She was reputed to have had those unusual eyes the morning of the offence but “when [Nola] returned home ...the witness did not look at her sufficiently closely to say if there were any change in [Nola’s] eyes.”

Thus Nola was depicted by the prosecution as a woman who was a prisoner of her biology with her mental health being determined by her reproductive cycle. This argument, however, was not used to support the plea of insanity but rather to show Nola as a normal woman who experienced menstrual mood swings.

In her mood swings, Nola L. was being portrayed as “womanly” and not insane. Her menstruation cycle may have merely coincided with her committing the offence, but the coincidence was seen as a causal influence on her violence. Her period made the crime believable to the jury, but it was not accepted as an excuse for the offence, nor did it classify her as insane. It was accepted that women’s moods changed during their menstruation cycle and that women were more likely to commit crime when affected by this cycle. As Nixon claimed in 1974:

Convincing statistics show the relationship between crime and crisis in the lives of women. That most female crimes occur premenstrually,

13 The Press 10 May 1966 p.3
that crimes of violence increase during menopause and so on, are commonplace. They cannot however be used to "explain" female crimes. There is a danger that in excusing female crime as we do we will forget the need to explain its occurrence, and overlook its prevalence. The jury would more than likely have been aware of this alleged "commonplace" relationship between women's crime and menstruation.

The defence counsel claimed that Nola L. killed her mother in a frenzy and was unable to stop. Nola stated that, "There was no intention whatever in my mind to harm my mother when I called, as I absolutely adored her..." When the pathologist was questioned by the defence counsel and

Asked whether it seemed that the delivery of so many blows must have resulted from the assailant being in a frenzy... the witness agreed that so many blows was rare... Does it appear like someone delivering blows and not being able to stop doing so?-- Yes.

The defence used evidence of Nola's background to explain how it affected her mentally. She had married a man nine years her senior and was threatening to leave him when he was mysteriously burned to death while he slept in his bed. Nola "was not anxious to pursue this theme in any detail." She was left financially well off and married a man fourteen years older than her. Later she had to bribe him with five hundred pounds to divorce her. Nola was then forced to enter "a man's world" as she

Had thus been left...with the responsibility of bringing up her two children on her own, and had made great sacrifices to give them what she herself had lacked - a happy home...

Nola became "a woman competing in a man's world." This became

too much for her and... she resorted to alcohol, sleeping pills and sedatives to keep going...She had always been troubled by her

---

14Nixon pp.87-88
15The Press 10 May 1966 p.3
menstrual periods and life was becoming more burdensome... At the end of last year Nola was at the end of her tether.

Outwardly she appeared fine but inside she was suffering from a mental disease. Her de facto husband from 1960 to 1963 said that “at times her whole mental perception was changed, so that she was impervious to the reasoning of a normal person. When she came out of these turns she would have no recollection of them.” He left her as her condition worsened.

During the trial the prosecution called evidence in which Nola L. stated: “Over the last three months I have been feeling the strain of work, particularly during certain periods of the month.” As both Hartman and Shapiro found, it is difficult to determine whether this was truly how Nola felt or whether she was portraying herself in a manner which would most likely fit the public expectations of her matricidal offence. She certainly was taking “nodulars and one anatensol tablet a day as a tranquilliser.” Social commentators were uncertain what effect working in the public sphere would have upon women and women's criminality. In suggesting that she was having trouble coping with running a business and was needing drugs to cope, Nola L. may have modelled her defence in the terms which were offered to her by the Court and in the terms which were believed to be most likely to earn her acquittal. Alternatively, she may also have had a problem in accepting her own actions and may have genuinely internalised a widely accepted narrative to help her understand her actions - as Shapiro suggests.\footnote{Shapiro p.86}

The medical experts called by the defence could not agree as to the medical condition Nola was suffering. It was explained as being a psychoneurotic personality disorder, as depression related to menopause, and as psychomotor epilepsy. As evidence of Nola's “more than unusual personality”, the defence highlighted that she had married twice and

\footnote{Ibid 10 May 1966 p.3}
that her mother was married three times, implying that it was inevitable that Nola would have a personality disorder with an unstable mother. Yet Nola was portrayed as a good mother who did her best for her children and was “kind and considerate to her employees, to her mother and to people in general.” Nonetheless Nola was convicted. The defence of insanity had been undermined by the prosecution's presentation of the defendant as merely suffering from normal menstrual mood swings. The prosecution concluded “It will be a sad day when we can kill, and escape the consequences because our emotions happened to momentarily overflow.”

The verdict was appealed. The defence counsel claimed that the Judge did not explain to the jury that finding the accused insane did not mean that she would then be released; he did not explain the consequences of the verdict. Moreover the Judge did not explain the defence counsel's evidence which supported the insanity plea and did not show photos of the crime which might have helped the plea of insanity. The appeal was dismissed. The defence of insanity was not used in any other cases studied in which women were accused of allegedly killing or injuring other women.

Dorothy M. pleaded guilty to attempting to poison her lover's wife in 1951. The defence could only appeal to Dorothy's unhappy upbringing and unfortunate circumstances in trying to mitigate the sentence: “Having regard to [Dorothy's] troubled background, counsel submitted that she was entitled to a measure of leniency.” Dorothy had attended a school for mentally retarded children where she was found to be “dull and difficult.” She had been in the care of the Child Welfare Department as a child and was aged twenty-three years at the time of the offence. She was on “intimate terms with the man, Stace, husband of the complainant...He seemed to have made some protestation of

---

18The Press 13 May 1966 p.3
19Ibid 14 April 1951 p.8
love...” Dorothy declared:

"I am in love with Mr. Stace and he tells me that he is in love with me...I cannot explain my actions and I did this on the spur of the moment. I did not intend to kill Mrs. Stace...[but if she] had a suspicion that Mr. Stace and I were on friendly terms, she may leave home... I now understand that it was a very foolish thing to do..." 

Dorothy M. was also presented as the victim that had been lead on falsely by a man who had taken advantage of her. The defence counsel argued that: “If it had not been for Stace’s conduct the prisoner might not now be in the dock...The complainant was never in any real danger. It was a sordid case.” In passing sentence Judge Northcroft told Dorothy:

"Your case has caused me a great deal of trouble because I am not anxious to send you to prison. But it seemed to me that reformatory detention was the only thing that would stabilise you, for you appear to be emotionally unstable and dangerously irresponsible."

Dorothy possessed feminine qualities that made her “dangerous” and needed stabilising. Some criminologists believed that female criminals possessed “unstable chemistry”. While Lombroso had found that there were few hysterical female offenders, by 1974 Nixon claimed that an “hysterical personality” was common among women.

By contrast, Raey B. was described in terms which suggested that she was the opposite personality type to what the Court would have expected of a female offender. She was described in the medical report as a devout Roman Catholic, “devoted to her husband and family”, above average intellectually, sensible and it was “unlikely that she would lose control”. Raey B. pleaded not guilty to four charges of assaulting her female domestic servant. Raey was active in The Plunket Society, Play Centre and P.T.A. groups, and was

---

20 Criminal Trial File CH 173 S/20 1951 Mee, National Archives, Christchurch
The subsequent quotes are taken from this file unless footnoted otherwise.
21 Nixon p.88
22 Ibid p.97
“well respected” in the community. She was aged thirty years with five children and was trying to adopt their foster child. The probation officer believed that the offence “Arose from an extraordinary and unfortunate interaction of the personalities of the girl and the offender.” Judge Richmond believed it was “An instance of a revival of an attitude towards domestic help that [he] had hoped had been forgotten centuries ago.” Raey’s apparent intelligence which was recorded in the probation report and her social involvement only made the offences appear all the more callous.

The defence stressed her maturity and that she had displayed no signs of aggressiveness prior to this allegation. Moreover Raey had recently suffered from several minor illnesses and was under considerable stress and strain. In trying to mitigate the sentence the defence explained that

After all the publicity she has been exposed to over the five months she might well crack if sent to prison and havoc be created in her home. The stigma of prison will be on not only Mrs. B. for her life, but also on her children.

Raey was portrayed as a normal, respectable woman who was proud of her home and family whom she could not bear to be separated from and which could not function without her. The feminine stereotype was accessible to Raey, as it was to the middle-class women of Hartman’s study. Judge Richmond made it apparent that the criminal justice system was not equipped for dealing with women who apparently fit the stereotype of ideal womanhood:

I am faced with the grievous task of passing sentence on you, a mother of five children and a person of good upbringing and character and no previous record...I feel it my inescapable duty to impose a sentence of imprisonment on you, but having regard to-

23Criminal Trial File T/44 1960 Bell, National Archives, Christchurch
The subsequent quotes are taken from this file unless otherwise footnoted.
24Hartman p.76
all the good things about you, I will minimise that sentence as far as I possibly can. 25

Despite many Judges claiming that there are few extenuating circumstances in the law, this was apparently one of them. Raey was sentenced to four months gaol but the sentence was mitigated out of consideration for her family. The Department of Justice noted in 1968 that few women with children were then imprisoned partly because the courts recognised the side effects of it. Courts did not like to withdraw mothers from their families since mothers were the most “anxious and unhappy people” in prisons as they were unable to perform what they and society viewed as “their major duty.”26

The defence for Enid H. rested on the belief that the complainant was the type of woman who would be more likely to appear in the criminal justice system. In 1964, Enid H. was accused with firing a gun at her flatmate over a financial issue. The flatmate, Jordan, had previous convictions for theft and burglary. Enid had stopped paying rent and Jordan had approached a solicitor about payments. On discussing the matter Enid apparently approached Jordan with a rifle and fired it. Jordan's past criminal record was used against her by the defence counsel who claimed that “she was lying to cover up what had really happened.” She was presented as being of dubious character. In summing up Judge Macarthur observed that “The jury could well think that Miss Jordan was a prudent liar and a dishonest person with a very strong motive for lying.”27 The defence showed that the case was open to a number of interpretations. The pathologist did not believe the complainant's account of the incident. Another doctor claimed that the wounds on the flatmate could even be self-inflicted. As there was no definitive evidence to support either of the claims for the prosecution or the defence, Enid was acquitted.28

26 Department of Justice 1968 p.280
27 The Press 6 February 1964
28 Criminal Trial File T/10 1964 Halstead, National Archives, Christchurch
Cases in which women were charged with serious violence against other women portrayed the defendants as being emotionally unstable. The obvious exception to this was Raey B. Yet it was noted that she was also suffering from “considerable stress and strain” as she had not had a holiday since she was married. The other cases where the defence claimed insanity (the trial of Pauline P. and Juliet H. and Nola L.) were battles between psychiatrists. Insanity was the only defence for women who were charged with killing their mothers. Despite evidence of previous mental illnesses, (especially in the cases of Nola L.), the juries could not excuse such a crime and in these cases the women were found guilty.

