



She who is stepping from Time into endless Eternity

The social function of Scottish ‘last speeches’ on
infanticide concerning women (1650-1800)

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I hereby declare that, in line with the Faculty of Arts' code of conduct for research integrity, the work submitted here is my own original work and that any additional sources of information have been duly cited.

Para las tres Marías

Os quiero tanto

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Introduction

*“And now that the Lord may shew forth the exceeding Riches of his Grace,
in his Kindness toward me one of the chief of Sinners, and less then the least of all the Saints,
and make you the Spectators see and fear, and do no more Wickedly,
and that God may sanctifie this Dispensation to my dear Husband against whom
I have dealt treacherously and all my other Relations,
is the hearty and earnest Wish of her who is stepping from Time into endless Eternity.
Amen.”¹*

Many similar statements were once circulated in the Scottish Lowlands. They were part of a typical genre of early modern broadsides, called ‘last speeches’. Broadside were one-sheet, printed works which were inexpensive, easy to trade, and written for the masses. Those qualities combined made them into one of the most prolific media of the early modern period. Despite their poor survival rate, it has been estimated that during the sixteenth, seventeenth, and eighteenth century, the number of broadside ballads circulating in Britain was at least in the lower millions.² Moreover, broadsides consisted not just of ballads, but also of elegies, laws which were to be proclaimed, announcements of marriages, variants of the earliest printed Scottish newssheets, political satire, proclamations of Parliamentary sessions... Each of those ‘types’ conformed to its own formal rules, including typical structures, wordings, and content. A well-known example are the broadsides reporting the ‘last speech and dying words’ of a criminal to be hanged, often containing a biography of the perpetrator, and invariably concluding with a plea to God for forgiveness.³

Such ‘cheap print’ was available to a large part of the population in the Scottish Lowlands. On the one hand, this was because they were produced in large numbers in Edinburgh and Glasgow, where both printers and hawkers sold them in great number. However, they could also be produced

¹ All quotes are transcribed as printed, capitals, italics, old spelling, and printing errors included; titles of broadsides are all given in full in order to facilitate verification, and when available, an English Short Title Catalogue (ESTC) reference number is included; quote from “THE LAST *SPEECH* and *CONFESSION* Of *Margaret Fleck*, who was executed at the Howgate-Head of *Glasgow* on the *5th* of *June* 1723. for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 2.

² T. WATT, *Cheap print and popular piety, 1550-1640* (Cambridge Studies in Early Modern British History), Irthlingborough, 1991, 11.

³ For example, “THE Last *SPEECH* and *CONFESSION* AND *DYING WORDS* OF *HELLEN MARISHAL* Who was executed at the Grass-Market of *Edinburgh*, upon the *Thirty Day* of *March*, *One thousand seven hundred and twenty*, for the *Crime of Murdering her own Child*.” ESTC T193508, NLS, Ry.III.c.36(069); “THE LAST *SPEECH* AND *Dying Words* OF *JOHN TREPLECTOCK*, Who was execute in the *Grassmarket* of *Edinburgh*, on *Friday* the *1st* of *February* 1723.” NLS, Ry.III.c.36(093); “THE LAST *SPEECH* *CONFESSION* and *Dying Words* of *James Plunkett*, Who was Executed at the front of the Tolbooth of *Glasgow*, on *Wednesday* the [...]th of *January* 1792, For the horrid crimes of street robbery and theft.” ML, 311734 V1.56.

by any printer in smaller towns like Aberdeen, Leith, and Kelso, and they knew further distribution in the countryside through travelling salesmen.⁴ Additionally, they were often freely displayed in public places such as drinking houses and market crosses, which could regularly be frequented by the majority of the Lowland population, and sold at rates so low that a wage labourer or servant might afford them.⁵ Furthermore, as broadsides could be read out loud, literacy was not a requirement to enjoy them. It is in that precise quality of broadsides, namely their accessibility to the masses, where their exceptional value for historians lies. Broadsides are a rare exception of printed sources catering to an average mean of income, and thus to the largest part of the early modern Lowlands.

At recurring intervals, interest in British broadsides has piqued. Firstly, folklorists and antiquarians took an interest in them, hoping to preserve them in the waning years of their success.⁶ This explains why so many collections from the late eighteenth and first half of the nineteenth century, comprise substantial parts of the corpus of extant broadsides.⁷ The genres of surviving copies are very varied, as collectors would indiscriminately purchase whatever they could find, though ballads and criminal broadsides were also very popular with early Victorian collectors.⁸ Historiographical interest in broadsides resurged during the twentieth century, in large part due to the Annales school's promotion of "une histoire des mentalités" and "une histoire vue d'en bas" paving the way for historiography on the 'ordinary man'.⁹ The cultural turn took that 'history from below' and combined it with its own interests, producing many works on broadsides in general and ballads specifically from the 1980s onwards.¹⁰ During the same period academic interest for gender also increased, which continues steadily on until the present day. Originally, this included a notable study on the deconstruction of gender in broadside ballads, which demonstrated how traditionally

⁴ E.J. COWAN, and M. PATERSON ed., *Folk in print: Scotland's chapbook heritage, 1750-1850*, Edinburgh, 2007, 46.

⁵ Regarding prices, see A. FOX, 'Little Story Books' and 'Small Pamphlets' in Edinburgh, 1680-1760: The Making of the Scottish Chapbook', *The Scottish Historical Review*, 92 (2013), 207-230, 209; regarding wages, see GIBSON, A.J.S. and SMOUT, T.C., *Prices, food and wages in Scotland: 1550-1780*, Cambridge, 1995, Chapter 8: *Wages in money and kind*; regarding communal entertainment, see A. KUSSMAUL, *Servants in husbandry in early modern England*, Cambridge, 1981, 43, R.C. RICHARDSON, *Household Servants in Early Modern England*, Manchester, 2010, 112 and 114, M. STEVEN, *Parish Life in Eighteenth-Century Scotland: A Review of the Old Statistical Account*, Aberdeen, 1995, 34-37, and D.A. SYMONDS, *Weep Not for Me: Women, Ballads, and Infanticide in Early Modern Scotland*, University Park, PA, 1997, xv-xvii.

⁶ For an elaborate discussion of this, see P. BURKE, *Popular Culture in Early Modern Europe*, Aldershot e.a., 1994, Part 1, Chapter 1: *The Discovery of the People*, and for Scotland, see E.J. COWAN, 'Introduction: The Hunting of the Ballad', in E.J. COWAN ed., *The Ballad in Scottish History*, East Linton, 2000, 1-19.

⁷ Notably the English Pepys Ballads which are kept by the University of Cambridge, and the Scottish Frank Kidson Collection housed by the Mitchell Library in Glasgow.

