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Homicide in Victoria: Female Perpetrators of

Murder and Manslaughter, 1860 to 1920 Scholars have paid scant attention to women's homicide in Victoria, Australia's second most populous state, offering no longitudinal analysis of the offense considered the most reliable measurement of crime and barometer of societal safety. Women (past and present) account for a minority of violent interpersonal offenders in not only Victoria but other jurisdictions around the world; at a time when the rate of male homicide offending is at an all-time low in Australia, women's rates have remained unchanged, plateauing at close to 0.5 per 100,000 for thirty years. Without a historical examination of homicide convictions, we cannot predict the extent to which women's offending has shifted nor how prosecution of women has changed.¹

This article, the first to undertake a longitudinal analysis of women's violent offending in Victoria, examines female-perpetrated homicide and subsequent imprisonment in Victoria. It draws attention to the criminal careers of the ninety-five women convicted of murder or manslaughter between 1860 and 1920, and whose details are available in the Central Register of Female Prisoners, which compiles a total of 6,042 women first imprisoned for an offense during this sixty-year period in Victoria. The data enable an exploration of

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1 Michael Cannon, *Woman as Murderer: Five who Paid with Their Lives* (Morningside, Australia, 1994); Kathy Laster, "Arbitrary Chivalry: Women and Capital Punishment in Victoria, Australia, 1842–1967," *Women & Criminal Justice*, VI (1994), 67–95; Ted Robert Gurr, "Historical Trends in Violent Crime: A Critical Review of Evidence," *Crime and Justice*, III (1981), 297; Willow Bryant and Samantha Bricknell, *Homicide in Australia 2012–13 to 2013–14: National Homicide Monitoring Program Report* (Canberra, 2017), 31.

the similarities and differences between the women convicted of homicide offenses as well as an investigation of the links between their crimes and imprisonment through such factors as their socioeconomic profiles, their occupations, their ages, and their migrations.²

Although women's homicidal violence tended to concentrate on those in their care, the dimensions of women's violent offending are far more nuanced and varied than expected. The purpose of this study is not to create an overarching theory of women's violence (which would require an in-depth qualitative analysis of the cases) but to lay a foundation of quantitative knowledge on which future qualitative analyses can be based. An interdisciplinary collaboration between history and criminology can forge a deeper understanding of women's crimes and punishment within the field of criminal justice.

HISTORICAL CRIMINOLOGY AND FEMALE-PERPETRATED HOMICIDE
This article contributes to the burgeoning area of historical criminology on two counts. First, historical criminology is not yet a clearly identified branch of criminology; it has no body of scholarship that is seminal to it as an avenue of inquiry and no clear definition. Nonetheless, in Churchill's words, historical criminology is best viewed as "the work of criminology done in an historical mode," focusing not on writing the history of crime but on creating a historical work of criminology. Such is the direction that this article takes in its gendered analysis of crime.³

2 The Central Register of Female Prisoners—created by the Chief Secretary's Department (1855–1871) and later the Penal and Gaols Branch of the Chief Secretary's Department (1871–1948)—reports the details of female prisoners held in prisons around Melbourne and regional Victoria. These registers, now digitized by the Public Record Office of Victoria, contain such details as prisoner numbers, personal descriptors, convictions, biometric data, sentences, trial judges, behavior in prison, and other details related to the women's incarceration. The records are searchable by prisoner name at <https://prov.vic.gov.au/explore-collection/explore-topic/justice-crime-and-law/register-male-and-female-prisoners-1855-1947> (accessed 02/02/2020). See Alana Jayne Piper and Nagy, "Offending Patterns among Female Prisoners in Victoria 1860–1920," *Journal of Interdisciplinary History*, XLVIII (2017), 187–210; *idem*, "Risk Factors and Pathways to Imprisonment among Incarcerated Women in Victoria, 1860–1920," *Journal of Australian Studies*, XLII (2018), 268–284; *idem*, "Imprisonment of Female Urban and Rural Offenders in Victoria, 1860–1920," *International Journal for Crime, Justice and Social Democracy*, VIII (2019), 100–115; "Thematic Section: The Uses of Historical Criminology: Explanation, Characterisation and Context," *Criminology & Criminal Justice: An International Journal*, XIX (2019), 456–511; Anette Ballinger, *Dead Woman Walking: Executed Women in England and Wales 1900–1955* (New York, 2000).

3 David Churchill, "Towards Historical Criminology," *Crime, History and Societies*, XXI (2019), 380.

Second, this article's exclusive concern with Australia likewise separates it from the majority of the research in historical criminology, which has predominantly come from the United Kingdom and elsewhere in Europe, as well as the United States, leaving the global southern perspective underdeveloped. This distinction from the global north is important: Although white Australia's development as a colony did not come without violence against its Indigenous population, it did not involve the protracted international wars or revolutions that occurred elsewhere. It also underwent major mining and population booms that, by the 1880s, had made Victoria the richest place in the world. Any attention on Australia has tended to center on an examination of the convicts transported from Britain and an analysis of their colonization of the continent. Much of this previous work fell into the category of historical rather than criminological research. Scholarship in historical criminology (especially covering periods after the era of transportation) that questioned how knowledge of Australia's past can respond to current social and criminological concerns is recent and thin.⁴

Violent women have traditionally been caricatured as jealous and vindictive harpies. Women have generally committed crimes—whether murder, theft/destruction of property, or disorderly conduct—for reasons different from men's. Women's relationship with violent crime is more often as victims rather than perpetrators. However, whereas women who are victims of homicide tend to be the current or past partners of men whose motives for killing were jealousy or control, women who kill adult men are usually protecting themselves and/or their children from male threats. However, adult men are not women's primary victims; infants,

4 Paul Knepper and Sandra Scicluna, "Historical Criminology and the Imprisonment of Women," *Theoretical Criminology*, XIV (2010), 407–424; Barry Godfrey and David J. Cox, "'The Last Fleet': Crime, Reformation, and Punishment in Western Australia After 1868," *Australian and New Zealand Journal of Criminology*, XLI (2008), 236–258; Yorick Smaal, Mark Finnane, and Andy Kaladelfos (eds.), *Sexual Abuse of Children: Recognition & Redress* (Clayton, Australia, 2016); Rachel Zajac, Nina Westera, and Kaladelfos, "The 'Good Old Days' of Courtroom Questioning: Changes in the Format of Child Cross-Examination Questions Over 60 Years," *Child Maltreatment*, XXIII (2018), 186–195; Piper and Nagy, "Offending Patterns"; *idem*, "Risk Factors"; *idem*, "Urban and Rural Offenders"; Nagy "Women, Old Age and Imprisonment in Victoria, Australia 1860–1920," *Women & Criminal Justice*, XXX (2020), 155–171; Finnane and Kaladelfos, "Australia's Long History of Immigration, Policing and the Criminal Law," in Peter Billings (ed.), *Crimmigration in Australia: Law, Politics and Society* (Singapore, 2019), 19–37.