(2) Non-Intimate Violence

(a) Nursing - Related

Five women were indicted with nursing-related offences during the period of this study. One indictment was found to be a no bill, three were acquitted and one was retried, (the verdict of which is unknown). Four of the cases involved issues of neglect and the fifth was for deliberate ill treatment. These types of offences are similar to the case in which women were charged with violence towards their children. The similarity highlights the nurturing and caregiver role of nurses. The high acquittal rate also indicates the reluctance of the jury to scrutinise women's performances in such ideally feminine professions. Four indictments involved three cases of neglect in which the patient died and the nurses were charged with manslaughter. One nurse, Ivy Mc., was charged with common assault and ill-treating a mental defective. In each trial the professional performance of each nurse went under scrutiny. That death was the result of the nurses' actions was not disputed, but the defence proved that the deaths were accidental and not the fault of the nurses themselves. The deaths were the result of unintended injury, but the issue during these trials was whether the deaths were avoidable. As Judge Johnston
noted, in summing up the case against Edith F. in 1934, “The death of the patient demanded an answer, as it was apparent that somebody had blundered.” 29

The case against Edith F. illustrates this argument. One of her patients died after Edith administered carbolic acid instead of a soap solution. It was never disputed that Edith was the nurse who administered this solution, but the carbolic acid had been where the soap was kept. Edith could not have been held liable for making this mistake, although the prosecution claimed that she should have been able to distinguish between the carbolic acid and soap solution. The prosecution noted that “The accused had been matron of the Kaikoura hospital, a very responsible position and had borne the very best character and reputation.” Clearly, “It was a tragic mistake”; 30 and that for Judge Johnston did not constitute “actual negligence”.

The further three trials against nurses also had to prove death through actual negligence and the defence again argued that it was unintentional and unforeseen. One was in 1905 against Susan W. and Mabel A. and another in 1906 against Georgina B. Both Susan and Georgina owned nursing homes. The charge against Georgina B. was retried. She was charged with the death of a baby that was born in her nursing home. Her patient gave birth to the baby unattended by a nurse and the baby died. The case against Susan W. was more fully reported in the press coverage of court trials. Susan W. ran a nursing home which was reputed to save “many girls from the asylum”.31 The accused was said to have great skill and knowledge by Doctor Symes who had recommended that his patient be sent there. This patient, Cuddon, was placed in a straight jacket which was strapped to the head of the bed by Mabel A.. The patient suffocated from the pressure of the straight

29The Press 7 February 1934 p.5
30The Christchurch Times 7 February 1934 p.11
31The Lyttleton Times 4 August 1905 p.3
jacket on her neck. Mabel A. was not tried for her indictment as she was not held responsible for the death since she was acting under instructions from Susan W.

Three doctors testified in the trial about the ethics and safety of straight jackets and being tied down in them. Nobody expected that strapping the patient down could have caused her death. The defence counsel claimed that the patient was being restrained to keep her warm and in bed at night, as one of the nurses testified it would have been “extremely dangerous for the patient to get a chill.” According to the defence counsel: “If Mrs. W. thought that what she did that night was for the benefit of the girl it was not an unlawful act.” The prosecution stated that it was the “Excess which rendered the act unlawful.”

The actions that Susan W. took exceeded what was lawful and necessary. It was unlawful to have patients in straightjackets strapped on to a bed and that they should be kept on mattresses on the floor.

Ivy Mc.'s professional performance was also her main defence against the charge of assaulting a patient in 1961. The defence counsel also undermined the evidence given by the victim by highlighting that this patient was apparently “almost from the feeble-minded class”. Nurse Foster claimed to have seen Ivy Mc. trying to get Clark to bed by dragging her down the corridor by her arms and hair and kicking her to get her up. Foster assisted getting her to the bed and then Ivy Mc. pushed Clark on to the bed from which she somersaulted hitting her head on a cupboard. Clark was however laughing the entire time and the defence claimed that it was strange that the girl laughed while receiving blows. Extensive bruising was later noticed on Clark, and Ivy was questioned on the matter. During the trial it was established that the victim was a difficult patient with the “normal mischievous tendencies of a six year old child”, although Clark was much older than this. She was also reputed to bruise easily. Nurses testified that Clark was especially
fond of Ivy who helped her with her studies. The prosecution used this evidence to claim that Ivy was being unfairly harsh to Clark to try and terminate Clark's bond to her. Nurses and doctors however also testified that Ivy was a good worker, an efficient nurse and that there had been no prior complaints about her.

In her statement to the police, Ivy Mc. stated that she had at times slapped Clark with her hands:

I might have pulled her hair but I have never at anytime kicked her...It was always when she played up...Some of the allegations are untrue...I could have slapped her face...I could be responsible for some of the bruising...

The defence disputed this statement claiming that the detective used many of the words. Her statement was written under the detective's direction as she was answering questions directed to her. Despite this statement in which Ivy Mc. confessed to using limited forms of disciplinary violence towards Clark, she was acquitted. Judge Richmond may have influenced the jury towards this verdict when he stated in summing-up: “It is also common sense that when dealing with patients who are recalcitrant a nurse can use a reasonable degree of physical compulsion to maintain the routine...” The jury then had to decide whether the force which Ivy Mc. had confessed to using, and the force she was alleged to have used, were beyond that “reasonable degree”.32

These women were being tried as nurses and thus their private lives were not mentioned during the trials. However their performance as nurses was central. In each trial witnesses testified to their competency and whether the women could be held responsible for the deaths or the assault. The sex of the defendant was ostensibly irrelevant to the trial as their biology was not explicitly related to the charge. These women were not acquitted on

32Criminal Trial File T/37 1961 McIlwrick, National Archives, Christchurch
account of chivalry but because of recognition of their professional competence.

(b) Serious Motor-car Related Offences

Only three women were indicted with causing death due to negligent driving, and one woman for manslaughter related to a motorcar accident, during the period of this study. One of these charges was found to be a no bill, one woman was acquitted and two women were convicted. Two of the women, Gladys V. and Nancy H., who were charged with causing death due to negligent driving, claimed that the accidents occurred because their visibility had been impaired. However prosecution witnesses in the case against Gladys disproved this defence, when she claimed that she hit a male pedestrian while the lights of an on-coming car dazzled her. Witnesses stated that there was no other car coming from the opposite direction. Gladys was only eighteen years of age and did not have her licence. She was driving the car belonging to a family friend while they were going to a dance one night. In her statement to the police she claimed “I have not yet considered myself proficient enough to go for my Driver’s Licence, Mr. Kitto was giving me some instructions in driving while on this journey.” When the accident occurred Kitto claimed that he was driving and was prepared to take the blame for the accident until Gladys later confessed. The Judge stated that it “Showed a good deal of moral courage in [Gladys] coming forward to the police.” 33 Kitto was found not guilty and Gladys was fined ten pounds and was disqualified from gaining her licence until 1941. 34 Nancy H. claimed that her vision was impaired by the position of the sun as she was approaching a railway crossing. She was travelling slowly because she knew that there was a rail crossing, but she did not hear the whistle or the bell and could not see the crossing keeper until only a short distance away. The brakes did not work when she applied them, so she used her handbrake and stopped on the middle of the train line. She was not aware that there was

33New Zealand Truth 18 May 1938 p. 11
34Criminal Trial File CH 273 T/4 1938 Vivian, National Archives, Christchurch
anything wrong with the brakes until she went to use them. Apart from this indictment she was reported as being an “otherwise perfectly respectable woman.”35 The indictment was found to be a no bill.36

Information was only available on one other charge against a woman for a motor car-related offence. Janet G. was charged with manslaughter when she opened the car of her door so that it hit an on coming cyclist and killed him. The defence counsel argued that Janet G. had taken care in opening the door, as she claimed in her police statement, but that the victim was drunk and rode straight into the door. The victim was intoxicated and not in full control of his bike. Witnesses testified that the cyclist did not seem able to help himself and did not use his arms or legs to support himself when he fell off his bike, which they believed would be the reaction of a sober person. A scientist confirmed that there was a high alcohol content in his blood and he did not think that the cyclist would be able to have proper control of his bike. The prosecution claimed that Janet G. had failed to take reasonable care and had committed “an unlawful act”.37 Janet was found not guilty.38

There were comparatively few women indicted with motor car-related offences during the period of this study. For the first three decades at least there were perhaps few women drivers as the first indictment was not until 1929. Notably there were no women indicted in the Christchurch Supreme Court with death relating to a motor accident from 1943 to 1961. As the rate of women drivers on the road increased, it might be presumed that, the rate of fatal indictments would also increase. The cases were presented in factual terms

35The Press 10 February 1943 p.4
36Criminal Trial File CH 273 T/1943 Haack, National Archives, Christchurch
37The Press February 1961 p.11
38Criminal Trial File CH 273 T/12 1961 Grigg, National Archives, Christchurch
and apparently the sex of the defendant had no bearing upon the trial. The judges were more influenced by the character of the defendants and the circumstances of the accident. It appeared that they were not the types of people who would intentionally cause an accident.

39The report of the trial against Gladys V. in *New Zealand Truth* described her as, “an attractive girl” and then later as a “pretty girl”. However there was no evidence that such sentiments were expressed in the Courtroom. *New Zealand Truth* 18 May 1938 p.11
Conclusion

As other studies have found, women's violence, as recorded in trials in the Christchurch Supreme Court, was predominantly aimed at their children and reproductive-related. This appears to be a continuation of a trend that was present in the nineteenth-century. This trend began to alter with the increased availability of reliable contraception from the 1930s and, perhaps, the tendency to use abortionists. Although there was no statistical evidence that the use of abortionists increased in Christchurch during this period, contemporaries were convinced that it had become common by the 1930s. From the 1930s the total number of charges for concealment of birth within the Magistrates' Court dropped. A corresponding drop can also be seen in a drop in the total number of charges for murder. This suggests that women's "reproductive related" offences dominated women's murder charges, as they followed the same trend. The study of women's indictments before the Christchurch Supreme Court confirms this belief. Of the eighty-four indictments before the Supreme Court, thirty-three of the indictments could be seen as arising from women disposing of their unwanted babies or children.¹ Twelve women were indicted for concealment of birth. Of the fourteen murder indictments within the Christchurch Supreme Court, nine victims were the defendant's children, and in seven of these indictments the victims were still babies. Two of the three attempted murder charges involved children and one of these was also a baby. Of the ten manslaughter indictments, five victims were children, two of which were neonatal. Presumably if the accused women had had access to contraception, the pregnancy would have been avoided, as would the criminal indictment.

None of the trials studied in this sample of infant-related offences displayed the horror

¹This figure includes all of the concealment of birth and "neonaticide" indictments, the six women indicted for abandonment of babies and seven women indicted for the murder and manslaughter of what I have termed "older" children.
that has surrounded the myth of Medea. This probably is the result of the defence counsel presenting the women defendants as being respectable women of good character. This was especially true when women were indicted for crimes related to neonaticide and concealment of birth. The sense of horror was also lessened in the more violent and less typical cases by psychiatrists diagnosing the defendants as being mentally ill. This defence aroused pity instead of blame. There could only be a sense of horror in cases where women were held fully responsible for the offence. Diagnosing women as being mentally ill meant that they could not be held responsible. It also meant that the women could still comply with popular notions of the female stereotype which held women as being mentally unstable and prisoners of their biology. Such explanations were readily accepted in the courtroom when no other reasons for women deviating from popular notions of “womanhood” were offered. The trials were reduced to determining whether the defendants were “mad” or “bad”. This is illustrated in the case of Pauline P. and Juliet H. who were convicted of matricide. That the two accused were held responsible for the crime created a sense of horror, but the horror lessens depending upon the degree of mental aberration that is accorded to the two accused.

As the narratives of women indicted for infant-related violence were not unique to the twentieth-century there was not a trial that set a precedent for subsequent trials. However the psychiatric influence in these trials increased in the twentieth-century as expert witnesses diagnosed offenders as suffering from puerperal mania, lactational insanity, and menopausal psychosis, to name only a few conditions. The influence of psychiatry was not unique to cases involving concealment of birth or neonaticide. It was also employed to explain crimes that were so violent that they were seen as being contrary to women's supposedly passive and nurturing nature. Psychiatry was used to try and explain abnormal behaviour in otherwise respectable women. The sex of the offender was central
to these trials as often the mental illness that these women allegedly suffered was seen to be directly related to their biological functioning.