⁸ An quote by a Victorian ballad-seller: "there's nothing beats a stunning good murder", from the classic study V. NEUBURG, *Popular literature, a history and guide: From the beginning of printing to the year 1897*, London and Totowa, 1977, 139, is routinely mentioned by scholars such as J.A. SHARPE, ' "Last Dying Speeches": Religion, Ideology and Public Execution in Seventeenth-Century England', *Past & Present*, 147 (1985).

⁹ As mostly advocated by Lucien Febvre.

¹⁰ As studied by the pioneering M. SPUFFORD, *Small books and pleasant histories : popular fiction and its readership in seventeenth-century England*, Cambridge e.a, 1981, and subsequently by one of her students, T. WATT, *Cheap print and popular piety, 1550-1640* (Cambridge Studies in Early Modern British History), Irthlingborough, 1991.

male qualities could be appropriated by women in ballads.¹¹ Over time, this interest concerning women has mainly focused on poetic broadsides, often describing criminal activities such as murder.¹² Those studies have continually discovered that agency of women in fictional broadside tales was more elaborate than expected, with fictional characters breaking real-life boundaries. For example, women in broadsides were perceived as having acquired agency through particular word usage – that is, in fictional telling they were able to shed their traditional role of subservient wife from the moment they swore.¹³

Recently, historiography seems to have rediscovered the broadside, specifically taking an interest in its political functions, cross-cultural properties, and its role in print networks.¹⁴ In British historiography, popular literature as a whole, and broadsides in particular have been studied regarding their role in political or religious context, with a large preference for an English context.¹⁵ However, despite the widespread contemporary distribution of broadsides in early modern Scotland, the Lowland broadside has yet to enjoy much academic attention.¹⁶ Interest in early modern, Scottish street literature has been and remains mainly concerned with chapbooks, similar to the past tendency with French historians to investigate the *bibliothèque bleue*.¹⁷ This study seeks therefore to redress that balance in a small way.

¹¹ D. DUGAW, 'Structural Analysis of the Female Warrior Ballads: The Landscape of a World Turned Upside Down', *Journal of Folklore Research*, 23 (1986), 23-42; D. DUGAW, *Warrior Women and Popular Balladry, 1650-1850*, Cambridge, 1989, in particular *Chapter 6: The Female Warrior and the construction of gender*.

¹² In chronological order: J. WILTENBURG, *Disorderly women and female power in the street literature of early modern England and Germany* (Feminist issues), Charlottesville en London, 1992; S. CLARK, *Women and crime in the street literature of early modern England*, Basingstoke, 2003; R. MARTIN, A. PRESCOTT, en B. TRAVITSKY, *Women and murder in early modern news pamphlets and broadside ballads, 1573-1697* (Women and witchcraft in popular literature, c.1560-1715 (The early modern Englishwoman, Series III, Part 1, v. 7), Aldershot, 2005; M. GIBSON, *Women and witchcraft in popular literature, c.1560-1715* (The early modern Englishwoman, Series III, Part 2, v. 7), Aldershot en Burlington (Verm.), 2007; D. PENNINGTON, 'Three Women and a Goose make a Market': Representations of Market Women in Seventeenth-Century Popular Literature', *Seventeenth Century*, 25 (2010), 27-48; contributions by Simone Chess, Dianne Dugaw, Tassie Gniady, and Elizabeth Kathleen Mitchell in P. FUMERTON and A. GUERRINI eds., *Ballads and Broadsides in Britain, 1500-1800*, Abingdon and New York, 2010; D. PALLOTTI, 'Maps of Woe : Narratives of Rape in Early Modern England', *Journal of Early Modern Studies*, 2 (2013), 211-239.

¹³ S. CHESS, 'and I my vowe did keepe': Oath Making, Subjectivity and Husband Murder in 'Murderous Wife' Ballads' in P. FUMERTON and A. GUERRINI eds., *Ballads and Broadsides in Britain, 1500-1800*, Abingdon and New York, 2010, 131-148.

¹⁴ For example combined by the project *The European dimension of popular print culture* at the University of Utrecht; two comprehensive recent publications which discuss new avenues of research are K. MURPHY and S. O'DRISCOLL eds., *Studies in Ephemera: Text and Image in Eighteenth-Century Print*, Lanham and Plymouth, 2013, and A. PETTEGREE ed., *Broadsheets: Single-sheet Publishing in the First Age of Print* (Library of the Written Word Volume 60 - The Handpress World, 45), Leiden, 2017.

¹⁵ Cf. Note 12.

¹⁶ As repeatedly pointed out by Adam Fox during the last decade, see A. FOX, 'The Emergence of the Scottish Broadside Ballad in the Late Seventeenth and Early Eighteenth Century', *Journal of Scottish Historical Studies*, 31 (2011), 170-171 and A. FOX, 'Approaches to Ephemera: Scottish Broadsides, 1679-1746' in K. MURPHY and S. O'DRISCOLL eds., *Studies in Ephemera: Text and Image in Eighteenth-Century Print*, Lanham and Plymouth, 2013, 117-119.

¹⁷ Exceptions are Adam Fox's studies mentioned in the previous footnote, and the small-scale studies mentioned in the following note; concerning chapbooks, see J. ASHTON, *Chap-books of the Eighteenth Century, with Facsimiles, Notes and Introduction*, Londen, 1882; W. HARVEY, *Scottish Chapbook literature*, New York, 1971; J. MORRIS, 'Scottish

The representation of women in Scottish broadsides has also remained largely unstudied, especially in comparison to research concerning England. Several, mostly small-scale studies do exist however, and almost exclusively focused on ballads related to crime.¹⁸ Their findings all indicate that in the fictional world of broadsides, female characters would succeed in overcoming daily, realistic constraints. This would be by fighting problems through magic or non-conforming to tradition. The latter has been taken by scholars to indicate that women did perhaps not routinely conform to gendered roles, at least not in their creative enterprises. This project aims to contribute to that research avenue by studying prose broadsides as a counterpart to broadsides written in verse. By focusing on broadsides and on women, it can thus contribute to both to a growing field of Scottish women studies, and to the newly blooming research into cheap print.¹⁹

Supported by quantitative analysis and referral to historical context, one main research question will guide this study: in what ways could a broadside contribute to the construction of its audience's gendered world views? To answer this, analyses are made of gendered constructions which were carried out by broadsides. When analysing different social situations described in broadsides, the focus will lie on the social characteristics and agency of women. Charting those qualities will make it possible to shed a light on the social ideas concerning women which circulated through the lower and middle classes of the early modern Lowlands.