children, or female friends are. Although women kill some of their victims, whether adults or children, because of financial or emotional strain, they also kill because of romantic entanglements, rage, and/or an over-reaction to perceived slights. Due to the infrequency of homicide by women, and the seemingly unfeminine nature of it, the prevailing historical response has been to treat it as madness rather than criminal intent. Hence, authorities were more likely to send women who killed their children and infants to a mental institution than to a prison.⁵

Feminist theorists analyze this judicial response to women's violence (the social and legal labels of "mad" versus "bad") as explaining the perception of some women as deserving pity and others as beyond redemption after committing a homicide. Although feminist criminology has managed to extend the understanding of crime and criminality to some extent, crime is still disproportionately viewed as a male phenomenon, and women more as its victims than as violent criminals themselves, even when they kill. Some scholars regard this position as counterproductive to women achieving equality in the criminal-justice system, encouraging the "bad" woman stereotype that subjects women to "double deviance"—not only as criminals but also as fallen women. The "mad" side of the stereotype perpetuates the notion that women killing is "abnormal," requiring psychiatric intervention, as opposed to the seemingly "normal" behavior of violent men.⁶

5 Nagy, *Nineteenth-Century Female Poisoners: Three Women Who Used Arsenic to Kill* (New York, 2015); Laster, "Arbitrary Chivalry"; Bryant and Bricknell, *Homicide in Australia*; Thea Brown et al., "Filicide Offenders," *Trends and Issues in Crime and Criminal Justice* (Canberra, 2019), 4; Malcolm M. Feeley and Hadar Aviram, "Social Historical Studies of Women, Crime and Courts," *Annual Review of Law and Social Science*, VI (2010), 151–171; Jill Theresa Messing and John W. Heeran, "Another Side of the Multiple Murder: Women Killers in the Domestic Context," *Homicide Studies*, VIII (2004), 123–158; David Nash and Anne-Marie Kilday, *Cultures of Shame: Exploring Crime and Morality in Britain 1600–1900* (New York, 2010); Ann Shapiro, *Breaking the Codes: Female Criminality in Fin-de-Siècle Paris* (Stanford, 1996); Kelley Blanchette and Shelley L. Brown, *The Assessment and Treatment of Women Offenders: An Integrative Perspective* (Hoboken, 2006); Jenny Morgan, *Who Kills Whom and Why: Looking beyond Legal Categories* (Melbourne, 2002); Georgie Rychner, "Murderess or Madwoman? Margaret Heffernan, Infanticide, and Insanity in Colonial Victoria," *Lilith: A Feminist Journal*, XXIII (2017), 91–104.

6 Judith Allen, *Sex and Secrets: Crimes Involving Australian Women since 1880* (Melbourne, 1990); Belinda Morrissey, *When Women Kill: Questions of Agency and Subjectivity* (New York, 2003); Ballinger, "Reasonable Women Who Kill: Re-Interpreting and Re-Defining Responses to Domestic Violence in England and Wales 1900–1965," *Outlines: Critical Social Studies*, VII (2005), 445–467; James W. Messerschmidt, "Men, Masculinities and Crime," in Michael S. Kimmel, Jeff Hearn, and Raewyn W. Connell (eds.), *Handbook of Studies on*

Criminology still tends to ignore women as offenders, even in the twenty-first century, but it also shows a distinct lack of interest in bridging the gap between historical and criminological knowledge. Even feminist criminology fails in this regard because feminists do not really want to “own” the problem that women can be, and are, violent. As Godfrey notes, since historians’ often account for women as offenders, women’s offending is neither new nor surprising in this discipline; nonetheless, the predominant focus has been on sensational case studies. Some Australian criminologists have called for historical investigation into women’s offending and imprisonment to overcome the serious lapses in the understanding of women’s place in the criminal-justice system.⁷

Australian historical literature about women’s violent offending typically concentrates on reproductive crimes (abortion and infanticide) or crimes linked to sexuality (prostitution), with a limited attention to murder or manslaughter that was not associated with any of the more “feminine” crimes. The location of such studies is usually New South Wales or Tasmania, as a continuation from earlier convict history, although work on Victoria has begun to emerge. The emphasis is on case studies of specific female criminals rather than longitudinal, quantitative research. This is not to suggest that quantitative research has all the answers, but the status quo has not produced any foundation for further work on women’s historical criminality and imprisonment in Australia (or Victoria, more specifically). Australia’s scholarly landscape is only

Men and Masculinities (Thousand Oaks, 2005), 196–212; Ballinger, “‘A Crime of Almost Unspeakable Cruelty and Wickedness’: Gender, Agency and Murder in Scotland—The Case of Jeannie Donald,” *Social & Legal Studies*, XXVIII (2019), 430; Ania Wilczynski, “Mad or Bad? Child-Killers, Gender and the Courts,” *British Journal of Criminology*, XXXVII (1997), 419.