Criminological theories explain women's violence through the concept of women's natural and proper role. These theories have had an undoubted influence upon the treatment of women appearing within the criminal justice system. Women who appeared to conform to these roles were treated more leniently in sentencing and were held as less responsible for the offence. Thus defence counsel frequently portrayed women defendants as Madonnas; as respectable women of good character. Despite the birth of an illegitimate baby, the women were frequently portrayed as being the victim of false promises and abandonment. These women were thus portrayed as respectable “fallen” women who could be reformed and who needed help. The motive for the disposal of an illegitimate infant was recognised in the early twentieth-century courts. However the motive was gradually held as being contrary to women's natural and proper instincts and the alleged offenders were increasingly diagnosed as being insane.

Sexual stereotypes permeated all of the trials, except for those where the victims were seen as being “non-intimate”. The sentencing of women has illustrated the beliefs of Lombroso and, later on, the Gluecks about the reformability of certain female offenders. Obviously young women of prior good character were reformable and so were often sentenced to probation. The belief was that these women only required supervision and often their crimes were linked to their lack of attachment to a male. Older women were treated as less reformable and typically were given more severe sentences. Women with dependent children were the exception to this pattern. There was also a case where the thinking reflected the of Havelock Ellis that there is a relationship between women's menstruation and crime. Trials which discussed the mentality of women were based upon
stereotypes of how women behave during menopause, menstruation, lactation or childbirth. The judges also revealed stereotypes when they expressed assumptions that women were naturally responsible for the nurturing of the children they were charged with neglecting or killing. Women indicted with neonatal offences often complied with common stereotypes of infanticidal women, and thus portraying themselves in terms that could be understood by the court. This also made them appropriate for being portrayed as "fallen" woman by the defence.

Men were also seen to share the blame for provoking women to assault them. In all except two of the cases in which women were indicted for assaulting men, the male was seen as having provoked the assault in some manner. It was believed that the women would not have been before the court if it was not for this provocation. Although the extent of provocation was often insufficient to get the women acquitted, it acted as a means of mitigating the severity of the sentence. Provocation was not mentioned in the few indictments against women for assaulting other women. There were too few of these indictments to create a pattern, but it was implied that the women were emotionally unstable.

This study did not discover a pattern of spousal violence that was revealed in other studies conducted by Judith Allen, Mary Hartman or Louise Shapiro. Christchurch obviously had a smaller population, but also the discrepancy may have been because of the nature of New Zealand's economy which, meant that there were fewer employment options available to women without husbands. This economy would have kept women dependent upon a male. If a woman was being abused by her spouse, she could not retaliate because her and her children's survival may have depended upon him. What cases there were of spousal violence did, however, follow the general pattern discovered
by Allen. In nineteenth-century, one of the two cases of spousal violence was committed by the use of poison and women indicted in the twentieth-century used more aggressive methods, such as guns, axes and tomahawks. These trials also revealed similar narratives as three of the women accused testified to histories of domestic violence during their trials. Their assaults were committed in the home environment which, as Smart suggests, showed that their violence was unpremeditated and fitted socialisation processes. As it was unpremeditated it would also suggest that the violence was victim precipitated and that the women were responding to provocation. This argument was indeed used by the defence and helped portray the accused women in a manner that had them comply with existing stereotypes of women as victim.

Pollak argued that chivalry operated to protect women at all stages of the criminal justice system. However, in the Judges’ summing up, the gender of the defendant was rarely the issue that affected the severity of the sentence. As feminists have suggested, the most influential factors were the respectability of the accused, their degree of shame for the offence and whether or not there were children who would suffer while the defendant was imprisoned. As the judge noted in the case against Raey B. in 1960:

I am faced with the grievous task of passing sentence on you, a mother of five children and a person of good upbringing and character and no previous record... having regard to all of the good things about you, I will minimise that sentence as far as I possibly can...2

The trial against Raey revealed that the criminal justice system was not equipped for passing sentence upon people of her character. This would support the contention that if leniency was reserved for women they also had to be respectable, middle class mothers; those who were the least likely to appear as offenders. That the character of the offender

2 The Press 3 December 1960 p.12
had a greater impact than gender can be seen in the sentencing of Winifred C. In 1915 she was indicted for abandoning her child. Yet it was not her first offence, so the Judge sentenced her to two years’ in prison. But women without prior convictions who abandoned their children were only sentenced to probation or discharged. When Barbara M.’s verdict was appealed, the Appeal Court claimed that it was difficult to find the underlying principle in fixing sentences. It denied that women were dealt more lenient sentences but claimed that: “A hundred other circumstances may be relevant to the degree of criminal culpability and therefore relevant to the punishment that should be imposed...” Consideration must be given to the character, education, upbringing, age, health “and so forth”.

The reluctance of juries to convict women for fatal indictments should be kept in the context of capital punishment. Women’s most common murder indictment involved neonaticide. Juries were reluctant to convict women to a possible death sentence for this crime which was originally understood to have been committed out of desperation and then, increasingly, from puerperal mania. This sentiment was not unique to New Zealand. The last woman hanged for infanticide in England was in 1849, and that was only because she was suspected to have caused the death of other children she was unable to be charged with. In many of these cases the woman was regarded as bearing the brunt of a trial which should be borne by two. The male was regarded as her seducer and yet he escaped public condemnation and punishment. In such circumstances juries were unlikely to want to convict women for a crime which was punishable by death.

In the context of these trials within the Christchurch Supreme Court, Medea’s actions lose

---

3Criminal Trial File CH 273 T/3 1956 Mercer, National Archives, Christchurch
4Similarly the only woman hanged in New Zealand was Minnie Dean in 1894. She was convicted and sentenced to death for multiple infanticides.
their horror. Although infanticide is still perceived as being contrary to women's
“natural” maternal instincts, it is undoubtedly women's most common fatal violent
offence. The typicality of the act takes away its horror and begs for a deeper
understanding of the circumstances that may induce women to commit this offence.
Although a deeper social understanding is being given towards women's violence that is
directed towards adults, it is not being given to violence towards children and babies.
Defining such women as insane merely makes it unnecessary to analyse the social
position of women in society.

Clearly there was a “colonial Medea”. Yet she was not unique to this colony and studies
show that she was indeed a “universal Medea.” Her infanticide was not committed out of
an insane impulse. The Court trials reveal that such fatal violence was usually the
response of a naive young woman without the necessary support or resources to raise an
illegitimate child. She did not commit infanticide because she was out of control but
because she was in control. She did not commit infanticide out of madness but to make
the madness stop.

Undoubtedly married women committed infanticide, however they escaped detection
more easily and were seldomly brought to trial.
Table 1:1

Table Showing the Number of Persons (excluding Maori until 1947) Summoned or Brought before the Magistrates’ Court Charged with Murder in New Zealand from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Charges</th>
<th>Total Discharges</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>37</td>
<td>19</td>
</tr>
<tr>
<td>1905-1909</td>
<td>33</td>
<td>16</td>
</tr>
<tr>
<td>1910-1914</td>
<td>16</td>
<td>11</td>
</tr>
<tr>
<td>1915-1919</td>
<td>24</td>
<td>11</td>
</tr>
<tr>
<td>1920-1924</td>
<td>35</td>
<td>12</td>
</tr>
<tr>
<td>1925-1929</td>
<td>25</td>
<td>19</td>
</tr>
<tr>
<td>1930-1934</td>
<td>40</td>
<td>10</td>
</tr>
<tr>
<td>1935-1939</td>
<td>21</td>
<td>4</td>
</tr>
<tr>
<td>1940-1942</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>1945-1949</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>1950-1954</td>
<td>37</td>
<td>13</td>
</tr>
<tr>
<td>1955-1959</td>
<td>24</td>
<td>3</td>
</tr>
<tr>
<td>1960-1964</td>
<td>33</td>
<td>4</td>
</tr>
<tr>
<td>1965-1968</td>
<td>36</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>388</td>
<td>145</td>
</tr>
</tbody>
</table>
### Table 1:2

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Charges</th>
<th>Total Discharges</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>25</td>
<td>2</td>
</tr>
<tr>
<td>1905-1909</td>
<td>34</td>
<td>1</td>
</tr>
<tr>
<td>1910-1914</td>
<td>30</td>
<td>10</td>
</tr>
<tr>
<td>1915-1919</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>1920-1924</td>
<td>31</td>
<td>1</td>
</tr>
<tr>
<td>1925-1929</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>1930-1934</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>1935-1939</td>
<td>19</td>
<td>3</td>
</tr>
<tr>
<td>1940-1942</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>1945-1949</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>1950-1954</td>
<td>18</td>
<td>5</td>
</tr>
<tr>
<td>1955-1959</td>
<td>15</td>
<td>1</td>
</tr>
<tr>
<td>1960-1964</td>
<td>15</td>
<td>1</td>
</tr>
<tr>
<td>1965-1968</td>
<td>21</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>281</td>
<td>45</td>
</tr>
</tbody>
</table>
### Table 1:3

Table Showing the Number of Persons (excluding Maori until 1947) Summonsed or Brought before the Magistrates’ Court Charged with Manslaughter in New Zealand from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Charges</th>
<th>Total Discharges</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>28</td>
<td>7</td>
</tr>
<tr>
<td>1905-1909</td>
<td>41</td>
<td>14</td>
</tr>
<tr>
<td>1910-1914</td>
<td>46</td>
<td>3</td>
</tr>
<tr>
<td>1915-1919</td>
<td>30</td>
<td>4</td>
</tr>
<tr>
<td>1920-1924</td>
<td>54</td>
<td>5</td>
</tr>
<tr>
<td>1925-1929</td>
<td>62</td>
<td>6</td>
</tr>
<tr>
<td>1930-1934</td>
<td>25</td>
<td>3</td>
</tr>
<tr>
<td>1935-1939</td>
<td>20</td>
<td>2</td>
</tr>
<tr>
<td>1940-1942</td>
<td>9</td>
<td>2</td>
</tr>
<tr>
<td>1945-1949</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>1950-1954</td>
<td>48</td>
<td>10</td>
</tr>
<tr>
<td>1955-1959</td>
<td>30</td>
<td>6</td>
</tr>
<tr>
<td>1960-1964</td>
<td>58</td>
<td>15</td>
</tr>
<tr>
<td>1965-1968</td>
<td>41</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>510</td>
<td>88</td>
</tr>
</tbody>
</table>
**Table 1:4**

Table Showing the Number of Persons (excluding Maori until 1947) Summoned or Brought before the Magistrates’ Court Charged with Concealment of Birth or Disposing of the Body of a Child in New Zealand from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Charges</th>
<th>Total Discharges</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>1905-1909</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>1910-1914</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>1915-1919</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>1920-1924</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>1925-1929</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>1930-1934</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>1935-1939</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>1940-1942</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>1945-1949</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>1950-1954</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>1955-1959</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1960-1964</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>1965-1968</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>110</td>
</tr>
</tbody>
</table>
Table 1:5