In order to answer said questions, suitable sources have to be found, that is: prose broadsides containing female perspectives. Extant prose broadsides are usually legal texts, such as laws which were displayed at market crosses, or petitions, and some rare marriage announcements or other news items. There exists but one particularly female corpus of prose broadsides, which can be traced by charting all extant broadsides printed or circulating in Scotland during the period 1650-1800. The primary overview of surviving early modern Scottish print is given by the English Short Title Catalogue of the British Library (ESTC). Unfortunately there is nothing similar to the English Stationer's Register for Scotland, nor has there been much research done in order to create such an overview. The ESTC contains over thirteen hundred Scottish broadsides from the period

Ballads and Chapbooks', ISAAC, P. and MCKAY, B. eds., *Images and Texts: Their Production and Distribution in the 18th and 19th Centuries*, Winchester and New Castle (DE), 1997, 89-111; B. MCKAY, *An Introduction to chapbooks*, Oldham, 2003; S. GILBERT, 'William Harvey and the Scottish chapbooks', *Scottish Studies Review*, 5 (2004), 9-18; E.J. COWAN 'Chapman Billies and Their Books', *Studies in Scottish Literature*, 35 (2007), 6-25; E.J. COWAN and M. PATERSON, M. eds., *Folk in print: Scotland's chapbook heritage, 1750-1850*, Edinburgh, 2007; A. FOX, 'Little Story Books' and 'Small Pamphlets' in Edinburgh, 1680-1760: The Making of the Scottish Chapbook', *The Scottish Historical Review*, 92 (2013), 207-230.

¹⁸ J.R. FREEDMAN, 'With Child: Illegitimate Pregnancy in Scottish Traditional Ballads', *Folklore Forum*, 24/1 (1991), 3-18; D.A. SYMONDS, *Weep Not for Me, Chapter 1: Ballad Singers and Ballad Collectors and Chapter 2: The Ballad Heroine*; H. WILCOX, *Women and ballads and ballad women: gender and the history of Scottish balladry*, University Park, 2001; L. WOLLSTADT, "Good man is hard to find: positive masculinity in the ballads sung by Scottish women", T. MCKEAN red. *The Flowering Thorn: International Ballad Studies*, 2003; A.-M. KILDAY, 'The Shame and Fame of 'Half-Hangit Maggie': Attitudes to the Child Murderer in Early Modern Scotland', A.-M. KILDAY and D. NASH eds., *Cultures of Shame: Exploring Crime and Morality in Britain 1600-1900*, Basingstoke and New York, 2010, 47-67.

¹⁹ For a comprehensive overview of Scottish gender studies, see L. ABRAMS e.a. eds., *Gender in Scottish History Since 1700*, Edinburgh, 2006.

1650 to 1800, but is not exhaustive.²⁰ It does include the largest Scottish collection of broadsides, housed by the National Library of Scotland. However, several Scottish library collections house broadsides not yet included in online databases or previously unused in historical research. Therefore this project also considers the broadsides most recently acquired by the National Library of Scotland (NLS) which are not included in the ESTC, those preserved by the Centre for Research Collections of the University of Edinburgh and in the Special Collections of the University of Glasgow, as well as those stored in the Mitchell Library in Glasgow.²¹ An analysis of these extant broadsides indicates that there is one particular type of prose broadsides which contains a relatively large number of female perspectives: criminal broadsides. Specifically, infanticide ‘last speeches’. These will be the focus of this study.

²⁰ The exact number is 1537, based on a search conducted on the online website of the BRITISH LIBRARY, *English Short Title Catalogue*, 2016 (<http://estc.bl.uk/>). Consulted on the 24th of February 2017.

²¹ All of the sources used by this study have been classified as circulating or printed in Scotland by specialist librarians. In the University of Glasgow and the University of Edinburgh there must be some broadsides not yet found by this study, if they are for example bound as single sheets in books, or if they are stored in unnamed boxes of Ephemera; other, smaller collections, such as the one from the City Library of Edinburgh, are not consulted due to time constraints.

Infanticide

*"I am come here to Die by the Justice of God for murdering my own Bairn"*²²

Prose broadsides are valuably different from poetic writing: there are indications that they contain authentic female voices. That is why this study focuses on them. More specifically, it contains only analyses of infanticide broadsides. The reason for that is twofold. On the one hand, infanticide was a crime predominantly committed by lower class women, and thus it is their perspectives which can be found in infanticide broadsides. On the other hand, there is a large enough number of infanticide broadsides extant which allows for some general deductions regarding their function.²³ Additionally, it is known that infanticide broadsides were the prime public commentators on the crime during the first half of the eighteenth century. Thus, they provide a dominant view which was spread all through society, and also one that was well enough accepted, as authorities did not feel the need to comment on the crimes of women through other media.²⁴

This chapter is divided into three sections. The first will explain what last speeches exactly were. It clarifies why they included female voices, which women's voices they contained, and why women committed infanticide in the first place. This background information regarding historical context and descriptions of the source material itself allow for more accurate interpretation of the broadsides themselves. That interpretation is expounded on in the two subsequent sections, the first of which explores traces of authenticity and female agency connected to last speeches. It shows why women could make last speeches and delineates the spiritual authority women gained through making them. The subsequent and last section of this chapter is an elaborate exploration of the

²² "THE LAST SPEECH AND CONFESSION OF *JEAN WILSON*, who lived in the Paroch of *Calder*. And was Execute at the *How-Gate-Head of Glasgow*, upon *Wednesday the 30th of August, 1721*. For murdering of her own Child." ESTC T193454 Ry.III.c.36(75).

²³ That so many infanticide broadsides survive can partly be attributed to the procedures of making last speeches being in the hands of the Kirk, which encouraged confession, to the popularity of criminal cheap print during the eighteenth century, and to the popularity of the criminal broadside with collectors during later periods, which can for example be seen in the Frank Kidson Collection as housed by the Mitchell Library of Glasgow; L.B. FALLER, *Turned to Account: The forms and functions of criminal biography in late seventeenth- and early eighteenth-century England*, Cambridge, 1987, x and *Appendix I*; A.-M. KILDAY, "Monsters of the Vilest Kind': Infanticidal Women and Attitudes towards their Criminality in Eighteenth-Century Scotland", *Family and Community History*, 11/2 (2008), 104. Note that four infanticide broadsides were written in verse, and that they are not included in the subsequent analyses: "GROANS FROM THE DUNGEON; OR THE Sorrowful Lamentation of Agnes Crockat, now under Sentence of Death in the Tolbooth of Edinburgh, for murdering her own Child." ESTC T228949, NLS ABS.9.95.1; "*Margaret Dickson's* penitential Confession." ESTC T171747, NLS, Ry.III.a.10(076); "The Apparition." ESTC T189665, NLS, Ry.III.a.10(111); "The last Speech and Confession of *Jannet Riddle*, who was Execute, for Murthering her own Child, in the Grass Market of *Edinburgh, January 21st. 1702.*", NLS, Ry.III.a.10(103).