⁷ Ballinger, “‘Crime of Almost Unspeakable Cruelty’”; Kerry Carrington, “Girls and Violence: The Case for a Feminist Theory of Female Violence,” *International Journal for Crime, Justice and Social Democracy*, II (2013), 63–79; Helen Birch “If Looks Could Kill: Myra Hindley and the Iconography of Evil,” *idem* (ed.), *Moving Targets* (London, 1993), 48; Carol Smart, *Feminism and the Power of Law* (New York, 1989); Christine Alder and Anne Worrall, “A Contemporary Crisis?” in *idem* (eds.), *Girls’ Violence: Myths and Realities* (Albany, 2004), 1–20; Adrian Howe, “Sentencing Women to Prison in Victoria—A Research and Political Agenda,” *Law in Context: A Socio-Legal Journal*, VIII (1990), 32–53; Barry Godfrey, “‘Rough’ Girls: The ‘Recent’ History of Violent Young Women, 1900–1930,” in Worrall and Alder (eds.), *Girls’ Violence*, 21; Paul Lawrence, “History, Criminology, and Use of the Past,” *Theoretical Criminology*, XVI (2012), 313–328; Claire Renzetti, “The Challenge to Feminism of Women’s Use of Violence in Interpersonal Relationships,” in Sharon Lamb (ed.), *New Versions of Victims* (New York, 1999), 42–56.

beginning to change, but it lags far behind Europe where numerous quantitative investigations into women's criminality (including homicide offending) have emerged. Where quantitative criminological analysis about women's offending has existed (in international rather than Australian literature), it has mainly been interested in whether women received more lenient sentences than men, or whether women's offending has increased since the push for women's rights and liberation began—a hypothesis debunked by feminist criminologists that persists outside of feminist circles.⁸

The theory that women routinely receive sentences more lenient than men's, also known as judicial chivalry, is too simplistic and too fixated on the wrong end of the court process. The stay of execution for all but five women who found themselves at the end of a rope in Victoria may have been due to the self-defined chivalry of judges, juries, politicians, and members of the public, but contemporaries view most female murderers as “deserving” of magnanimity from the outset. The argument that authorities are unwilling to see women on the gallows because of entrenched ideas of gender relations is relevant not only in Victoria but also in Canada, the United States, and the United Kingdom. But the argument that authorities executed women whom they saw as irredeemable, representing an aberration of womanhood and thus worthy of the harshest sentence, overlooks the nuances of individual cases, or the lives of women in general. It ignores the issue of how the “social control of women leads to state control.”⁹

In Victoria, offenses other than murder could result in a death sentence; seven men were hanged for rape, sexual abuse of children, shooting with intent to kill, and burglary with violence between 1863

8 Allen, *Sex and Secrets*; Michael Sturma, *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales* (St. Lucia, 1983); Eleanor Conlon Casella, “To Watch or Restrain: Female Convict Prisons in 19th-Century Tasmania,” *International Journal of Historical Archaeology*, V (2001), 45–72; Laster, “Arbitrary Chivalry”; Cannon, *Woman as Murderer*; Piper and Nagy, “Offending Patterns”; *idem*, “Risk Factors”; *idem*, “Urban and Rural Offenders”; Feeley and Deborah Little, “The Vanishing Female: The Decline of Women in the Criminal Process, 1687–1912,” *Law and Society Review*, XXV (1991), 719–757; Godfrey, Clive Emsley, and Graeme Dunstall (eds.), *Comparative Histories of Crime* (Cullopton, Devon, 2003); Roy L. Austin, “Women's Liberation and Increases in Minor, Major, and Occupational Offenses,” *Criminology*, XX (1982), 407–430.

9 Laster, “Arbitrary Chivalry”; S. Fernando Rodriguez, Theodore R. Curry, and Gang Lee, “Gender Differences in Criminal Sentencing: Do Effects Vary across Violent, Property and Drug Offenses?” *Social Science Quarterly*, LXXXVII (2006), 318–339; Mary Eaton, *Justice for Women? Family, Court and Social Control* (Philadelphia, 1986).

and 1894. Yet all the women who were hanged lost their lives for murder alone. In total, five women were executed in Victoria—Elizabeth Scott (executed in 1863), Frances Knorr (1894), Martha Needle (1894), Emma Williams (1895), and Jean Lee (1951). Executions of women in the colony (later the state) of Victoria, were few and far between; in contrast, 181 men were hanged between 1853 and 1967. As Laster and Alexander argue, when researchers turn their gaze only on the individual hanged, they divert attention from larger social and political machinations. According to feminist criminological theory, women suffer execution as part of larger social and political agenda—for example, to demonstrate that the government is serious about law and order. Studies in the execution of women in the United States and the United Kingdom demonstrate the importance of looking beyond the theory of judicial chivalry when considering how the criminal-justice system dealt with women found guilty of homicide.¹⁰

The theory of chivalry can explain why certain women would or would not be executed only inconsistently; it does not consider broader imprisonment trends or contexts around female offenders' execution. Most women sentenced to death in Victoria had their sentences commuted to either a period of detention in prison or an asylum to receive treatment for the mental illness considered the motivator of their criminal behavior. Execution therefore seems to be the exception rather than the rule. Focusing exclusively on executed women (in Victoria or elsewhere) can cloud our understanding of the bigger picture not only of female criminality but also of a given society. In this article, the extension of this notion to Victoria between 1860 and 1920 results in uncovering the underlying trends of the criminal-justice system's responses to violent women.¹¹

WOMEN'S OFFENDING IN VICTORIA Women's imprisonment rates in Victoria dropped steadily throughout the nineteenth century, indicating either that judges were less inclined to imprison women,

10 Laster and Alexander, "Chivalry or Death"; David V. Baker, *Women and Capital Punishment in the United States: An Analytical History* (Jefferson, 2016); Elizabeth Rapaport, "Equality of the Damned: The Execution of Women on the Cusp of the 21st Century," *Ohio Northern University Law Review*, XXVI (2000), available at: <http://works.bepress.com/elizabeth-rapaport/1/>; Ballinger, *Dead Woman Walking*.

11 Laster, "Arbitrary Chivalry"; *idem* and Alexander, "Chivalry or Death"; Ballinger, *Dead Woman Walking*.

that juries were more inclined to acquit women as the century progressed, that the prison system became less attractive as society became safer, or a combination of the three alternatives (as in the United Kingdom). Victoria's crime rates were steadily declining throughout the nineteenth century, regardless of what was happening in the courts. The falling rates of male executions in Victoria indicate either a turn to other forms of sentencing or an increased judicial benevolence toward men as the century ended.¹²

Early colonial attempts to crack down on the perceived immoral behavior of women and, more broadly, the working class resulted in the high imprisonment rates of both men and women in the 1850s and 1860s that later began to transition downward. Previous research argued that high levels of migration and young males subject to minimal policing and supervision were the drivers for imprisonment in the colonies. Law and order in Victoria continued to be a social and political concern because of the proximity to, and entry of, former convicts from both New South Wales and Van Diemen's Land (Tasmania), especially at times of economic boom. Victoria's authorities considered a strong law-and-order posture necessary to "civilize" the colonial population. Gender played a role in demands for the halting of executions, but it was only a component within a greater social movement away from capital punishment for even the most serious offenses.¹³

Victoria's population was growing exponentially from 1851 onward; for a long time, it was skewed significantly toward men. The 1861 census showed a total population of 540,322 people in Victoria—153.6 men per 100 women; the gap narrowed in the 1881 census—100 men for every 91 women—mirroring that of the other Australasian colonies. In 1901, the breakdown grew even closer—98.94 women to 100 men. By 1902, Victoria had achieved parity, though 1920 saw a shift toward women due to the effects of World War I.