Table Showing the Number of Persons (excluding Maori until 1947) Summoned or Brought before the Magistrates' Court Charged with the Cruelty, Negligence or Abandonment of Children in New Zealand from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Charges</th>
<th>Total Discharges</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>22</td>
<td>21</td>
</tr>
<tr>
<td>1905-1909</td>
<td>12</td>
<td>24</td>
</tr>
<tr>
<td>1910-1914</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>1915-1919</td>
<td>13</td>
<td>14</td>
</tr>
<tr>
<td>1920-1924</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>1925-1929</td>
<td>14</td>
<td>8</td>
</tr>
<tr>
<td>1930-1934</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>1935-1939</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1940-1942</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>1945-1949</td>
<td>17</td>
<td>10</td>
</tr>
<tr>
<td>1950-1954</td>
<td>26</td>
<td>24</td>
</tr>
<tr>
<td>1955-1959</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>1960-1964</td>
<td>31</td>
<td>36</td>
</tr>
<tr>
<td>1965-1968</td>
<td>28</td>
<td>32</td>
</tr>
<tr>
<td>Total</td>
<td>219</td>
<td>223</td>
</tr>
</tbody>
</table>
Table 1:6

Table Showing the Number of Persons (excluding Maori until 1947) Summoned or Brought before the Magistrates’ Court Charged with Abortion and Attempts to Procure Abortion in New Zealand from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Charges</th>
<th></th>
<th>Total Discharges</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>24</td>
<td>13</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>1905-1909</td>
<td>27</td>
<td>10</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>1910-1914</td>
<td>19</td>
<td>22</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>1915-1919</td>
<td>23</td>
<td>21</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>1920-1924</td>
<td>54</td>
<td>23</td>
<td>13</td>
<td>4</td>
</tr>
<tr>
<td>1925-1929</td>
<td>18</td>
<td>27</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1930-1934</td>
<td>28</td>
<td>21</td>
<td>14</td>
<td>4</td>
</tr>
<tr>
<td>1935-1939</td>
<td>38</td>
<td>33</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>1940-1942</td>
<td>12</td>
<td>10</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1945-1949</td>
<td>10</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1950-1954</td>
<td>19</td>
<td>13</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>1955-1959</td>
<td>18</td>
<td>10</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1960-1964</td>
<td>58</td>
<td>49</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>1965-1968</td>
<td>63</td>
<td>26</td>
<td>8</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>411</td>
<td>288</td>
<td>70</td>
<td>50</td>
</tr>
<tr>
<td>Year</td>
<td>Total Indictments</td>
<td>Insane</td>
<td>Convicted</td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>-------------------</td>
<td>--------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>12</td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1905-1909</td>
<td>18</td>
<td>10</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>1910-1914</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1915-1919</td>
<td>13</td>
<td>4</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1920-1924</td>
<td>15</td>
<td>6</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>1925-1929</td>
<td>12</td>
<td>9</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>1930-1934</td>
<td>25</td>
<td>5</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>1935-1939</td>
<td>17</td>
<td>1</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>1940-1942</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1945-1949</td>
<td>29</td>
<td>11</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>1950-1954</td>
<td>31</td>
<td>5</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>1955-1959</td>
<td>17</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1960-1964</td>
<td>29</td>
<td>4</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>1965-1968</td>
<td>33</td>
<td>12</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>263</td>
<td>79</td>
<td>49</td>
<td>20</td>
</tr>
</tbody>
</table>

* Five of these men were convicted on the lesser charge of manslaughter.
Table 2:2

Number of Persons Indicted, Found Insane and Convicted in the New Zealand Supreme Court for Attempted Murder from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Indictments</th>
<th>Insane</th>
<th>Convicted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
</tr>
<tr>
<td>1900-1904</td>
<td>16</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1905-1909</td>
<td>19</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1910-1914</td>
<td>18</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1915-1919</td>
<td>7</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1920-1924</td>
<td>11</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1925-1929</td>
<td>10</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>1930-1934</td>
<td>6</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1935-1939</td>
<td>5</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>1940-1942</td>
<td>4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1945-1949</td>
<td>8</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1950-1954</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1955-1959</td>
<td>6</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1960-1964</td>
<td>11</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1965-1968</td>
<td>9</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>134</td>
<td>15</td>
<td>13</td>
</tr>
</tbody>
</table>
Table 2:3

Number of Persons Indicted, Found Insane and Convicted in the New Zealand Supreme Court for Manslaughter from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Indictments</th>
<th>Insane</th>
<th>Convicted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
</tr>
<tr>
<td>1900-1904</td>
<td>24</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>1905-1909</td>
<td>28</td>
<td>12</td>
<td>9</td>
</tr>
<tr>
<td>1910-1914</td>
<td>36</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>1915-1919</td>
<td>39</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>1920-1924</td>
<td>60</td>
<td>6</td>
<td>21</td>
</tr>
<tr>
<td>1925-1929</td>
<td>49</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>1930-1934</td>
<td>30</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>1935-1939</td>
<td>18</td>
<td>4</td>
<td>9</td>
</tr>
<tr>
<td>1940-1942</td>
<td>11</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>1945-1949</td>
<td>23</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>1950-1954</td>
<td>34</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>1955-1959</td>
<td>42</td>
<td>13</td>
<td>20</td>
</tr>
<tr>
<td>1960-1964</td>
<td>50</td>
<td>12</td>
<td>1</td>
</tr>
<tr>
<td>1965-1968</td>
<td>32</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Total</td>
<td>476</td>
<td>89</td>
<td>2</td>
</tr>
</tbody>
</table>
# Number of Persons Indicted and Convicted in the New Zealand Supreme Court for Concealment of Birth from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Indictments</th>
<th>Total Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>1905-1909</td>
<td></td>
<td>11</td>
</tr>
<tr>
<td>1910-1914</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>1915-1919</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>1920-1924</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>1925-1929</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>1930-1934</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1935-1939</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>1940-1942</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1945-1949</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1950-1954</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1955-1968</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>54</td>
</tr>
<tr>
<td>Year</td>
<td>Total Indictments</td>
<td>Total Convictions</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>16</td>
<td>9</td>
</tr>
<tr>
<td>1905-1909</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>1910-1914</td>
<td>14</td>
<td>13</td>
</tr>
<tr>
<td>1915-1919</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>1920-1924</td>
<td>21</td>
<td>19</td>
</tr>
<tr>
<td>1925-1929</td>
<td>11</td>
<td>13</td>
</tr>
<tr>
<td>1930-1934</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>1935-1939</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>1940-1942</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>1945-1949</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>1950-1954</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>1955-1959</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>1960-1964</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>1965-1968</td>
<td>23</td>
<td>11</td>
</tr>
<tr>
<td>Total</td>
<td>183</td>
<td>149</td>
</tr>
<tr>
<td>Year</td>
<td>Total Indictments</td>
<td>Total Convictions</td>
</tr>
<tr>
<td>-----------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>1900-1904</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>1905-1909</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>1910-1914</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>1915-1919</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>1920-1924</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1925-1929</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1930-1934</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1935-1939</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1940-1942</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1945-1949</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>1950-1954</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>1955-1959</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1960-1964</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>1965-1968</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>36</td>
</tr>
</tbody>
</table>
Table 3.1

Number of Women Sentenced in the New Zealand Supreme Court for Murder and Attempted Murder and the Sentences received from 1900 to 1968.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Probation</th>
<th>Reformatory Treatment</th>
<th>Prison for less than 6 months</th>
<th>Prison 1—2 years</th>
<th>Prison 5—Years and Over</th>
<th>Life Prison</th>
<th>Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>1911</td>
<td>2#</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1918</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1937</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1948</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1949</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1950</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1953</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1954</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2*</td>
</tr>
<tr>
<td>1962</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1965</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1966</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

# These two indictments were for being an accessory to murder.

*These two women were “detained until Her Majesty’s pleasure.”
Table 3:2

Number of Women Sentenced in the New Zealand Supreme Court for Manslaughter and the Sentences Received from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Up For Probation</th>
<th>Prison less than 6 months</th>
<th>Prison 1—2 years</th>
<th>Prison 2—3 years</th>
<th>Prison 3—5 years</th>
<th>Prison 5—7 years</th>
<th>Prison 7—10 years</th>
<th>Prison 10 years to Life</th>
</tr>
</thead>
<tbody>
<tr>
<td>1908</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1911</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1915</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1920</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1923</td>
<td>1#</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1925</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1931</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1934</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1938</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1*</td>
</tr>
<tr>
<td>1939</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1*</td>
</tr>
<tr>
<td>1945</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1948</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1949</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1951</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1*</td>
</tr>
<tr>
<td>1953</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1954</td>
<td>1#</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1955</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1956</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1@</td>
</tr>
<tr>
<td>1957</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1958</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>1@</td>
</tr>
<tr>
<td>1961</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1962</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1963</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1964</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td></td>
<td></td>
<td>1@</td>
</tr>
<tr>
<td>1965</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1966</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1967</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1968</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total 46**</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>5</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>

* Denotes cases where imprisonment involved reformative treatment.
# Denotes cases where the length of the sentence was unrecorded.
@ Denotes cases where the length of imprisonment was only recorded as being over five years.
** The totals will not match because the length of two prison sentences were unrecorded.
### Table 3.3

Number of Women Sentenced in the New Zealand Supreme Courts for Concealment of Birth and the Sentences received from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Discharged For</th>
<th>Released Conviction</th>
<th>Probation Home</th>
<th>Samaritan Reform Treatmen</th>
<th>Prison Less than 6 Months</th>
<th>Prison 6 months to 1 year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1908</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1911</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1915</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1917</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1918</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1919</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1921</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1922</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1924</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1925</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1928</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1929</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1930</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1932</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1936</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1938</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1939</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1940</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1941</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1945</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1947</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1948</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1949</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>52</td>
<td>1</td>
<td>13</td>
<td>27</td>
<td>1</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>
### Table 3:4

Number of Women Sentenced in the New Zealand Supreme Court for Abortion and Attempts to Procure Abortion and the Sentences Received from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Discharged</th>
<th>Probation</th>
<th>Prison for less than 6 months—1 year</th>
<th>1—2 years</th>
<th>2—5 years</th>
<th>5—7 years</th>
<th>7—10 years</th>
<th>10—15 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1908</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1909</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1913</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1916</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1917</td>
<td>3</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1918</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1919</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1923</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1924</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1925</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1927</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1928</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1929</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1930</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1931</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1932</td>
<td>3</td>
<td>1</td>
<td>2*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1934</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1935</td>
<td>1</td>
<td>1*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1936</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1937</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1938</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1939</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1940</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1941</td>
<td>1</td>
<td>1*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1942</td>
<td>2</td>
<td>1</td>
<td>1*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1945</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1946</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1947</td>
<td>1</td>
<td>1*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table 3:4 (cont)

Number of Women Sentenced in the New Zealand Supreme Court for Abortion and Attempts to Procure Abortion and the Sentences received from 1900 to 1968 (cont.)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Discharged</th>
<th>Probation</th>
<th>Prison for less than 6 months—1 year</th>
<th>Prison 1—2 years</th>
<th>Prison 2—5 years</th>
<th>Prison 5—7 years</th>
<th>Prison 7—10 years</th>
<th>Prison 10—15 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1*</td>
</tr>
<tr>
<td>1951</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1952</td>
<td>1</td>
<td>1</td>
<td>1*</td>
<td></td>
<td></td>
<td></td>
<td>1*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1954</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1*</td>
</tr>
<tr>
<td>1955</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1958</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1*</td>
</tr>
<tr>
<td>1960</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1961</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1962</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1963</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1965</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1966</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1967</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1968</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>90</td>
<td>9</td>
<td>13</td>
<td>17</td>
<td>15</td>
<td>24</td>
<td>4</td>
<td>7</td>
<td>1</td>
</tr>
</tbody>
</table>

*Indicates trials where the prison sentences involved reformative detention.
Table 3:5