²⁴ KILDAY, 'Monsters of the Vilest Kind', 111.

actual functioning of infanticide broadsides concerning women. It illustrates how women used last speeches, and deduces what can thus be said about the functions of said speeches. However, as stated previously, it is important to start with a sketch of the source material and some historical background first.

Extant Corpus and Historical Context

Twenty Scottish broadsides on infanticide from the period 1650 to 1800 are still in existence, varying in date between 1702 and 1784. One more elaborate cheap print publication on infanticide is also extant: a four-page chapbook.²⁵ In total, they remarkably represent more than a quarter of eighteenth-century executions for infanticide, indicating that they must have been a profitable investment for publishers.²⁶ That broadsides on infanticide do not cover anything but executions, seemingly advocates that infanticide cases were only worthwhile printing about when the sentence was a hanging.²⁷ This is supported by the number of broadsides dwindling during the second half of the eighteenth century and by their absence during the 1730s and 1740s, all periods when the number of executions for infanticide decreased, in favour of corporeal punishment and banishment.

Of the twenty-one surviving publications, eighteen are last speeches written in prose. Their titles invariably include phrases such as “last words”, “last speech”, “dying words”, and “confession”. Often they comprised capital letters, reinforcing the notion that the publication spoke to readers because of the impending death of the woman whose declaration was printed.²⁸ Even though the words printed were not always actually the last ones uttered, they were the last ones that mattered, as the last words that were heard by this world – arguably thanks to broadside publication. They were thought of as holding special value, being edifying and containing truth.²⁹ Hence, such phrases made for commercially attractive titles, especially closely followed by the name of the convict and the mention that she had been executed in the Grassmarket of Edinburgh.³⁰

²⁵ In total they cover nineteen executions.

²⁶ There were 102 executions during the entire period: Symonds lists 32 for the period 1660-1699 and indicates that this is a minimum, SYMONDS, *Weep Not for Me*, 236-237 and 250 (note 19); Kilday counts an estimated 70 for the period 1700-1799, A.-M. KILDAY, *A History of Infanticide in Britain c. 1600 to the Present*, Basingstoke and New York, 2010, 47 (figure 2.6).

²⁷ All extant broadsides with infanticide as central theme mention hangings.

²⁸ Studies often mention this appeal of gallows speeches, see for example the classic J.A. SHARPE, ‘“Last Dying Speeches”’: Religion, Ideology and Public Execution in Seventeenth-Century England’, *Past & Present*, 147 (1985), 150.

²⁹ *Ibidem*.

³⁰ Sensationalism is considered a classic selling asset of ‘last speeches’, see for a recent study discussing early modern morbid and other kinds of curiosity regarding executions in Scotland: R.E. BENNETT, *Capital Punishment and the Criminal Corpse in Scotland, 1740-1834* (Palgrave Historical Studies in the Criminal Corpse and its Afterlife, 8) Cham, 2018, 130-131; of extant broadsides, all but two mention executions at the Grassmarket in Edinburgh, with Dalkeith and Perth as exceptions.

Dying words were expected to be delivered upon execution, though could also be recorded beforehand.³¹ As Scottish criminals sentenced to die, women convicted for infanticide had that same opportunity.³² Reports indicate that whilst in the middle of the 17th century, they were less likely to do speak due to their status as outcast, this was not the case anymore in the eighteenth century.³³ That broadsides with ‘last speeches’ of infanticide convicts only appear with regularity from 1711 onwards, indicates likewise that something changed around the turn of the century, conferring agency on said women to speak out and be heard.³⁴ Last speeches were supposedly delivered by a convicted woman herself at the gibbet or ‘tree’. In general, they consisted of a confessional declaration concluded by a summary of what happened at the place of execution and warning to the public to heed itself from a similar ending. Whilst the formula with which broadside authors ended the women’s speeches was regularly formulaic and brief, the core of declarations was far richer in detail. They included biographical information like place of birth, childhood living conditions and education, as well as how the woman in question “came to be with child”, and how her child may have died – sometimes not by her own hands.³⁵

That only last speeches of *female* convicts of infanticide survive, can be ascribed to how early modern Scottish law defined the crime ‘infanticide’.³⁶ The “Act for preventing and hindering common Women from murdering their Infants after their Birth” was in place from 1690 to 1809 and thus applicable to all trials related to the broadsides studied here.³⁷ It installed three requirements indicating presumption of guilt, exclusively placed on the female population: “if any Woman shall conceal her being with Child, during the whole space, and shall not call for, and make use of Help and Assistance in the Birth, the Child being found dead, or amissing, the Mother shall be holden and repute the Murtherer of her own Child”, noting: “tho there be no Appearance of

³¹ As for example the convicted Margaret Millar is written to have expressed it herself: “since I am [...] condemned to suffer this Day a shameful and cursed Death [...], it will be expected by you all, to hear something from me, as to the course of my frail Life, which is now near to a Period.”, from “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. *February* 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.” ESTC T231873, NLS, RB.I.106(119); pre-recording of dying speeches will be addressed extensively, *infra*.

³² On the Scottish execution procedure, see BENNETT, *Capital Punishment*, Chapter 5: The Spectacle of the Scaffold, 123-158.

³³ P. LAKE and M. QUESTIER, ‘Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England’, *Past & Present*, 153 (1996), particularly 73-77; SYMONDS, *Weep Not for Me*, 61-62 discusses an excerpt from a memoir (1681), whilst BENNETT, *Capital Punishment*, 131, discusses a newspaper article (1749).

³⁴ Only one seems to have survived from before 1711, and that in verse: “The last Speech and Confession of *Jannet Riddle*, who was Execute, for Murthering her own Child, in the Grass Market of *Edinburgh*, *January* 21st. 1702.” NLS, Ry.III.a.10(103).

³⁵ “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. *February* 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.”, ESTC T231873, NLS, RB.I.106(119).

³⁶ The disproportion in male-female related indictments and convictions has been explained thus, KILDAY, *A History of Infanticide in Britain*, 26.

³⁷ SYMONDS, *Weep Not for Me*, xx; a detailed treatment of the act’s history can be found *Ibidem*, 127-160, whilst a more recent treatment is to be found in KILDAY, *A History of Infanticide in Britain*, 18-19; for convenience this act will be further be referred to as “Act Anent Murthering of Children”.