12 Martin Weiner, "Judges v Jurors: Courtroom Tensions in Murder Trials and the Law of Criminal Responsibility in Nineteenth-Century England," *Law and History Review*, XVII (1999), 468; *idem*, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (New York, 2006); Feeley and Little, "Vanishing Female"; Godfrey, Emsley, and Dunstall (eds.), *Comparative Histories of Crime*; Piper and Nagy, "Offending Patterns"; *idem*, "Risk Factors."

13 Cannon, *Woman as Murderer*; Finnane, "Police and Politics in Australia—The Case for Historical Revision," *Australian and New Zealand Journal of Criminology*, XXIII (1990), 218; Roger Douglas and Laster, "'A Matter of Life and Death': The Victorian Executive and the Decision to Execute 1842–1967," *ibid.*, XXIV (1991), 144, 152.

Men outnumbered women in Australia's population as a whole well into the twentieth century, but not by much in Victoria during the nineteenth century. In fact, during those years, women outnumbered men in the city of Melbourne, as well as in the large towns of rural Victoria.¹⁴

Interestingly, although significantly fewer Victorian women were executed and imprisoned for murder than men, women's conviction rates were higher. Analyzing the data from Mukherjee et al. for the period between 1862 and 1899 highlights the discrepancies. During that period, women's convictions for homicide exceeded men's only in 1868, when 47.62 percent of men charged with murder or manslaughter were convicted and 66.67 percent of women. In the decade between 1869 and 1879, men were more likely than women to be imprisoned if charged with murder. Outliers within this period are 1866, when juries convicted only 29.41 percent of men for murder or manslaughter and no women for either crime, and 1875, when none of the six women tried for murder or manslaughter were convicted. However, from 1880 to 1899, women's conviction rates for homicide outstripped those of men for eleven years. In 1895 (the year of Williams' execution, and the year following Needle's and Knorr's hangings), 80 percent of women tried for murder and manslaughter were found guilty but only 28.57 percent of men. The intersection between the evolving nineteenth-century distaste for executions, decreasing overall crime rates, and continued perceptions about appropriate criminal-justice responses to the sexes appears to have been the driving force for the changes in the rates of conviction and execution.¹⁵

METHODOLOGY The data set for this article derives from the Central Register of Female Prisoners, a series of records created by prison authorities in Victoria providing information about the women in prison. The records include not only names and crimes but also personal details—occupation, family history, biometric data (height, weight, and facial features), and prison infractions,

14 Satyanshu K. Mukherjee et al., *Source Book of Australian Criminal & Social Statistics 1804–1988* (Canberra, 1988).

15 Mukherjee, John R. Walker, and Evelyn N. Jacobsen, *Crime and Punishment in the Colonies: A Statistical Profile* (Kensington, 1987). The trials of Needle and Knorr, who were individually responsible for multiple deaths around Melbourne, captivated newspaper audiences.

as well as whether a prisoner had family in the colony, had migrated to or within Australia (if relevant), and had taken her children with her to prison or left them in the care of someone else. Later entries would also include a photograph or mug shot. Upon entry to prison, each woman would have a record that could be augmented on any subsequent return to prison. Record keeping was efficient, with rare redundancies.

Ninety-five of the 6,042 first-time female prisoners in the records from 1860 to 1920 committed either murder or manslaughter (the fact that one woman was convicted of murder in one year and manslaughter later in her criminal career is the reason why the findings refer to ninety-six cases but only ninety-five women). This entire data set includes neither women who began offending prior to 1860 nor those who were first imprisoned after 1920. Although it is highly informative, it has limitations, such as women not always being forthright about prior convictions or prison authorities not recording details of minor infractions that incurred no punishments or fines. The data set also notes only where the trials were held, not necessarily where the crimes occurred, although trials normally took place in a large town nearby. The records also lack information about women's future re-appearances before the courts. For instance, the last recorded conviction of Mary Garbolini was for assault and threatening to murder in 1893, omitting multiple court appearances in 1895 for having no lawful means of support that were either dismissed or incurred a fine in lieu of imprisonment. The data also have information only about women found guilty of homicide; many more cases could have involved women who murdered an adult or child but either hid their crime effectively or were acquitted of it because of mitigating circumstances.

The data for homicide conviction and prison admission of rural women (that is, those outside Melbourne) appear to be sparse pre-1880; only one region returned results between 1860 and 1880. In regions where only post-1880 homicide conviction data are available, conviction data from 1860 to 1880 for all other offenses have seen use in other analyses. Why two decades of data are missing from the prison registers for women convicted of homicide is unclear. The Supreme Court register shows that rural women were charged with, and convicted of, homicide but what happened to these women following their trials is a mystery since admission data from the prisons are missing. The low rate of homicide convictions

Table 1 Total Number of Homicide Convictions

CRIME	COUNT
Murder	64 (66.7%)
Manslaughter	32 (33.3%)
Total	96 (100%)

for women in some regions of Victoria across the entire six-decade span of this research is suggestive of local pressure on authorities to refrain from charging women, to grant them clemency instead, or to convict them of lesser charges; homicides by women tied to illicit sex work or reproduction (abortions and infanticides) often did not result in any charges.¹⁶

Variables not available for the 6,042 women in the Central Register of Female Prisoners, such as facts about the victims, were drawn from the National Library of Australia's "Trove" database. The ninety-five women tried and imprisoned for murder (including "threatening to murder") or manslaughter who qualified for this study excluded those convicted of infanticide, under the charge of concealment of birth, because outright murder in their case could not be proved.