Number of Women Sentenced in the New Zealand Supreme Court for Cruelty to or Abandoning Children and the Sentences received from 1900 to 1968.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Up For Sentence</th>
<th>Fined</th>
<th>Probation</th>
<th>Borstal Institution</th>
<th>Prison for less than 6 months—1 year</th>
<th>Prison 1—2 years</th>
<th>Prison 2—3 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1915</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1919</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1929</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1931</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1936</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1945</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1946</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1947</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1948</td>
<td>3</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1949</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1958</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1961</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1964</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1965</td>
<td>2</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1966</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>1967</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>25</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>1</td>
<td>9</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

260
Table 3:6

Number of Women Sentenced in the New Zealand Supreme Court for Infanticide and the Sentences received from 1900 to 1968.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Probation</th>
<th>Reformative Treatment</th>
<th>Prison for less than 6 month</th>
<th>Prison 1—2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1965</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1967</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1968</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>3</td>
<td></td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>
### Table 3:7

Number of Women Sentenced in the New Zealand Supreme Court for Negligence or Wilfully Endangering Life and the Sentences received from 1900 to 1968.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Probation</th>
<th>Samaritan Home</th>
<th>Industrial School</th>
<th>Prison 1 week—1 month</th>
<th>Prison 1—3 months</th>
<th>Prison 3—6 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1913</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1914</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>1915</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1919</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1937</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>8</td>
<td>4</td>
<td>2</td>
</tr>
</tbody>
</table>

### Table 3:8

Number of Women Sentenced for Attempt to Administer Poison and Poison with Intent and the Sentences received in the Supreme Court from 1900 to 1968.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Probation</th>
<th>Prison for less than 6 month</th>
<th>Prison 1—2 years</th>
<th>Prison 5—7 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1928</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1965</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
Number of Males Indicted and the Verdicts Passed in the Christchurch Supreme Court for Serious Violence Against the Person from 1900 to 1968.

<table>
<thead>
<tr>
<th>Charge</th>
<th>Total</th>
<th>No Bill</th>
<th>Jury Disagree</th>
<th>Not Guilty</th>
<th>Insane</th>
<th>Guilty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>35</td>
<td>-</td>
<td>1</td>
<td>10</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>Attempted Murder</td>
<td>22</td>
<td>-</td>
<td></td>
<td>13</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Manslaughter</td>
<td>51</td>
<td>3</td>
<td>1</td>
<td>37</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>Abortion</td>
<td>31</td>
<td>2</td>
<td>11</td>
<td></td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>140*</td>
<td>3</td>
<td>4</td>
<td>71</td>
<td>8</td>
<td>53</td>
</tr>
</tbody>
</table>

*Another man was indicted for Murder in 1926 but the verdict is unknown. He has been left out of the verdicts row for murder but added to the final total.
Table 4:2

Number of Males Convicted and the Sentences Passed in the Christchurch Supreme Court for Serious Violence Against the Person (excluding Abortion) from 1900 to 1968.

<table>
<thead>
<tr>
<th>Charge</th>
<th>Total</th>
<th>Fined</th>
<th>Borstal</th>
<th>Prison 3 years</th>
<th>1 - 2 years</th>
<th>3 - 5 years</th>
<th>8 - 10 years</th>
<th>10-15 years</th>
<th>Life</th>
<th>Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>17</td>
<td></td>
<td></td>
<td>1</td>
<td>7</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attempted Murder</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manslaughter</td>
<td>8</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>32*</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>9</td>
<td>9</td>
</tr>
</tbody>
</table>

*This total is different to the total number of convictions on the previous table as the sentences for one murder and two manslaughter indictments was unknown.

Table 4:3

Number of Males Convicted and the Sentences Passed in the Christchurch Supreme Court for Abortion Related offences from Between 1900 to 1968.

<table>
<thead>
<tr>
<th>Charge</th>
<th>Total</th>
<th>Fined</th>
<th>Discharged</th>
<th>Probation 1 year</th>
<th>Probation 2-3 years</th>
<th>Prison 1-2 years</th>
<th>Prison 3-4 years</th>
<th>Prison 6-7 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abortion</td>
<td>18</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>
Table 4:4

Number of Men Convicted in the Christchurch Supreme Court for Murder and the Sentences received from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Prison 10 years</th>
<th>Prison -Life sentence</th>
<th>Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1909</td>
<td>2</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1913</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1917</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1918</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1921</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1939</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1943</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1946</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1948</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1951</td>
<td>2</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>1953</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1967</td>
<td>2</td>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>1</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Year</td>
<td>Total fined</td>
<td>3 years less than 6 months</td>
<td>Prison 1 - 2 years</td>
<td>Prison 2 - 3 years</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>---------------------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>1901</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1908</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1916</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1923</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1935</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1950</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1960</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
### Table 4:6

Number of Men Convicted in the Christchurch Supreme Court for Attempted Murder and the Sentences received from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Prison 3 years</th>
<th>Prison 5 years</th>
<th>Prison 15 years</th>
<th>Prison - Life Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1907</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1908</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1924</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1930</td>
<td>1*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1964</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>8</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

* The sentence received for this conviction is unknown.
Table 4:7

Percentages of the rates of acquittals and convictions in the New Zealand Supreme Courts from 1900 to 1968

<table>
<thead>
<tr>
<th>Indictment</th>
<th>Acquittal</th>
<th>Insane</th>
<th>Convicted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
</tr>
<tr>
<td>Murder</td>
<td>23</td>
<td>52</td>
<td>19</td>
</tr>
<tr>
<td>Attempted Murder</td>
<td>33</td>
<td>73</td>
<td>10</td>
</tr>
<tr>
<td>Manslaughter</td>
<td>65</td>
<td>49</td>
<td>.4</td>
</tr>
<tr>
<td>Concealment</td>
<td>50</td>
<td>46</td>
<td></td>
</tr>
<tr>
<td>Abortion</td>
<td>46</td>
<td>46</td>
<td>54</td>
</tr>
<tr>
<td>Cruelty etc.</td>
<td>29</td>
<td>33</td>
<td>71</td>
</tr>
</tbody>
</table>

Table 4:8

Percentages of the rates of acquittals and convictions in the Christchurch Supreme Court from 1900 to 1968

<table>
<thead>
<tr>
<th>Indictment</th>
<th>No Bills</th>
<th>Acquittal</th>
<th>Insane</th>
<th>Convicted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>Murder**</td>
<td>20</td>
<td>29</td>
<td>27</td>
<td>20</td>
</tr>
<tr>
<td>Attempted Murder</td>
<td>33</td>
<td>59</td>
<td>33</td>
<td>5</td>
</tr>
<tr>
<td>Manslaughte-r**</td>
<td>6</td>
<td>20</td>
<td>72</td>
<td>60</td>
</tr>
<tr>
<td>Concealment</td>
<td>17</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Abortion#</td>
<td>35.5</td>
<td>23.5</td>
<td></td>
<td>58</td>
</tr>
</tbody>
</table>

*One woman for each of these charges were retried and their verdicts are unknown.
**One man for each of these charges was retried and the verdicts are unknown.
#The jury was unable to agree in two trials of alleged male abortionists.
<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Status</th>
<th>Charge</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>Walter B.</td>
<td>18</td>
<td>Labourer</td>
<td>Unlawful use instrument</td>
<td>Guilty</td>
<td>1 year's prison</td>
</tr>
<tr>
<td>1904</td>
<td>John R.</td>
<td>23</td>
<td>Warehouseman</td>
<td>Procuring another to procure abortion</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1904</td>
<td>Percy E.</td>
<td>30</td>
<td>Chemist</td>
<td>Unlawful use instrument (2 counts)</td>
<td>Guilty</td>
<td>7 years' prison</td>
</tr>
<tr>
<td>1904</td>
<td>Lionel E.</td>
<td>19</td>
<td>Clerk</td>
<td>Counselling another to procure abortion</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Thomas L.</td>
<td>36</td>
<td>Bootmaker</td>
<td>Procuring abortion</td>
<td>Guilty</td>
<td>4 years' prison</td>
</tr>
<tr>
<td></td>
<td>William S.</td>
<td>50</td>
<td>Clerk</td>
<td>Unlawful use instrument</td>
<td>Guilty</td>
<td>6 years' prison</td>
</tr>
<tr>
<td></td>
<td>John P.</td>
<td>41</td>
<td>Veterinarian</td>
<td>Procuring abortion</td>
<td>Guilty</td>
<td>7 years' prison</td>
</tr>
<tr>
<td>1912</td>
<td>Walter S.</td>
<td>34</td>
<td></td>
<td>Attempt abortion</td>
<td>Guilty</td>
<td>7 years' prison</td>
</tr>
<tr>
<td>1912</td>
<td>George W.</td>
<td>52</td>
<td></td>
<td>Attempt abortion</td>
<td>Guilty</td>
<td>6 years' prison</td>
</tr>
<tr>
<td>1912</td>
<td>Russell</td>
<td></td>
<td></td>
<td>Attempt abortion</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1915</td>
<td>Wahtram B.</td>
<td>31</td>
<td>Baptist</td>
<td>Supply noxious thing with intent procure</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1919</td>
<td>Charles B.</td>
<td>30</td>
<td></td>
<td>Attempt supply noxious thing</td>
<td>Guilty (m)</td>
<td>18 months' hard labour</td>
</tr>
<tr>
<td>1922</td>
<td>James H.</td>
<td>66</td>
<td></td>
<td>Manslaughter -unlawful use instrument</td>
<td>Jury disagreed</td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>George J.</td>
<td></td>
<td></td>
<td>Supply means abortion</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1927</td>
<td>Robert B.</td>
<td></td>
<td></td>
<td>Unlawful use instrument</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1927</td>
<td>Harry F.</td>
<td></td>
<td></td>
<td>Unlawful use instrument</td>
<td>Not Guilty</td>
<td></td>
</tr>
</tbody>
</table>

Table 4:9

Males Indicted in the Christchurch Supreme Court For Abortion Related Offences From 1900 to 1968
<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Status</th>
<th>Charge</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1927</td>
<td>Walter M.</td>
<td></td>
<td></td>
<td>Unlawful use instrument (2 counts)</td>
<td>Guilty</td>
<td>1 year's hard labour</td>
</tr>
<tr>
<td>1927</td>
<td>Charles B.</td>
<td></td>
<td></td>
<td>Supply means abortion</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td>George B.</td>
<td>45</td>
<td></td>
<td>Procuring abortion</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1934</td>
<td>Arthur M.</td>
<td>26</td>
<td></td>
<td>Supply means abortion</td>
<td>Guilty</td>
<td>1 year's probation</td>
</tr>
<tr>
<td>1934</td>
<td>Edward M.</td>
<td>48</td>
<td></td>
<td>Supply means abortion</td>
<td>Guilty</td>
<td>1 year's probation</td>
</tr>
<tr>
<td>1936</td>
<td>Colin M.</td>
<td>19</td>
<td></td>
<td>Supply means abortion</td>
<td>Guilty</td>
<td>1 year's probation</td>
</tr>
<tr>
<td>1937</td>
<td>Liege L.</td>
<td>22</td>
<td></td>
<td>Carnal knowledge &amp; supply means</td>
<td>Guilty</td>
<td>2 years' probation</td>
</tr>
<tr>
<td>1945</td>
<td>George B.</td>
<td>56</td>
<td>married</td>
<td>Unlawful use instrument (4 counts)</td>
<td>Retried</td>
<td></td>
</tr>
<tr>
<td>1948</td>
<td>Joseph T.</td>
<td>32</td>
<td>Married</td>
<td>Unlawful use instrument (2 counts)</td>
<td>Guilty</td>
<td>3 years' probation</td>
</tr>
<tr>
<td>1957</td>
<td>Leonard M.</td>
<td>61</td>
<td>Married</td>
<td>Unlawful use instrument</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1957</td>
<td>Charles S.</td>
<td>31</td>
<td>Married</td>
<td>Attempt procure</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1965</td>
<td>Colin D.</td>
<td>47</td>
<td>Married</td>
<td>Supply means</td>
<td>Guilty</td>
<td>Discharged</td>
</tr>
<tr>
<td>1965</td>
<td>Norman B.</td>
<td>72</td>
<td>Married</td>
<td>Procure abortion</td>
<td>Guilty</td>
<td>Fined</td>
</tr>
<tr>
<td>1967</td>
<td>Arthur B.</td>
<td>31</td>
<td>Married</td>
<td>Aiding &amp; abetting abortion (4 counts)</td>
<td>Guilty</td>
<td>1 year's prison on each charge cumulative</td>
</tr>
<tr>
<td>1967</td>
<td>Richard G.</td>
<td>37</td>
<td>Married</td>
<td>Unlawful use instrument</td>
<td>Guilty</td>
<td>2 years' prison</td>
</tr>
</tbody>
</table>
Table 4:10