Wound or Bruise upon the Body of the Child.”³⁸ Legally, this constituted a deviation from the direct proof required for convictions based on common law, including homicide. The explanation lies with such evidence frequently not existing, due to suffocation and exposure being “primary methods of killing.”³⁹ A comparison with its English precursor, “An Act to Prevent the Destroying and Murthering of Bastard Children” (1624), indicates how specifically, unmarried women were targeted, and several studies have confirmed the effectiveness of such targeting.⁴⁰ With the law being biased against women, only as little as 6% of the indictments concerned male suspects.⁴¹

Economic motives can account for the significant number of servants from rural areas being sent to the gallows for the murder of their bastard child.⁴² Women constituted significant percentages of Scottish ‘servants’ – a position which could cover different ranges of duties, from “farm servants, herds and designations” to “unspecified household servants”.⁴³ They could perform a wide variety of tasks, different in every household, ranging from cooking, over cleaning, nursing, spinning wool or churning butter, to harvesting.⁴⁴ Pregnancy was considered undesirable in a female servant, who would be pregnant for most of the period of a contract.⁴⁵ An infant once born would be an additional burden to the employer’s household and impinge on the servant’s working time. Moreover, the discovery of an *illegitimate* pregnancy ensured a tarnished reputation and great difficulty in being re-hired.⁴⁶ This would firstly have resulted in a concrete loss of livelihood. In the countryside, wages were frequently in kind, including food and a place to stay, thus crucial during periods of inflation, and excluding the possibility to save and support oneself in case of job loss.⁴⁷ Secondly, a suffering reputation also ruined immediate hopes of marriage. This was the traditionally expected station to which women in service could transition to, and in a manner of

³⁸ “ACT *Anent Murthering of CHILDREN*. July 19th. 1690.” ESTC R468990: a copy is held, amongst others, by the National Library of Scotland, RB.I. 106(63), from which is quoted here, and by the Edinburgh University Library, Special Collections Df.1.32/46.

³⁹ BENNETT, *Capital Punishment*, 105; KILDAY, *A History of Infanticide in Britain*, 97 (figure 4.1) and SYMONDS, *Weep Not for Me*, 130; the original act as approved by parliament cites both “stifling” and “being left exposed” as well, see transcription by KILDAY, *A History of Infanticide in Britain*, 17-18.

⁴⁰ Concerning legislative bias, see KILDAY, *A History of Infanticide in Britain*, 17-19 and 31; concerning effectiveness in Scotland, see as most recent example BENNETT, *Capital Punishment*, 102.

⁴¹ KILDAY, *A History of Infanticide in Britain*, 26 (figure 2.1), with more on their involvement and motives on pages 27 and 69-72. There are no extant broadsides which mention a man killing an infant.

⁴² BENNETT, *Capital Punishment*, 102 and KILDAY, *A History of Infanticide in Britain*, 37-28 for Britain; for detailed numbers on Scotland see SYMONDS, *Weep Not for Me*, 72 and BENNETT, *Capital Punishment*, 102.

⁴³ For rural areas, see GIBSON and SMOUT, *Prices, food and wages*, 272 and 289; for urban areas, see C. SPENCE, *Women, credit, and debt in early modern Scotland*, Manchester, 2016, 162-163; note that in the countryside “the term ‘servant’ could be used to describe almost anyone in employment who was neither a day labourer nor a craftsman”, GIBSON and SMOUT, *Prices, food and wages*, 272.

⁴⁴ GIBSON and SMOUT, *Prices, food and wages*, 296 and KILDAY, *A History of Infanticide in Britain*, 38.

⁴⁵ Contracts typically ranged between six months and a year, and could be renewed, SPENCE, *Women, credit, and debt*, 169-170.

⁴⁶ D.A. SYMONDS, ‘Reconstructing rural infanticide in eighteenth-century Scotland’, *Journal of Women’s History*, 10/2 (1998), 63-66 and 77 discusses rural Scotland in particular; KILDAY, *A History of Infanticide in Britain*, 160-164, discusses Britain as a whole.

⁴⁷ GIBSON and SMOUT, *Prices, food and wages*, 10 and 296, and SPENCE, *Women, credit, and debt*, 170-171.

speaking, trained for through their work.⁴⁸ Such loss of social standing was a particularly critical consequence in the countryside, where servant positions were already made precarious by population growth and land hunger which pressured tenant farmers.⁴⁹ In urban areas by contrast, wages could be higher due to demand, and being paid in cash enabled women to save.⁵⁰ Hence most eighteenth-century court cases of Scottish infanticide pertained to rural, rather than urban crimes.⁵¹ This is reflected by extant broadsides, which mainly present voices from the countryside.

It has been suggested that, since women often left home for service at a childbearing age, their contact with men through work contributed to illegitimacy.⁵² Emphasis is laid on one fact, namely the absence of “any form of chaperoning or parental control”.⁵³ This can be interpreted in three different ways. For one, women could willingly liaise with men from their working environment.⁵⁴ Indeed, in confessions female servants mention “laying with” another servant from the same household, or with a master’s son.⁵⁵ In some cases work could lead to associations outside the master’s household, and more often than not a father is described as just “a Young Man” a woman fell acquainted with.⁵⁶ Sometimes intercourse is described as consensual, in which case a woman might include in her confession a lover’s refusal to marry her and thus legitimise the child, even though he had “Courtied her under Pretence of Marriage”.⁵⁷ Such abandonment has been used to explain instances of violent infanticide as an expression of fear, desperate isolation and grief.⁵⁸

⁴⁸ SYMONDS, *Weep Not for Me*, 124-125; KILDAY, *A History of Infanticide in Britain*, 35; C. SPENCE, *Women, credit, and debt*, 161.

⁴⁹ SYMONDS, *Weep Not for Me*, 4-8 and 71.

⁵⁰ GIBSON and SMOUT, *Prices, food and wages*, 294, 296 and 339; SPENCE, *Women, credit, and debt*, 164-165 and 170; KILDAY, *A History of Infanticide in Britain*, 39.

⁵¹ SYMONDS, ‘Reconstructing rural infanticide’, 66.

⁵² BENNETT, *Capital Punishment*, 102 and KILDAY, 40; the development of sexual individualism has been cited as influential in this regard, SYMONDS, *Weep Not for Me*, 6 and 71, which provoked elaborate efforts on behalf of the Scottish Church to “control the sexual immorality of the general populace” and eventually “the frequent end product of such activity”, see A.-M. KILDAY, ‘Monsters of the Vilest Kind’, 105.

⁵³ KILDAY, *A History of Infanticide in Britain*, 39.

⁵⁴ KILDAY, *A History of Infanticide in Britain*, 39-40.

⁵⁵ “The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder.” ESTC N471291, NLS, 6.318(28), and “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. *February* 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.” ESTC T231873, NLS, RB.I.106(119).