DETAILS ABOUT THE HOMICIDES The results from the analysis of the homicide data set support the findings of prior research that homicide is not prevalent among female criminals and that the victims of female offenders are overwhelmingly people with whom the women have close, often familial, relationships.¹⁷

As noted above, more women were convicted of murder than manslaughter (see Table 1). However, only four women were executed in the period spanning these records, accounting for only 4.2 percent of the women convicted of murder. A focus on the executed female results only—a minority within a minority—cannot

16 Cannon, *Woman as Murderer*, 1994; Mukherjee, Walker, and Jacobsen, *Crime and Punishment*; Piper and Nagy, "Offending Patterns"; *idem*, "Risk Factors"; *idem*, "Urban and Rural Offenders"; Allen, *Sex and Secrets*, 1990.

17 Sentencing Advisory Council, *Homicide in Victoria: Offenders, Victims and Sentencing* (Melbourne, 2007); Carlos Carcach and Marianne James, "Homicide between Intimate Partners in Australia," *Trends and Issues*, XC (1998), 1–4.

Fig. 1 Murder versus Manslaughter Convictions between 1860 and 1920



provide much detail about how the criminal-justice system dealt with homicide by women in general. The discrepancy between murder and manslaughter convictions is evident today in Victoria, where female offenders are more likely to be charged and convicted of murder than manslaughter. Men, however, are more likely to be convicted of manslaughter than murder. This pattern does not appear to be the norm across Australia. For example, in New South Wales fewer women are convicted of murder than manslaughter, suggesting that contemporary Victorian homicide convictions of women is mirroring historical trends. The reason is unclear; no comparative analysis of current sentencing practices across states in Australia today, nor any analysis of homicide offending in Victoria outside the focus on deaths resulting from domestic violence, appears to be available.¹⁸

Not only were more women convicted for murder than manslaughter; murder conviction rates were also routinely higher (sometimes exceptionally so) than manslaughter rates (see Figure 1). The fact that more women were convicted of murder than manslaughter as the period progressed demonstrates that the courts had by no means become more lenient during the nineteenth century. Indeed, in the present, as in the past, women are more likely than men

18 Sentencing Advisory Council, *Homicide in Victoria*, 2007; Isabel Taussig, "Sentencing Snapshot: Homicide and Related Offences," *Crime and Justice Statistics Bureau Brief*, Issue Paper no. 76 (February 2012), 2–3.

to be imprisoned on minor charges. The evidence fails to confirm the argument about the courts' leniency regarding women's imprisonment.¹⁹

Although the rate at which women hanged was lower than that of men, the prison sentences for women convicted of murder were often measured in years. Earlier studies claimed that sentences and treatment that avoided imprisonment were indications of authorities' view of women's offending as the outcome of psychological malady. Only one of the women charged with manslaughter was transferred to a lunatic asylum (in 1887), whereas thirteen of the women charged with murder were transferred either to a benevolent asylum (one), a lunatic asylum (eight), or another institution (four) during their sentence. The earliest transfer of a murderess happened in 1887. Asylums were not established until 1848 (when Victoria was still technically part of the colony of New South Wales); by 1887, the six in operation were becoming overcrowded. As the nineteenth century progressed, evolving views about mental illness resulted in an increasing number of criminals (both male and female) being transferred to various institutions instead of serving prison sentences. The records show that 293 women of the 6,042 prisoners from 1860 to 1920 were transferred to other institutions, but only fourteen of them (or 4.78 percent of the transfers) were convicted of homicide.

That women convicted of homicide were not transferred from prison to other institutions prior to 1887 begs the question of why authorities continued to see prison as appropriate for women found guilty of homicide when their culpability might have been in doubt. Moreover, nineteenth-century treatment in asylums was just as traumatic for women, or even more so, as that in prisons. The institutionalization and medicalization of criminal behavior helped to shift how contemporaries tended to perceive women's guilt; the "badness" of criminal women stemmed not just from their conniving nature but also from their "madness." Notwithstanding the contention that women's transfer from prison to asylum was a sign of legal chivalry or benevolence, the change in venue could leave women at the governor's pleasure far longer than their original sentence did. As Coleborne states, Victoria's asylums were as much a judicial and punitive space as they were a last resort for those considered to be a danger to themselves

19 Marilyn McMahon, "No Bail, More Jail? Breaking the Nexus between Community Protection and Escalating Pre-Trial Detention," Parliamentary Research Paper No. 3 (Melbourne, 2019), available at <https://apo.org.au/node/253906>.

Table 2 Longest Sentence Served in Prison

DURATION	MURDER	MANSLAUGHTER
3 months or less	0	1 (1.04%)
3–6 months	2 (2.08%)	8 (8.33%)
6–12 months	0	8 (8.33%)
12 months or more	46 (47.92%)	15 (15.63%)

NOTE The totals do not include institutional transfers, deaths in prison, or executions.

or the community. Once confined, patients had a difficult time getting released.²⁰

For those women not transferred to other institutions, the shortest prison sentences for murder (three to six months) were assigned only in 1876 and 1882, one for the stabbing death of a man and the other for threatening to murder. From 1882 onward, women convicted of murder received a custodial sentence of twelve months or more, often with hard labor or solitary confinement (see Table 2). Whether they served the whole sentence often depended on their behavior in prison; good behavior could see a prisoner released well before the end of a sentence. However, 23.1 percent of females imprisoned on a murder charge also committed infractions while in prison, ranging from having yarn or a book in a cell to quarrelling with other prisoners, guards, or even the prison governor. Women convicted of manslaughter caused more frequent headaches for prison authorities; 34.4 percent of them made trouble during their incarceration, although much of it involved insolence or misconduct rather than physical altercation. The difference in the behavior of women incarcerated for murder rather than manslaughter may indicate a difference in the profiles of the women convicted of these two crimes, or it may reflect prison authorities' distinct disciplinary tendencies regarding these offenders.