Table Indicating Convictions for Murder, Attempted Murder and Manslaughter Where the Victim was a Child from 1960 to 1964

<table>
<thead>
<tr>
<th>Year</th>
<th>Sex</th>
<th>Age</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1961</td>
<td>Male</td>
<td>31</td>
<td>Manslaughter</td>
<td>5 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>30</td>
<td>Neglect</td>
<td>3 months’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>22</td>
<td>Neglect</td>
<td>3 months’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>24</td>
<td>Manslaughter</td>
<td>3 years’ probation</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>27</td>
<td>Manslaughter</td>
<td>6 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>27</td>
<td>Manslaughter</td>
<td>6 months’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>23</td>
<td>Assault and beating</td>
<td>6 months’ prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 year’s probation</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>28</td>
<td>Exposing infant</td>
<td>4 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>22</td>
<td>Exposing infant</td>
<td>6 months’ prison</td>
</tr>
<tr>
<td>1962</td>
<td>Female</td>
<td>26</td>
<td>Infanticide</td>
<td>4 months’ prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 year’s probation</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>23</td>
<td>Manslaughter</td>
<td>6 months’ prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 year’s probation</td>
</tr>
<tr>
<td>1963</td>
<td>Male</td>
<td>20</td>
<td>Attempt murder</td>
<td>10 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>41</td>
<td>Manslaughter</td>
<td>4 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>21</td>
<td>Manslaughter</td>
<td>6 months’ prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 year’s probation</td>
</tr>
<tr>
<td>1964</td>
<td>Male</td>
<td>25</td>
<td>Manslaughter</td>
<td>6 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>24</td>
<td>Manslaughter</td>
<td>5 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>17</td>
<td>Manslaughter</td>
<td>2.5 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>23</td>
<td>Manslaughter</td>
<td>4.5 years’ prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>21</td>
<td>Manslaughter</td>
<td>9 months’ prison</td>
</tr>
</tbody>
</table>
### Table 4:10 (cont)

Table Indicating Convictions for Murder, Attempted Murder and Manslaughter Where the Victim was a Child from 1960 to 1964

<table>
<thead>
<tr>
<th>Year</th>
<th>Sex</th>
<th>Age</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1964</td>
<td>Female</td>
<td>27</td>
<td>Manslaughter</td>
<td>2 years' prison</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>28</td>
<td>Manslaughter</td>
<td>9 months' prison</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>22</td>
<td>Neglect</td>
<td>9 months' prison</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 year's probation</td>
</tr>
</tbody>
</table>

Source: Department of Justice New Zealand *Crime in New Zealand* Wellington: Government Printer 1968 p.276
Table 5:1

Women Indicted in the Christchurch Supreme Court for Serious Violence Against the Person from 1860 to 1899.

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Age</th>
<th>Victim</th>
<th>Charge</th>
<th>Verdict</th>
</tr>
</thead>
<tbody>
<tr>
<td>1859</td>
<td>Christina G.</td>
<td></td>
<td>Husband</td>
<td>Murder</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1869</td>
<td>Annie W.</td>
<td></td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>Guilty</td>
</tr>
<tr>
<td>1872</td>
<td>Jane Walsh L.</td>
<td></td>
<td>Baby</td>
<td>Manslaughter</td>
<td>Guilty</td>
</tr>
<tr>
<td>1873</td>
<td>Mary-Ann E.</td>
<td></td>
<td>Baby</td>
<td>Manslaughter</td>
<td>Guilty</td>
</tr>
<tr>
<td>1874</td>
<td>Louisa Martin S.</td>
<td></td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1875</td>
<td>Catherine D.</td>
<td></td>
<td>Baby (11-12 weeks)</td>
<td>Murder</td>
<td>Insane</td>
</tr>
<tr>
<td>1875</td>
<td>Janet McK.</td>
<td></td>
<td>Baby (18 days)</td>
<td>Manslaughter</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1876</td>
<td>Alicia S.</td>
<td></td>
<td>Baby</td>
<td>Murder</td>
<td>Insane</td>
</tr>
<tr>
<td>1878</td>
<td>Margaret W.</td>
<td></td>
<td>Baby</td>
<td>Murder</td>
<td>Insane</td>
</tr>
<tr>
<td>1878</td>
<td>Sarah S.</td>
<td></td>
<td>Son (toddler)</td>
<td>Murder</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1880</td>
<td>Jane M.</td>
<td>18</td>
<td>Baby</td>
<td>Murder</td>
<td>Not Guilty</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18</td>
<td></td>
<td>Concealment of Birth</td>
<td>Guilty</td>
</tr>
<tr>
<td>1880</td>
<td>Sarah B.</td>
<td>20</td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>Guilty</td>
</tr>
<tr>
<td>1880</td>
<td>Margaret F.</td>
<td></td>
<td>Baby</td>
<td>Murder</td>
<td>No Bill</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Concealment of Birth</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1882</td>
<td>Elizabeth H.</td>
<td>21</td>
<td>Baby</td>
<td>Murder</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1883</td>
<td>Alice H.</td>
<td>18</td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>No Bill</td>
</tr>
<tr>
<td>1883</td>
<td>Mabel B.</td>
<td></td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>No Bill</td>
</tr>
<tr>
<td>Year</td>
<td>Name</td>
<td>Age</td>
<td>Relationship</td>
<td>Crime Description</td>
<td>Sentence</td>
</tr>
<tr>
<td>------</td>
<td>------------------</td>
<td>-----</td>
<td>--------------</td>
<td>-------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>1883</td>
<td>Ada W.</td>
<td>19</td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>No Bill</td>
</tr>
<tr>
<td></td>
<td>Alice W.</td>
<td>20</td>
<td>Sister's Baby</td>
<td>Concealment of Birth</td>
<td>No Bill</td>
</tr>
<tr>
<td>1884</td>
<td>Ann R.</td>
<td>29</td>
<td>2 Children</td>
<td>Murder</td>
<td>Insane</td>
</tr>
<tr>
<td>1886</td>
<td>Catherine K.</td>
<td>37</td>
<td>Husband</td>
<td>Manslaughter</td>
<td>Guilty</td>
</tr>
<tr>
<td>1886</td>
<td>Junker</td>
<td>27</td>
<td></td>
<td>Abandoning child</td>
<td>Plead-Guilty</td>
</tr>
<tr>
<td>1887</td>
<td>Mary B.</td>
<td>29</td>
<td></td>
<td>Abortion</td>
<td>Guilty</td>
</tr>
<tr>
<td></td>
<td>Isabella W.</td>
<td>28</td>
<td></td>
<td>Abortion</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1888</td>
<td>Martha D.</td>
<td>32</td>
<td>Son</td>
<td>Murder</td>
<td>Insane</td>
</tr>
<tr>
<td>1888</td>
<td>Jane H.</td>
<td>23</td>
<td></td>
<td>Murder</td>
<td>No Bill</td>
</tr>
<tr>
<td>1890</td>
<td>Lilly P.</td>
<td>22</td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>No Bill</td>
</tr>
<tr>
<td>1891</td>
<td>Sarah F.</td>
<td>30</td>
<td>Baby</td>
<td>Murder</td>
<td>Guilty</td>
</tr>
<tr>
<td></td>
<td>Anna F</td>
<td>48</td>
<td>Daughter's Baby</td>
<td>Manslaughter</td>
<td>No Bill</td>
</tr>
<tr>
<td>1891</td>
<td>Mary-Ann A.</td>
<td>22</td>
<td></td>
<td>Abortion</td>
<td>Guilty</td>
</tr>
<tr>
<td>1893</td>
<td>Bridget C.</td>
<td>36</td>
<td></td>
<td>Abortion</td>
<td>Guilty</td>
</tr>
<tr>
<td>1893</td>
<td>Era S.</td>
<td>20</td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>Guilty</td>
</tr>
<tr>
<td>1893</td>
<td>Sophia J.</td>
<td>16</td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>No Bill</td>
</tr>
<tr>
<td>1897</td>
<td>Mary F.</td>
<td></td>
<td>Baby</td>
<td>Abortion</td>
<td>No Bill</td>
</tr>
<tr>
<td>1899</td>
<td>Lucy C.</td>
<td></td>
<td>Baby</td>
<td>Concealment of Birth</td>
<td>Guilty</td>
</tr>
<tr>
<td></td>
<td>Louisa C.</td>
<td></td>
<td>Sister's Baby</td>
<td>Concealment of Birth</td>
<td>Guilty</td>
</tr>
<tr>
<td>Year</td>
<td>Name</td>
<td>Age</td>
<td>Victim</td>
<td>Verdict</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------------</td>
<td>-----</td>
<td>-----------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>1904</td>
<td>Caroline H.</td>
<td>22</td>
<td>Neo-natal baby</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td>1906</td>
<td>Lillian H.</td>
<td>23</td>
<td>Neo-natal baby</td>
<td>Insane</td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td>Bridget C.</td>
<td></td>
<td>Abortion</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td>1916</td>
<td>Mary-Ann R.</td>
<td>31</td>
<td>Neo-natal baby</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1918</td>
<td>Winifred C.</td>
<td>27</td>
<td>Older child</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td>Catherine S.</td>
<td>25</td>
<td>Neo-natal baby</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td>1921</td>
<td>Hilda B.</td>
<td>16</td>
<td>Neo-natal baby</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>Elizabeth R.</td>
<td>43</td>
<td>Older baby</td>
<td>Insane</td>
<td></td>
</tr>
<tr>
<td>1930</td>
<td>Kathleen D.</td>
<td>31</td>
<td>Neo-natal baby</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td>1944</td>
<td>Helen L.</td>
<td>34</td>
<td>Man</td>
<td>Insane</td>
<td></td>
</tr>
<tr>
<td>1954</td>
<td>Pauline P.</td>
<td>15</td>
<td>Mother</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Juliet H.</td>
<td>16</td>
<td>Friend’s mother</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td>1956</td>
<td>Barbara M.</td>
<td>42</td>
<td>Man</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>Gertrude L.</td>
<td>48</td>
<td>Mother</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>Winifred T.</td>
<td>50</td>
<td>Two teenage children</td>
<td>Insane</td>
<td></td>
</tr>
</tbody>
</table>
### Table 5:3