⁵⁶ Jean Cameron worked for an officer and later conceived with a soldier, “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3); anonymous fathers are mentioned in “THE LAST SPEECH and CONFESSION OF *Margaret Crooks*, who was Executed at the Grass-Market of *Edinburgh*, the twenty fourth of December 1718. for the Murthuring her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042), and “THE Last SPEECH and CONFESSION AND DYING WORDS OF *HELLEN MARISHAL* Who was executed at the Grass-Market of *Edinburgh*, upon the *Thirty Day* of *March*, *One thousand seven hundred and twenty*, for the *Crime of Murdering her own Child*.”, ESTC T193508, NLS, Ry.III.c.36(069).

⁵⁷ From “THE LAST SPEECH and CONFESSION OF *Margaret Crooks*, who was Executed at the Grass-Market of *Edinburgh*, the twenty fourth of December 1718. for the Murthuring her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042); Jean Cameron also mentions being refused after she “was got with Child on Proposals of Marriage”, “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3).

⁵⁸ A.-M. KILDAY, *Women and violent crime in enlightenment Scotland* (Royal Historical Society: Studies in History: New Series), Woodbridge and Rochester, NY, 2015, 76 and SYMONDS, *Weep Not for Me*, 165.

Men are usually only named outright when they have passed away, and especially when a woman describes herself as being forced or seduced to have sex; vulnerability is the second interpretation associated with unchaperoned women.⁵⁹ A third interpretation of single women removed from parental influence, which is reinforced by confessions, is them not being able to rely on a network that was able to support a new-born. Several women were born from poor background, or deliberately chose to leave their parents, not willing to “be in Subjection to them”.⁶⁰ Whilst servants may have formed new networks away from home, those were not able or willing to take in and feed mouths for free.⁶¹ All the more so because those children were invariably illegitimate, which would have brought shame upon a household.

That murdered infants were, without exception, bastard children, has traditionally been cited as a reason for their deaths.⁶² If discovered, women who bore illegitimate babies would be ritually shamed, or humiliated, for the sin of fornication. Though the Church of Scotland’s influence waned throughout the eighteenth century, such shaming would still happen routinely.⁶³ The process included having to account for the pregnancy, naming the father, and “if found guilty” being fined and “ordered to make ‘appearances’ before the entire congregation”.⁶⁴ Additionally, when word got out, the reputation of any person associated with the woman in question would also

⁵⁹ Jean Cameron mentions the late father of her child, “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3); “I never knew the said Williamson but once in a Morning, when my Brother and Family were at the Coal-pit, but he has frequently attempted it, but never got his Design perpetuate but that Time”, from “THE LAST SPEECH AND DYING WORDS Of Janet Hutchie, who was Executed in the Grass-market of Edinburgh, upon the 30th of August 1721, for the Murder of her own Child.”, ESTC T193510, NLS, Ry.III.c.36(075) and “George Lauder Coal-grieve [...] he having had that Opportunity of inducing me into that horrid Sin of Adultry”, from “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. February 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.”, ESTC T231873, NLS, RB.I.106(119); KILDAY, *A History of Infanticide in Britain*, 40.

⁶⁰ Margaret Crooks came from “Poor Parents”, Margaret Millar was a coal bearer, of sufficiently dire economic station, especially as a woman, to have her occupation mentioned in the title of a broadside – something unique in the corpus, and Ann Morison’s parents were “not in a Capacity to give Education” to her, “THE LAST SPEECH and CONFESSION OF Margaret Crooks, who was Executed at the Grass-Market of Edinburgh, the twenty fourth of December 1718. for the Murthering her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042), “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. February 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.”, ESTC T231873, NLS, RB.I.106(119), and “THE LAST SPEECH Confession, and dying Words, of ANN MORISON, who was execute in the Grass-Market of Edinburgh, on the 7th of March, 1759. for the horrid Crime of murdering her own Child.”, ESTC N471255, NLS, APS.4.201.06; besides Hellen Marishal, who is quoted, Jean Cameron also declares “running away from my Parents so young”, “THE Last SPEECH and CONFESSION AND DYING WORDS OF HELLEN MARISHAL Who was executed at the Grass-Market of Edinburgh, upon the Thirty Day of March, One thousand seven hundred and twenty, for the Crime of Murdering her own Child.”, ESTC T193508, NLS, Ry.III.c.36(069) and “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3).

⁶¹ As networks usually consisted of other servants or contracted workers, rather than of tenant farmers which were kin, A. KUSSMAUL, *Servants in husbandry in early modern England*, Cambridge, 1981, 43 and R.C. RICHARDSON, *Household Servants in Early Modern England*, Manchester, 2010, 112 and 114.

⁶² SYMONDS, *Weep Not for Me*, 70-71.

⁶³ SYMONDS, *Weep Not for Me*, 72; C.G. BROWN, *Religion and society in Scotland since 1707*, Edinburgh, 1997, 70-72 and KILDAY, ‘Monsters of the Vilest Kind’, 103-104.

⁶⁴ KILDAY, *Women and Violent Crime*, 75, especially note 69.

suffer.⁶⁵ By extension, even a community's reputation could be affected.⁶⁶ Hence, a combination of societal shaming could have further moved women to conceal an illegitimate pregnancy and child. However, it has been indicated that ascribing a high explanatory value to shame is a dated view.⁶⁷ Illegitimacy "plagued various Scots communities with startling regularity throughout the seventeenth [and] eighteenth [...] centuries".⁶⁸ Hence, the process of shaming and associated feelings of shame themselves did not regularly prevent women from killing their illegitimate children. It was rather the associated loss of reputation which was crucial for both social and economic welfare, sometimes even survival.⁶⁹ If fired, a mother may have been able to continue supporting herself, but unable to feed an additional mouth.⁷⁰ For example, Margaret Millar declared having born a child to a master's son, which they reared together. It died at the age of three or four of small pox, upon which she left the household. Eventually she conceived another child whilst holding the low statute of coal-bearer, but this time: "I acquainted him [the father of the child, another coal-bearer] thereof, and when the Time of Birth came, I finding no Subsistence from him, I did most unnaturally imbrue my Hands in the innocent Blood of the Fruit of my Womb".⁷¹ Margaret Millar's story illustrates how vulnerable single women and their infants could be when the fathers of their respective children, who could earn twice to two-thirds as much as the mother, refused to help.⁷² This was especially so in the period between 1661 and 1821.⁷³ Whilst "families, villages, wet nurses, and orphanages" did manage to "absorb, or discreetly eliminate illegitimate or unwanted children", their capability to do so has been ascribed to "economic underpinnings of a community", which unfortunately "rarely appear in court cases".⁷⁴ However, taking a look at short fluctuations in Scottish grain-price movement from the period is telling: trends in infanticide indictments follow a very similar pattern.⁷⁵ In short, subsistence seems to have been the prevalent motive of mothers committing infanticide, making understandable why, as a rule, it is the voices of young, unmarried mothers in service, who come to us through 'last speeches'.⁷⁶

⁶⁵ As elaborately purported by "THE LAST SPEECH CONFESSION and Dying WORDS of ANNE MACKIE who was Executed in the GRASS-MARKET of Edinburgh, on Wednesday the 11th of Sept. 1776 : For the horrid Murder of her own Child.", Mitchell Library, C98677/311734, Vol.IV.446.