Most of Victoria's female homicide cases were tried in Melbourne. Urban locations are often associated with crime and violence because

20 Shurlee Swain and Nell Musgrove, "Contained and Confined: Female Incarceration in Nineteenth-Century Australia," in Paul Ashton and Jacqueline Z. Wilson (eds.), *Silent System: Forgotten Australians and the Institutionalisation of Women and Children* (North Melbourne, 2014), 6; Siobhan Weare, "'The Mad,' 'the Bad,' 'the Victim': Gendered Constructions of Women Who Kill within the Criminal Justice System," *Law*, II (2013), 337–361; Rychner, "Murderess or Madwoman"; Cathy Coleborne, "Legislating Lunacy and the Female Lunatic Body in Nineteenth-Century Victoria," in Diane Kirby (ed.), *Sex, Power and Justice: Historical Perspectives on Law in Australia* (Melbourne, 1995), 86–98; Morrissey, *When Women Kill*, 203; Weare, "'the Mad,' 'the Bad,' 'the Victim,'" 337–338.

of the number of people living within close quarters. Yet, Melbourne's populace spread across a much larger geographical area than did that of other cities in the nineteenth century. Although Melbourne's central business district (CBD) had a dense population, the majority of Victorians did not live there; most of them lived in rural locations until the early 1900s, when the urban population finally overtook the rural one. Similarly, although more women resided outside Melbourne than within the city proper, Melbourne women were over-represented in the prison records, probably because of its policing. The colonial government closely regulated urban life to ensure that the city of Melbourne was "cleaned up," although the growing population of the colony meant that police recruitment there was always a step behind that of other places. In the mid-nineteenth century, the police/population ratio was 1 to 250, insufficient to cover the whole colony but adequate for a primary focus on Melbourne.²¹

Outside of Melbourne, the Loddon region of Victoria, including locations such as Bendigo and Kyneton, which were boom-towns during the nineteenth-century gold rushes, witnessed the highest number of women convicted of murder. In this region, a woman was convicted of murdering an infant on one occasion, her older children on two occasions, and her husband on three occasions (one case is unknown). Another regional center of Victoria that drew a large population during the gold rushes was Ballarat in the Central Highlands, where two of the four women convicted of murder were accused of killing their offspring, one died during a botched abortion, and one committed a crime now unknown (see Table 3).

As noted earlier, the data under-represent rural women in all regions (except Loddon) between 1860 and 1880. Even on the basis of Supreme Court data instead of prison admissions for this period, the number of women not from Melbourne convicted of homicide barely rises. Only four women were convicted of homicide in rural Victoria during this period, two of them found in the data set of prison admissions. During the same period, seventeen women were convicted and imprisoned in Melbourne for murder and manslaughter. The implication is that the urban and rural criminal-justice

21 Nagy and Piper, "Urban and Rural Offenders"; Sarah Hayes and Barbara Minchinton, "Diversity and Change in Little Lon: Ongoing Historical and Archaeological Research," in Tim Murray et al. (eds.), *The Commonwealth Block, Melbourne: A Historical Archaeology* (Sydney, 2019), 107; David Taylor, "Melbourne, Middlesbrough and Morality: Policing Victorian 'New Towns' in the Old World and the New," *Social History*, XXXI (2006), 31.

Table 3 Regional Rates for Murder and Manslaughter Convictions

REGION	MURDER	PERCENTAGE	MANSLAUGHTER	PERCENTAGE
Barwon South West	2	3.1	1	3.1
Central Highlands	4	6.2	3	9.4
Gippsland	0	0	2	6.3
Goulburn	1	1.6	0	0
Loddon	7	10.9	0	0
Mallee	0	0	0	0
Ovens Murray	6	9.4	0	0
Wimmera Southern Mallee	3	4.7	1	3.1
Melbourne	41	64.1	25	78.1
Total	64	100	32	100

systems in Victoria varied, not that rural women did not kill. Four explanations are possible: (1) Rural women may just have been better at hiding their crimes; (2) authorities may have decided not to press charges against women who killed their partner in self-defense; (3) coronial inquests may have refrained from recommending murder charges more often; or (4) rural juries may have acquitted more women of murder and manslaughter than did urban juries. Community pressure on coroners to either raise or drop charges (sometimes based on little else than gossip) are in evidence elsewhere in the English-speaking world. Coroners in rural locations across Victoria could have been susceptible to such pressures. The idea that no women murdered or accidentally killed someone in, say, the Mallee (which included larger settlements like Maryborough and Mildura, both of which recorded imprisonment of many women for nonlethal crimes) for sixty years is difficult to believe. More likely, the social and political pressures on authorities there differed from those in Melbourne, resulting in few deaths investigated or classified as suspicious.²²

The victims of women convicted of murder were similar to those of women convicted of manslaughter (see Table 4), though the circumstances of the crimes were usually not the same. Arguments that nineteenth-century infanticide or filicide in English-speaking territories were often due to women's concerns about loss of employment, finances, and shame or to money-making "baby farming"

22 Ian Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830–1926* (Baltimore, 2000).

Table 4 Homicide Victims

VICTIM	MURDER	PERCENTAGE	MANSLAUGHTER	PERCENTAGE
Infant or child	33	51.6	18	56.2
Known adult men	9	14.0	4	12.5
Known adult women	18	28.1	6	18.8
Male or female stranger	0	0	0	0
Unknown	4	6.3	4	12.5
Total	64	100	32	100

NOTES This count reflects the number of women convicted of murder or manslaughter, not the number of victims. “Unknown” means that neither the prison record nor newspaper records make mention of either the women or their victims.

schemes appear in discussions of Victoria’s murder and manslaughter convictions, but with key differences. Baby farming was an ongoing financial arrangement whereby an individual (usually a retired nurse) would receive payment for the care of (often illegitimate) children whose mothers had given them up. Only one woman, Knorr, was convicted of murder, and hanged, in conjunction with baby farming; four of the charges for manslaughter involved baby farming. The fact that none of these four women could be tied to the death of more than one infant—as opposed to Knorr, who was responsible for three deaths—can account for why juries found them guilty of manslaughter rather than murder. Baby farming evoked the same moral panic about the “slaughter of innocents” in Victoria as in the United Kingdom. However, its ties to governmental concerns about a declining white and non-convict population in the young colony explains why so few Victorian homicide cases involved baby farmers.²³

In the murder convictions for infanticide, three infants died of neglect, and three newborns were deemed to have been killed by their mothers. Of the eight cases of filicide, six involved more than one child, all of them part of a murder/suicide attempt on the part of the mother, who survived. Apart from whether a suicide attempt was involved, these women were judged as temporarily insane and either sent to asylums or released after a short prison sentence, the longest of which was that of Mary Cuthbert, who spent five years in prison for murdering her child. Five of the eight women

23 Nicole Goc, *Women, Infanticide and the Press, 1822–1922: News Narratives in England and Australia* (New York, 2016); Nash and Kilday, *Cultures of Shame*.

ended up in asylums to receive treatment for “insanity.” Thus, a mother killing her children, especially when also attempting suicide, was indicative of a psychological imbalance that required the compassion of authorities.