The Number of Women Indicted in the Christchurch Supreme Court for Manslaughter and their Relationship to their Victims from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Victim</th>
<th>Verdict</th>
</tr>
</thead>
<tbody>
<tr>
<td>1905</td>
<td>Susan W.</td>
<td></td>
<td>Patient</td>
<td>Not Guilty</td>
</tr>
<tr>
<td></td>
<td>Mabel A.</td>
<td></td>
<td>Patient</td>
<td>No Bill</td>
</tr>
<tr>
<td>1906</td>
<td>Georgina B.</td>
<td>33</td>
<td>Patient</td>
<td>Retrial-unknown</td>
</tr>
<tr>
<td>1906</td>
<td>Ann F.</td>
<td>47</td>
<td>Older child</td>
<td>Guilty</td>
</tr>
<tr>
<td></td>
<td>Harriet F.</td>
<td>17</td>
<td>Older child</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1907</td>
<td>Edith M.</td>
<td></td>
<td>Older child</td>
<td>No Bill</td>
</tr>
<tr>
<td>1907</td>
<td>Lillian H.</td>
<td>25</td>
<td>Neo-natal baby</td>
<td>No Bill</td>
</tr>
<tr>
<td>1922</td>
<td>Phyllis S.</td>
<td></td>
<td>Neo-natal baby</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1934</td>
<td>Edith F.</td>
<td>36/38</td>
<td>Patient</td>
<td>Not Guilty</td>
</tr>
<tr>
<td>1961</td>
<td>Janet G.</td>
<td>38</td>
<td>Cyclist</td>
<td>Not Guilty</td>
</tr>
</tbody>
</table>

### Table 5:4

The Number of Women Indicted for Attempted Murder and their Victims in the Christchurch Supreme Court from 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Victim</th>
<th>Verdict</th>
</tr>
</thead>
<tbody>
<tr>
<td>1932</td>
<td>Gertrude McC.</td>
<td>27</td>
<td>Older child</td>
<td>No Bill</td>
</tr>
<tr>
<td>1934</td>
<td>Bertha P.</td>
<td>35</td>
<td>Older baby</td>
<td>Insane</td>
</tr>
<tr>
<td>1951</td>
<td>Kathleen H.</td>
<td>26</td>
<td>Husband</td>
<td>Not Guilty</td>
</tr>
</tbody>
</table>
Table 5:5

Women Indicted in the Christchurch Supreme Court For Fatal Violence Related to ‘Neonaticide’ From 1900 to 1968

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Age</th>
<th>Marital Status</th>
<th>Charge</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1904</td>
<td>Caroline H.</td>
<td>22</td>
<td>(Single?)</td>
<td>Murder</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td>1906</td>
<td>Lillian H.</td>
<td>23</td>
<td>Single</td>
<td>Manslaughter</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Concealment</td>
<td>Insane</td>
<td></td>
</tr>
<tr>
<td>1907</td>
<td>Lillian H.</td>
<td>25</td>
<td>Single</td>
<td>Manslaughter</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Concealment</td>
<td>Not guilty</td>
<td></td>
</tr>
<tr>
<td>1916</td>
<td>Mary-Ann R.</td>
<td>31</td>
<td>Separated</td>
<td>Murder</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1920</td>
<td>Catherine S.</td>
<td>25</td>
<td>Single</td>
<td>Murder</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Concealment</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1921</td>
<td>Hilda B.</td>
<td>16</td>
<td>Single</td>
<td>Murder</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1922</td>
<td>Phyllis S.</td>
<td>(young)</td>
<td>(Single?)</td>
<td>Manslaughter</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1930</td>
<td>Kathleen D.</td>
<td>31</td>
<td>Single</td>
<td>Murder</td>
<td>No Bill</td>
<td>Conviction not entered</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Concealment</td>
<td>Guilty</td>
<td></td>
</tr>
</tbody>
</table>
### Table 5:6

Women Indicted in the Christchurch Supreme Court For Concealment of Birth From 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Marital Status</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1904</td>
<td>Emily P.</td>
<td>29</td>
<td>Single</td>
<td>Guilty</td>
<td>Convicted &amp; discharged</td>
</tr>
<tr>
<td>1906</td>
<td>Mary-Ann F.</td>
<td>15</td>
<td>(Single?)</td>
<td>Guilty (mercy)</td>
<td>Convicted &amp; discharged</td>
</tr>
<tr>
<td>1909</td>
<td>Jane B.</td>
<td>19</td>
<td></td>
<td>No Bill</td>
<td>3 months' Samaritan Home</td>
</tr>
<tr>
<td>1911</td>
<td>Mary B.</td>
<td>22</td>
<td>Single</td>
<td>Guilty (mercy)</td>
<td>Pay cost &amp; up for sentence</td>
</tr>
<tr>
<td>1912</td>
<td>Margaret B.</td>
<td>22</td>
<td>Single</td>
<td>Guilty</td>
<td>5 months' Rescue Home</td>
</tr>
<tr>
<td>1912</td>
<td>Mary-Ann C.</td>
<td>21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1931</td>
<td>Violet M.</td>
<td>29</td>
<td>Separated</td>
<td>Not Guilty</td>
<td>1 year’s probation</td>
</tr>
<tr>
<td>1936</td>
<td>Delia R.</td>
<td>27</td>
<td>Single</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td>1941</td>
<td>Myrtle K.</td>
<td>29</td>
<td>Single</td>
<td>Guilty</td>
<td>2 years’ probation</td>
</tr>
<tr>
<td>1943</td>
<td>Alwyn W.</td>
<td>23</td>
<td>Single</td>
<td>No Bill</td>
<td>Up for sentence</td>
</tr>
<tr>
<td>1947</td>
<td>Margaret D.</td>
<td>22</td>
<td>Married</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td>1949</td>
<td>Alwyn W.</td>
<td>29</td>
<td>Single</td>
<td>Guilty</td>
<td></td>
</tr>
</tbody>
</table>
Women Indicted in the Christchurch Supreme Court For Fatal Violence Against ‘Older’ Children From 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Marital Status</th>
<th>Charge</th>
<th>Method</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1906</td>
<td>Ann F.</td>
<td>47</td>
<td>Married</td>
<td>Manslaughter</td>
<td>Neglect</td>
<td>Guilty</td>
<td>3 years’ hard labour</td>
</tr>
<tr>
<td></td>
<td>Harriet F.</td>
<td>17</td>
<td>Single</td>
<td>Manslaughter</td>
<td>Neglect</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1907</td>
<td>Edith M.</td>
<td></td>
<td></td>
<td>Manslaughter</td>
<td>Neglect</td>
<td>Guilty</td>
<td>1 month’s prison &amp; Samaritan home</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abandonment</td>
<td>Neglect</td>
<td>Guilty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1918</td>
<td>Winifred C.</td>
<td>27</td>
<td>Single</td>
<td>Murder</td>
<td>Assault</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>Elizabeth R.</td>
<td>43</td>
<td>Married</td>
<td>Murder</td>
<td>Cut Throat</td>
<td>Insane</td>
<td></td>
</tr>
<tr>
<td>1932</td>
<td>Gertrude McC.</td>
<td>27</td>
<td>DeFacto</td>
<td>Attempt Murder</td>
<td>Drowning</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td>1934</td>
<td>Bertha P.</td>
<td>35</td>
<td>Married</td>
<td>Murder</td>
<td>Cut Throat</td>
<td>Insane</td>
<td></td>
</tr>
<tr>
<td>1966</td>
<td>Winifred T.</td>
<td>50</td>
<td>Married</td>
<td>Murder</td>
<td>Cut Throat</td>
<td>Insane</td>
<td></td>
</tr>
</tbody>
</table>
Women Indicted in the Christchurch Supreme Court For Serious Non-Fatal Violence Against Older Children From 1900 to 1968.

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Marital Status</th>
<th>Husband Tried</th>
<th>Charge</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1903</td>
<td>Mary H.</td>
<td>23</td>
<td>Married</td>
<td>Yes</td>
<td>Wilful Neglect</td>
<td>Guilty</td>
<td>3 months’ gaol</td>
</tr>
<tr>
<td>1903</td>
<td>Annie D.</td>
<td>46</td>
<td>Married</td>
<td>No</td>
<td>Bodily Harm</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1903</td>
<td>Agnes B.</td>
<td></td>
<td>Married</td>
<td>Yes</td>
<td>Cruelty</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1907</td>
<td>Beatrice</td>
<td>41</td>
<td>Separated</td>
<td>No</td>
<td>Abandonment</td>
<td>Guilty</td>
<td>Up for sentence</td>
</tr>
<tr>
<td>1912</td>
<td>Emily S.</td>
<td>38</td>
<td>Married</td>
<td>Yes</td>
<td>Wilful Neglect</td>
<td>Guilty</td>
<td>5 pound fine</td>
</tr>
<tr>
<td>1915</td>
<td>Winifred</td>
<td>24</td>
<td>Single</td>
<td>——</td>
<td>Abandonment</td>
<td>Guilty</td>
<td>2 years’ prison</td>
</tr>
<tr>
<td>1919</td>
<td>Ruth R.</td>
<td>19</td>
<td>Single</td>
<td>——</td>
<td>Abandonment</td>
<td>Guilty</td>
<td>1 year’s probation</td>
</tr>
<tr>
<td>1922</td>
<td>Kathleen</td>
<td>20</td>
<td>Single*</td>
<td>——</td>
<td>Abandonment</td>
<td>Guilty</td>
<td>Discharge e-ed</td>
</tr>
<tr>
<td>1925</td>
<td>Alice H.</td>
<td></td>
<td>Single</td>
<td>Abandonment</td>
<td>Guilty</td>
<td></td>
<td>3 years’ Probation</td>
</tr>
<tr>
<td></td>
<td>Pearl B.</td>
<td></td>
<td></td>
<td>Abandonment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1940</td>
<td>Mary-</td>
<td>19</td>
<td>Single</td>
<td>Abandonment</td>
<td>Not Guilty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1952</td>
<td>Audrey T.</td>
<td>28</td>
<td>Married</td>
<td>Yes</td>
<td>Ill-treatment</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td>1958</td>
<td>Rosemary</td>
<td>23</td>
<td>Married</td>
<td>No</td>
<td>Ill-treatment</td>
<td>Not Guilty</td>
<td></td>
</tr>
</tbody>
</table>

*Kathleen M. was not married when she committed the offences but had married before she was put on trial.
### Table 5:9

Women Indicted in the Christchurch Supreme Court For Spousal Related Violence From 1900 to 1968

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Method</th>
<th>Charge</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1942</td>
<td>Rosina M.</td>
<td>57</td>
<td>Tomahawk</td>
<td>Assault Causing Bodily Harm</td>
<td>Guilty</td>
<td>2 years' probation &amp; prohibition order</td>
</tr>
<tr>
<td>1945</td>
<td>Madaleine D.</td>
<td>46</td>
<td>Axe</td>
<td>Assault Causing Bodily Harm (3 counts)</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1951</td>
<td>Kathleen H.</td>
<td>26</td>
<td>Gun</td>
<td>Attempted Murder &amp; Assault</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1958</td>
<td>Patricia J.</td>
<td>22</td>
<td>Hot Fat</td>
<td>Assault (3 Counts)</td>
<td>Guilty (1 count)</td>
<td>Up for Sentence</td>
</tr>
</tbody>
</table>
Table 5:10

Women Indicted in the Christchurch Supreme Court For Serious Violence Against People Unknown to Them 1900 to 1968.