⁶⁶ KILDAY, *A History of Infanticide in Britain*, 158.

⁶⁷ Regardless of SYMONDS, *Weep Not for Me*, 70-71 indicating that this is a dated reasoning concerning Scotland, the explanation of 'shaming' continues to be regarded as very important in recent publications, see for example KILDAY, 'Monsters of the Vilest Kind', 103-104.

⁶⁸ SYMONDS, *Weep Not for Me*, 2, and "for Scotland as a whole, illegitimate births amounted to approximately 5 percent of all births in the late seventeenth and eighteenth centuries", *Ibidem*.

⁶⁹ SYMONDS, *Weep Not for Me*, 70 and KILDAY, *A History of Infanticide in Britain*, 180.

⁷⁰ KILDAY, *Women and violent crime*, 75.

⁷¹ "The last Speech and dying Words of Margaret Millar, Coal-bearer at Colden-cleugh who was executed 10. February 1726 at the Gibbet of Dalkeith, for Murdering her own Child." ESTC T231873, NLS, RB.I.106(119).

⁷² GIBSON and SMOUT, *Prices, food and wages*, 289-290.

⁷³ SYMONDS, *Weep Not for Me*, 70.

⁷⁴ *Ibidem*.

⁷⁵ SMOUT and GIBSON, *Prices, food and wages*, 169-174.

⁷⁶ Motives considered of minor importance are psychological causes and infanticide as a form of birth control, see KILDAY, *A History of Infanticide in Britain*, 164-168; ages of women in extant broadsides range from late teens to late thirties – they were prevalently described as "young women".

Traces of Authenticity and Female Agency

It has been stated that “the extent to which” a woman sentenced to death “actually penned or even dictated her own gallows speech can certainly be debated”.⁷⁷ Whilst it is indeed difficult to find any evidence regarding authors, and it remains “unclear what, if any, links of however indirect a nature they had with officialdom either on a local or national level”, a certain implication of “officialdom” is usually assumed.⁷⁸ For example, concerning pamphlets slandering Maggie Dickson, convicted for infanticide in 1724, it has been presumed that “authorities” had published them.⁷⁹ Publishing a last speech or confession on a convicted woman’s behalf was undoubtedly “advantageous to both the state and the church”, as they “legitimised not only the punishment being suffered by the individual felon, but also the whole structure of secular and religious authority”.⁸⁰ Moreover, the “stereotyped nature of the gallows speech as reported in pamphlets”, with “its tendency to raise doubts about their veracity”, has cast a long shadow.⁸¹

Since many extant last speeches are anonymous, the assumption that ‘authorities’ published these speeches remains credible.⁸² A handful of last speeches, ‘signed’ with the name of the woman supposedly having delivered it, does not necessarily disprove this.⁸³ In any case the practice

⁷⁷ A.-M. KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, 59.

⁷⁸ SHARPE, “Last Dying Speeches”, 148.

⁷⁹ KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, 62 and 64; note however that last speeches are not explicitly regarded as equal to slandering pamphlets by this author, and that last speeches were almost exclusively written in prose, whereas slandering pamphlets which said author studied were invariably written in verse.

⁸⁰ KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, 57, and *Ibidem*, quoting from SHARPE, “Last Dying Speeches”, 163.

⁸¹ SHARPE, “Last Dying Speeches”, 162.

⁸² At least thirty titles of cheap print on criminal women survive. Of those, twenty-four are dying speeches, of which thirteen indicate an author, invariably the convicted woman herself. Of the seven publications which are not dying words, six are anonymous, the seventh being a letter from a dying woman signed with her name.

⁸³ Women’s signatures, either as initials or full name in capital letters, are present on eight dying speeches, and on one broadside printing a letter from a convicted woman to her mother: “THE LAST SPEECH AND CONFESSION OF ANN CAMPBELL, who was execute at *How-Gate-Head* of *Glasgow*, on Wednesday the 10th of *October* 1722. for murdering her own Child.” ESTC T192968, NLS Ry.III.c.36(91); “THE LAST SPEECH, CONFESSION and WARNING, *Of* Margaret Dickson, who was Execute in the *Grass-Mercat* of *Edinburgh*, for the unnatural Murder of her Own Child, on Wednesday the 2^d of *September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 2; “THE LAST SPEECH and Dying-Words, *Of* Helen Hutton, who was Execute at *Haddingtoun* upon the 25th Day of *February* 1726. for the murdering of *Mr. Johnston and his Spouse, late Post-master there.*” ESTC T193503, NLS, Ry.III.c.36(102); “A Letter from *Helen Hutton*, who was Execute at *Haddington*, on *Friday* last, the 25th of *February*, written to her Mother a few Days before her Execution.”, NLS, Ry.III.c.36(103); “THE LAST SPEECH Confession, and dying Words, of ANN MORISON, who was execute in the *Grass-Market* of *Edinburgh*, on the 7th of *March*, 1759. for the horrid Crime of murdering her own Child.” ESTC N471255, NLS, APS.4.201.06; “The last SPEECH, Confession and dying Words of JEAN CAMERON, who was executed at *Perth*, the 19th of *October*, 1764. For the horrid Murder of her own Child.”; “THE LAST SPEECH CONFESSION and Dying WORDS OF MARGARET ADAM, who was Execute in the *Grass-Market* of *Edinburgh*, on Wednesday the 2^d of *March* 1774. for the Bloody Murder of Janet M^cIntyre, Shop-keeper in *Glasgow*, and her Body given to Doctor Monro for dissection.”, Mitchell Library, SR347 311 733, no number [between VI.23 and VI.25]; “The Last SPEECH CONFESSION, and Dying WORDS of MARGARET ADAM, Who was Executed at the *Grass-Market* of *Edinburgh*, upon the 2^d Day of *March* 1774, for the Murder and Robbery of JANET M^cINTYRE, Shop-keeper in *Glasgow.*” ESTC N477628, NLS, RB.I.238(14); “Th[e l]ast Speech Confession & dying words of MARGARET NEIL, who was execute at *Stirling* on *Friday* the 19th of *Novr.* 1784, for the crimes of theft and house-breaking.” ESTC 477688, NLS RB.I.238(59).