In the manslaughter cases, three of the deaths involved children older than twelve months; the rest of them were infants, predominantly newborns. These infants were either (arguably) killed by accident (for example, Margaret Turnbull accidentally suffocated her two-month-old after falling sleep while drunk); by neglect (Catherine Kelly’s infant died of burns from a previous accident not treated appropriately); or by malicious expedience (Mary Louisa Harrison disposed of her child immediately after giving birth so that she could attend festivities in town, although as a twenty-one-year-old servant, she probably would have lost her job, anyway, had the birth been discovered). When women were charged with killing their infants, public sentiment was often on the side of the woman; letters to newspaper editors in the colony frequently called men to account for the care of children to prevent such deaths.²⁴

Contrary to expectations at the time, Elizabeth Scott was the only woman to hang in Victoria for the murder of her husband, even though she was merely an accomplice to the two men who shot him. Contemporary research into women’s murder of male partners or husbands indicates that women kill adult men out of self-defense or in defense of their children. Four of the nine women (44 percent) who killed a man made that very claim. Ann Hayes, Ellen Ann Francis, Eliza Lucas, and Mary Ann Silk killed their husbands or partners during “quarrels.” In 1875, Ellen Ann Francis killed Robert Davies with a single stab to the chest after he hit her. The jury recommended mercy for her given the “provocation” of Davies’ actions. Her death sentence was commuted to six months in prison. By 1884, authorities had become less willing to imprison a woman for such short sentences after murdering a male intimate partner. Mary Ann Silk claimed that her drunk and aggressive husband threatened to shoot her when she confronted him about sexually assaulting their thirteen-year old daughter. Silk used an adze

24 These were not the only cases of mothers killing their infants in the colony, but they were the only ones considered serious enough to warrant a murder charge rather than the lesser charge of concealment of birth. For examples of responses to infanticide and women’s imprisonment for it, see *Mount Alexander Mail*, 22 Feb. 1865, 3; *Ballarat Star*, 21 May 1880, 3.

(an axe-like weapon) to kill him. According to Silk, he had threatened her before, but, in this instance, she was protecting her daughter, who corroborated the story at the trial. The jury recommended mercy; the judicial response was to commute the death sentence to twenty years' hard labor, of which Silk served fifteen.²⁵

Although no woman was convicted of killing a stranger, twenty-four of the ninety-five women (25.3 percent) were convicted of killing a female associate, more of them for murder than for manslaughter. This breakdown of victims runs counter to the English and Welsh data. Only 6.9 percent of women sentenced to death in England and Wales had killed a female acquaintance between 1900 and 1949. In England and Wales, women killing women was an aberration; in Victoria, it was commonplace. Six of the eighteen women convicted of murder in this category were known abortionists who had accidentally killed their clients. At a time of limited birth-control options, terminating pregnancy via abortion was a regular occurrence, albeit one that ran a strong risk of sepsis after the operation. In the wake of publications like *The Bulletin* in Sydney and *The Bull Ant* in Melbourne romanticizing the bachelor life—praising men for leaving their families to roam the colonies or seek pleasure in the city—wife abandonment rates were high in the colonies. Alice Jepson explained that she killed her child and attempted suicide out of a fear that her husband was intent on abandoning her. Women who were pregnant at the time that their husbands abandoned them had the choice of giving birth and having another mouth to feed (at a time when the average Melbourne family had eight children), killing their offspring, or having an abortion.²⁶

Abortionists like Elizabeth Taylor frequently came before the courts on numerous occasions. One of Taylor's seven court appearances resulted in one murder and one manslaughter conviction, though she did not serve either of the sentences to the end. While abortion was a taboo topic, Victoria's courts regularly heard about

25 Debbie Kirkwood and Mandy McKenzie, *Justice or Judgement? The Impact of Victorian Homicide Law Reforms on Responses to Women Who Kill Intimate Partners* (Melbourne, 2013), 5.

26 Ballinger, *Dead Woman Walking*, 129; Marilyn Lake, "Historical Reconsiderations IV: The Politics of Respectability: Identifying the Masculinist Context," *Australian Historical Studies*, XXII (1986), 116–131; Christine Twomey, *Deserted and Destitute: Motherhood, Wife Desertion and Colonial Welfare* (Kew, 2002). For Alice Jepson, see VPRS24/P0000, Unit: 001164; VPRS30/P0, Unit 1179, item 212, Victorian Public Record Office.

botched procedures and sentenced women for killing or injuring women desperate to rid themselves of a pregnancy; only the most extreme cases of a dead client appear to have resulted in a homicide charge for an abortionist.

In all other instances of female homicide, victims were either mothers, sisters, or close friends with whom offenders had a disagreement, and in which alcohol and frayed tempers fueled by jealousy were contributing factors. Several instances do not fit any category, such as that of the three Hampton sisters and their mother who were transferred to lunatic asylums after they all appeared to have had simultaneous mental breakdowns and stabbed the youngest Hampton girl to death.²⁷

DETAILS ABOUT THE OFFENDERS Although Victoria was a relatively young colony with inhabitants from much of the British Empire and indeed the world, the data demonstrate that most of its homicide offenders were born there. Forty-five of the ninety-five women (47.3 percent) were born in the colony; the second-highest place of origin was Ireland (fifteen women or 15.8 percent); third was England with (9 or 9.5 percent); fourth was Scotland (eight or 8.4 percent); and fifth was New South Wales (six women or 6.3 percent). Previous scholarship established that a variety of factors was responsible for the large proportion of Irish women in the records. Irish migrants often were in trouble because of their low socioeconomic status, which induced some of them into a life of crime, and because of the persistent anti-Irish prejudice of the police and the courts.²⁸

The age of the women committing either murder or manslaughter mirrors broader offending trends in nineteenth-century Victoria, bearing similarities with other contemporary findings. Most women convicted of murder (sixty-two of them or 64.4 percent) were between the ages of twenty and thirty-nine (a mean of 31.8 years and a standard deviation of 10.8). Manslaughter offenders were only slightly older (a mean of 32.4 years and a standard deviation of 14.7). Currently, the greatest number of Australian female homicide offenders in any one age group are in the age bracket of thirty-five to forty-nine (35 percent of the total), although women

27 *The Herald*, 23 Sept. 1886, 3.