Abortion Related indictments:

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Marital Status</th>
<th>Charge</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>Josephine W.</td>
<td>45</td>
<td>Deserted</td>
<td>Unlawful use of instrument to procure abortion</td>
<td>Guilty</td>
<td>7 years' prison</td>
</tr>
<tr>
<td>1911</td>
<td>Emily H.</td>
<td>46</td>
<td></td>
<td>Procuring abortion</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1917</td>
<td>Philippa S.</td>
<td>40</td>
<td>Divorced</td>
<td>Attempt abortion</td>
<td>Guilty</td>
<td>5 years' prison</td>
</tr>
<tr>
<td>1920</td>
<td>Gertrude B.</td>
<td></td>
<td></td>
<td></td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1926</td>
<td>Amy G.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1936</td>
<td>Ruebena S.</td>
<td>40</td>
<td>Married</td>
<td>Using unlawful means to procure abortion</td>
<td>Guilty</td>
<td>18 months' prison</td>
</tr>
<tr>
<td>1937</td>
<td>Gertrude T.</td>
<td>42</td>
<td>Married</td>
<td>Using means to procure miscarriage</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agnes B.</td>
<td>63</td>
<td>Married</td>
<td>Use instrument on self to miscarry</td>
<td>Guilty</td>
<td>6 months' hard labour</td>
</tr>
<tr>
<td></td>
<td>Elsie K.</td>
<td>25</td>
<td></td>
<td></td>
<td>Guilty</td>
<td>1 year's Probation</td>
</tr>
<tr>
<td>1942</td>
<td>Barbara F.</td>
<td>54</td>
<td>Married</td>
<td>Attempt to incite other to commit crime</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1946</td>
<td>Mary B.</td>
<td>53</td>
<td>Widow</td>
<td>Unlawful use of instrument</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1948</td>
<td>Amy K.</td>
<td>47</td>
<td>Separated</td>
<td>Unlawful use instrument Aid person use instrument</td>
<td>Guilty</td>
<td>2 years' probation</td>
</tr>
<tr>
<td>Year</td>
<td>Name</td>
<td>Age</td>
<td>Status</td>
<td>Charge</td>
<td>Verdict</td>
<td>Sentence</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>-----</td>
<td>---------</td>
<td>-----------------------------</td>
<td>---------</td>
<td>------------------</td>
</tr>
<tr>
<td>1954</td>
<td>Mary B.</td>
<td>61</td>
<td>Widow</td>
<td>Procuring abortion (1 count)</td>
<td>Guilty</td>
<td>3 years' prison</td>
</tr>
<tr>
<td>1960</td>
<td>Ruebena S.</td>
<td>63</td>
<td>Married</td>
<td>Unlawful use instrument</td>
<td>Guilty</td>
<td>2 years' prison</td>
</tr>
<tr>
<td>1963</td>
<td>Lois S.</td>
<td>23</td>
<td>Single</td>
<td>Party to attempt miscarriage</td>
<td>Guilty</td>
<td>2 years' probation</td>
</tr>
<tr>
<td>1965</td>
<td>Marian MaC.</td>
<td>60</td>
<td>Divorced</td>
<td>Unlawful use instrument</td>
<td>Guilty</td>
<td>2 years' prison</td>
</tr>
<tr>
<td>1966</td>
<td>Florence W.</td>
<td>41</td>
<td>Married</td>
<td>Unlawful use instrument</td>
<td>Guilty</td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>Name</td>
<td>Age</td>
<td>Victim</td>
<td>Charge</td>
<td>Verdict</td>
<td>Sentence</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>-----</td>
<td>--------------</td>
<td>--------</td>
<td>---------</td>
<td>----------------</td>
</tr>
<tr>
<td>1944</td>
<td>Helen L.</td>
<td>34</td>
<td>Male Pensioner</td>
<td>Murder</td>
<td>Insane</td>
<td></td>
</tr>
<tr>
<td>1956</td>
<td>Barbara M.</td>
<td></td>
<td>Boyfriend</td>
<td>Murder</td>
<td>Guilty</td>
<td>7 years' prison</td>
</tr>
<tr>
<td>1954</td>
<td>Pauline P.</td>
<td>15</td>
<td>Mother</td>
<td>Murder</td>
<td>Guilty</td>
<td>Indefinite prison sentence</td>
</tr>
<tr>
<td></td>
<td>Juliet H.</td>
<td>16</td>
<td>Friend's Mother</td>
<td>Murder</td>
<td>Guilty</td>
<td>Indefinite prison sentence</td>
</tr>
<tr>
<td>1966</td>
<td>Gertrude L</td>
<td>48</td>
<td>Mother</td>
<td>Murder</td>
<td>Guilty</td>
<td></td>
</tr>
</tbody>
</table>
Table 5:12

Women Indicted in the Christchurch Supreme Court For Serious Violence Against People Known to them but who were not Related From 1900 to 1968.

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Marital Status</th>
<th>Victim</th>
<th>Method</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1933</td>
<td>Myrtle L.</td>
<td>45</td>
<td>Separated</td>
<td>Man</td>
<td>Firearm</td>
<td>Guilty</td>
<td>(mercy)</td>
</tr>
<tr>
<td>1935</td>
<td>Tessie Z.</td>
<td>41</td>
<td>Married</td>
<td>Landlord</td>
<td>Firearm</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1951</td>
<td>Dorothy M.</td>
<td>24</td>
<td>Separated</td>
<td>Lover’s Wife</td>
<td>Poison</td>
<td>Guilty</td>
<td>2 years’ probation</td>
</tr>
<tr>
<td>1960</td>
<td>Raey B.</td>
<td>30</td>
<td>Married</td>
<td>Domestic Servant</td>
<td>Beating</td>
<td>Guilty</td>
<td>4 months’ prison</td>
</tr>
<tr>
<td>1960</td>
<td>Daphne McI.</td>
<td>30</td>
<td>Widow</td>
<td>Male Friend</td>
<td>Beating</td>
<td>Guilty</td>
<td>18 months’ prison</td>
</tr>
<tr>
<td>1964</td>
<td>Enid H.</td>
<td>27</td>
<td>Single</td>
<td>Women Flatmate</td>
<td>Firearm</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>Name</td>
<td>Age</td>
<td>Marital Status</td>
<td>Method</td>
<td>Verdict</td>
<td>Sentence</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
<td>------</td>
<td>----------------</td>
<td>--------</td>
<td>---------</td>
<td>-------------------</td>
<td></td>
</tr>
<tr>
<td>1905</td>
<td>Susan W.</td>
<td></td>
<td></td>
<td>Nursing</td>
<td>Not Guilty</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mabel A.</td>
<td></td>
<td></td>
<td>Nursing</td>
<td>No Bill</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1906</td>
<td>Georgina B.</td>
<td>33</td>
<td>Married</td>
<td>Nursing</td>
<td>Retrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td>Bridget C.</td>
<td>56</td>
<td></td>
<td>Abortion</td>
<td>Guilty</td>
<td>8 years’ prison</td>
<td></td>
</tr>
<tr>
<td>1934</td>
<td>Edith F.</td>
<td>36/38</td>
<td></td>
<td>Nursing</td>
<td>Not Guilty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1961</td>
<td>Janet G.</td>
<td>38</td>
<td></td>
<td>Motorcar</td>
<td>Not Guilty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1961</td>
<td>Ivy McI.</td>
<td>21</td>
<td>Married</td>
<td>Nursing</td>
<td>Not Guilty</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 5:14

Women Indicted in the Christchurch Supreme Court For Serious Violence Against People Unknown to Them 1900 to 1968.

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Age</th>
<th>Marital status</th>
<th>Charge</th>
<th>Verdict</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1908</td>
<td>Beatrice T.</td>
<td>24</td>
<td>Married</td>
<td>Assault</td>
<td>Not Guilty</td>
<td></td>
</tr>
<tr>
<td>1929</td>
<td>Isabella S.</td>
<td></td>
<td></td>
<td>Death by negligent driving</td>
<td>Guilty (m)</td>
<td>No license for life</td>
</tr>
<tr>
<td>1938</td>
<td>Gladys V.</td>
<td>19</td>
<td></td>
<td>Death by negligent driving</td>
<td>Guilty</td>
<td>Fined &amp; no license for life</td>
</tr>
<tr>
<td>1943</td>
<td>Nancy H.</td>
<td>32</td>
<td>Married</td>
<td>Death by negligent driving</td>
<td>No Bill</td>
<td></td>
</tr>
<tr>
<td>1955</td>
<td>Una M.</td>
<td>22</td>
<td>Single</td>
<td>Assault man</td>
<td>Guilty</td>
<td>6 months’ prison &amp; 1 year’s probation</td>
</tr>
<tr>
<td>1961</td>
<td>Ivy McL.</td>
<td>21</td>
<td></td>
<td>Harm Patient</td>
<td>Not Guilty</td>
<td></td>
</tr>
</tbody>
</table>
References

I. Primary Sources

A. Unpublished

National Archives, Christchurch

Christchurch High Court Crown Books

Christchurch High Court Return of Prisoners Tried

Criminal Trial Files for the Christchurch High Court

Criminal Sentencing Files for the Christchurch High Court
(for specific files see footnotes.)

B. Published

Bennett, F. C. and Dr. Gordon, D. *Gentlemen of the Jury* New Plymouth: Thomas Avery 1937

Department of Justice New Zealand *Crime in New Zealand* Wellington: Government Printer 1968

New Zealand Justice Statistics 1900 to 1968

Newspapers:

*The Christchurch Press*

*The Christchurch Times*

*The Lyttleton Times* Christchurch

*New Zealand Truth* Auckland

*The Star* Christchurch

*The Sun* Christchurch
II. Secondary Sources

A. Published


Bavidge, M. *Mad or Bad?* New York: St. Martins Press 1989


Brookes, B. "Housewives Depression: The Debate over Abortion and Birth Control in the 1930s" *The Journal of New Zealand History* (NZJH) Vol.1 No.2 1981


Daly, M. and Wilson, M. *Homicide* New York: Aldine de Gruyter 1988

Edwards, S.M. *Women on Trial: A Study of the Female Suspect Defendant and Offender in Criminal Law and the Criminal Justice System* Dover: Manchester University Press 1984

Elliot, D. *Gender, Delinquency and Society* Hants: Avebury 1988


Feinman, C. *Women in the Criminal Justice System* Westport: Greenwood 1994


Mann, C.R. *Female Crime and Delinquency* Alabama: University of Alabama Press 1985

Mednick, Moffatt and Stack *The Causes of Crime: New Biological Approaches* New
York: Cambridge University Press 1987


Naffine, N. *Feminism and Criminology* Wellington: Allen and Unwin 1997


Olssen, E. "Truby King and the Plunket Society: an Analysis of a Prescriptive Ideology" *The Journal of New Zealand History (NZJH)* 1993


Robinson, J. "Canterbury's Rowdy Women: Whores, Madonna's and Female Criminality"
in *New Zealand Women's Studies Journal* Vol.1 No.1 1984


Shapiro, A.L. *Breaking the Codes: Female Criminality in Fin-de-Siecle Paris* California: Stanford University Press 1996


Tennant, M. *Paupers and Providers: Charitable Aid in New Zealand* Wellington: Allen and Unwin 1989


Young-Bruehl, E. *Freud on Women: A Reader* New York: W.W.Norton 1990

B. Unpublished

Clark, I.S.L. *Invisible Women: Towards a Geography of Female Offending* M.A. Thesis University of Canterbury 1990

Bradshaw, A.L. "The Ideal Society and its' Women: A Survey of Women Charged With Serious Violence Against the Person Before the Supreme Court 1850-1900" History 630 Essay, University of Canterbury, 1996