28 Piper and Nagy, "Offending Patterns."

Table 5 Age Range of Offenders at First Conviction

AGE	HOMICIDE	MURDER	MANSLAUGHTER
Under 20	10	6	4
20–29 years	35	23	12
30–39 years	27	19	8
40–49 years	12	8	4
50–59 years	6	5	1
60–69 years	1	1	0
Over 70	2	0	2
Missing	1	1	1
Total	95	63	32

younger than thirty-five, spread over two age subgroups, commit 56 percent of these killings in Australia.²⁹

As is the case today, few women between 1860 and 1920 had their first homicide conviction under the age of twenty, although the youngest was a girl of thirteen years named Margaret Gallagher, convicted of manslaughter in 1879 for allowing an infant in her charge to die from shock after being burned with matches. All six women under the age of twenty who were convicted of murder were eighteen or nineteen years old when they killed their infants. All except one ended up in an asylum. Of those offenders charged with a single murder, 18.75 percent could be classified as “older” (between forty and sixty-nine years). The victims of their crimes were more varied than those of the younger women. Sophia Turrell, the eldest prisoner, who was sixty-two years old when convicted of slitting her grand-daughter’s throat, suffered from dementia and was deemed unfit to stand trial. Infanticide was as unlikely to happen in this age group (only one case, involving a forty-two-year-old) as was filicide (likewise, one case). The victims were predominantly other family members—husbands, a sister, and a mother. Expectant mothers seeking abortions from women who had careers as nurses, however, were more likely to fall victim to older women than to younger ones (see Table 5 for the comprehensive data).³⁰

29 Australian Institute of Criminology, “Homicide in Australia: Victims and Offenders 2009–10 to 2013–14,” available at https://www.crimstats.aic.gov.au/NHMP/2_victims-offenders/ (accessed October 28, 2019).

30 *Ibid.*

Eighty of the ninety-five women had no prior convictions when first imprisoned for murder or manslaughter. Sixty-one of the murderers were one-time offenders, and three were repeat offenders who had served prison sentences for other charges. Manslaughter offenders were more likely to be recidivists; seven of them had records for other crimes. Repeat offenders charged with murder included women who had worked their way up to murder from low-level public disturbances like vagrancy; repeat offenders with manslaughter convictions had prior convictions for vagrancy, disorderly conduct, and larceny. Some women with an initial conviction for homicide de-escalated to such crimes of public order as drunkenness or vagrancy, possibly signaling issues with re-integration into society following their incarceration.³¹

Although occupations for women were more limited from 1860 to 1920 than they are today, the imprisoned women had an interesting mix of them. As Table 6 illustrates, women convicted of murder came from a more varied background than women convicted of manslaughter, and their occupations tended to be more middle-class, such as alternative healing, nursing, office work, and teaching. Female servants were more likely to be convicted of a homicide related to infanticide or filicide than of killing a female acquaintance. Children of any age may have been an obstacle to securing work for these women. The higher conviction rate of middle-class women for murder than for manslaughter is explicable by the heightened expectations of women who had a measure of social and financial security. A poor mother killing her infant to keep a job deserved more sympathy, and thus a lesser charge, than a middle-class woman who had the time and opportunity to act as an exemplar of her sex but committed murder instead. Although mental instability sometimes served as an explanation for middle-class women's criminal behavior (for example, kleptomania or murder), the ten middle-class women convicted of murder served their sentences in prison, not in a lunatic asylum.³²

31 Piper and Nagy, "Offending Patterns"; *idem*, "Risk Factors."

32 Patricia O'Brien, "The Kleptomania Diagnosis: Bourgeois Women and Theft in Late Nineteenth-Century France," *Journal of Social History*, XVII (1983), 65–77; Tammy Whitlock, *Crime, Gender and Consumer Culture in Nineteenth-Century England* (New York, 2016); Mary S. Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes* (London, 1985).

Table 6 Homicides by Occupation

OCCUPATION	MURDER	MANSLAUGHTER
Hospitality	1	0
Household duties/housewife	4	0
Mystic/alternative therapist	3	0
No occupation	10	2
Nurse/midwife	4	3
Office work	1	0
Sales	1	0
Servant	27	19
Servant/housekeeper	1	0
Servant/laundress	1	2
Sewing work and clothing manufacture	6	3
Teacher/music teacher	2	0
Widow	0	1
Missing/unknown	1	2
Total	63	32

The murder convictions of many women in this study were their first and only offenses. Twenty percent of them were transferred from prisons to such institutions as lunatic asylums because of their perceived weak mental state while in court or in custody. Only one women convicted of manslaughter was transferred from prison because of concerns about mental or physical health. However, transfers did not fall along class lines; that middle-class women were less likely to be transferred out of prison than working-class women suggests a distinct lack of sympathy for them. Women convicted of manslaughter were also likely to have longer criminal careers in which the death of another person was the culmination of offending that had started innocuously with minor property offenses. Although fewer than men’s, women’s homicide convictions and the circumstances surrounding them require greater qualitative analysis.

The homicide convictions from 1860 to 1920 indicate that women’s violent interpersonal offending was more complicated than earlier historical investigations in Australia supposed. Although the data from the research herein support previous notions that most women’s homicide victims were their family members, the argument that these victims were all unwanted infants or husbands is wanting. Close scrutiny of the victims of the ninety-five women in this study indicates that the profiles of the victims (infants, children, and male or female associates) require qualitative analysis to

uncover the dynamics of the relationships and the resultant criminal-justice responses. The findings reveal the importance of exploring how the courts viewed women's interpersonal relationships with other women. Women's tendency to kill women that they knew rather than men that they knew poses a serious challenge to the assumption that women's victims were either only unwanted infants or abusive husbands.

The data from the Central Prison Records presents a juxtaposed picture: Not only were women increasingly more likely to be convicted of murder (indicating a lack of sympathy for female killers); their executions were also occurring with more regularity during the latter part of the nineteenth-century. Authorities in Melbourne convicted more women for murder or manslaughter than did those in any other region of Victoria, indicating that either the legal system in rural Victoria was more lenient toward women, or rural women were better at concealing their crimes from the more limited police presence in the remote parts of the colony. Investigating this hypothesis through newspaper records of unexplained or suspicious deaths is a future direction that research could profitably take. Concurrent with the rise in convictions was also social and political pressure to move women convicted of murder to benevolent institutions, away from prisons. Despite an ostensible preference for sending women to an institution or commuting their death sentences than for executing them, the data do not support the idea that women were considered frail creatures who should not be imprisoned or punished.