strengthens the impression of a female voice being delivered to readers. Highly detailed confessions, and characteristics typical of oral discourse, such as repetitions, corrections and interruptions add colour to that voice.⁸⁴ This arguably points to a certain degree of authenticity. It also stands in juxtaposition with the assumption that speeches were fictional, created by authorities, by hack writers, or by clergymen.⁸⁵ In case of a clergyman or civil servant wishing to instruct his audience, at first sight, it may seem less useful to merely print whatever a convict wished to say, and alterations may have been desirable. On the other hand, detailed, genuine stories of repenting women would have strengthened the legitimacy of capital punishment.⁸⁶ Moreover, “even the most brazenly biased critic knew he could not get away with telling barefaced lies about what was generally known to have happened”.⁸⁷ Hence, the easiest and “more profitable track” for even the more critical writers, was to actually report what the convict had said. Additions of judgemental wording, which would guide consumers whilst interpreting the utterances made by the criminal herself, would have been much more convenient, not to mention in keeping with didactic convention.⁸⁸ It is a writing tactic recognisable in many extant Scottish broadsides, with authors explicitly commenting on the behaviour of convicted women, as well as on the personal stories supposedly delivered by them. Such an approach would have allowed room for authentic female voices to be portrayed, and may have even favoured it.

Printing female voices which sounded unique and authentic, and thus truthful, would also have been advantageous from a commercial point of view. Dying words were thought to hold special value. As it is put in one broadside when introducing the last words of Jean Cameron, who was executed in Perth in 1764:

“the dying Words of Persons in all Ages have been esteemed, had in Remembrance, and looked upon by all, to be the real Truth and Sentiments of the Mind, especially those who come to a fatal and untimely End, such as to be put to Death by Law”.⁸⁹

⁸⁴ See for example ‘spoken and written discourse’, H. JOHNSON and K. JOHNSON eds., *Encyclopedic Dictionary of Applied Linguistics*, 1999, 301.

⁸⁵ For creation by Scottish authorities, see KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, 62; in England, the few “named authors of execution pamphlets were most often clergymen who had taken a special interest in a particular case”, otherwise hack writers are pointed to, see SHARPE, “Last Dying Speeches”, 148; one historian of Scotland has however already suggested that “Scottish ‘confessional’ literature was far more authentic than its English counterpart”, a statement based on her reading of court case documents and popular print on a Scottish infanticide case from 1724, KILDAY, ‘Monsters of the Vilest Kind’, 112 (note 12), and KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, in particular 58-59, though regrettably authenticity is not explicitly addressed.

⁸⁶ As demonstrated elaborately by KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, *passim*, and explicitly stated on 57.

⁸⁷ LAKE and QUESTIER, ‘Agency, Appropriation and Rhetoric under the Gallows’, 80. Omission may have been easier than lying, and is sometimes admitted to, for example in the case of Elisabeth Blacky’s speech, where the author dedicated more room to his own comments, and wished to be complete in his account of the proceedings in general rather than of her speech in particular, “THE LAST SPEECH OF *Elisabeth (alias Elspeth) Blacky*, who for Murdering her own Child. was Executed at *Jedburgh*, May 27, 1718.” ESTC T193698, NLS, Ry.III.c.36(41).

⁸⁸ LAKE and QUESTIER, ‘Agency, Appropriation and Rhetoric under the Gallows’, 80.

⁸⁹ “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child.”, ESTC N477660, NLS, RB.I.238(3).

Spectators and readers would have been aware of this, and drawn to it – just as women who gave last speeches would have been aware of the special status of their last words themselves. As Janet Hutchie reportedly declared in 1721: “as I am a dying Woman, I shall declare to the World the naked Truth, so far as my Memory can serve me”.⁹⁰ If financial gain was desired, it would therefore have been advantageous to use any actual speech as template. Concurring, English ‘dying speeches’ have usually been established as “factually correct”.⁹¹ Hack writers could even get an edge on rivalling authors by being able to advertise the most accurate dying words, rather than “spurious speeches and reports”.⁹² Nothing would have satisfied the curiosity of readers better than the most complete account of women’s confessions, including confirmation or rebuttal of any and all “Aspersions that passed upon” said women.⁹³ Female voices were known to sell. Forthcoming titles on the case of a female criminal were worth advertising, and a last speech of a woman could be used to advertise a last speech of a man.⁹⁴ Successive generations of the Reid family, based in Edinburgh and thus conveniently close to the famous Grass-Market, periodic place of execution, are known to have printed women’s last speeches.⁹⁵ Branches of the Galbraith family even

⁹⁰ “THE LAST SPEECH AND DYING WORDS *Of Janet Hutchie, who was Execute in the Grass-market of Edinburgh, upon the 30th of August 1721, for the Murder of her own Child.*”, NLS, Ry.III.c.36(075).

⁹¹ SHARPE, “Last Dying Speeches”, 147-148; factualness has been deemed a selling point in England in the eighteenth century as well, P.J. RAWLINGS, *The reform of punishment and the criminal justice system in England and Wales from the late seventeenth to the early nineteenth century*, Unpublished doctoral dissertation, University of Hull, School of Histories, Languages, and Cultures: Philosophy, 1988, 81; no studies exist which are dedicated to this theme for the Scottish regions.

⁹² “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child.”, ESTC N477660, NLS, RB.I.238(3); for authors visiting the “subjects of their pamphlets”, see LAKE and QUESTIER, ‘Agency, Appropriation and Rhetoric under the Gallows’, 96-97.

⁹³ “THE LAST SPEECH AND DYING WORDS *Of Janet Hutchie, who was Execute in the Grass-market of Edinburgh, upon the 30th of August 1721, for the Murder of her own Child.*”, NLS, Ry.III.c.36(075).

⁹⁴ “Speedily will be published by the Printer hereof, a fuller narrative of some particulars in the Life of Margaret Adam, as delivered by herself in prison.” from “THE SECOND SPEECH *Of MARGARET ADAM. OR. A Full and Particular ACCOUNT of the manner of her Execution, Behaviour on the Scaffold, and Dying Words to her Friends, and those good Christians who attended her in her last Moments. With an account of JAMES BROUN’s Reprieve.*”, Mitchell Library, SR347 311733, Vol.1.32; “Follows the SPEECH of *Burnet* after Publishing of this.” from “THE LAST SPEECH and Dying-Words, *Of Helen Hutton, who was Execute at Haddingtoun upon the 25th Day of February 1726. for the murdering of Mr. Johnston and his Spouse, late Post-master there.*” ESTC 193503, NLS Ry.III.c.36(102) – Ralph Burnet was Helen Hutton’s accomplice, *Ibidem*.

⁹⁵ John Reid was the father of Margaret Reid, who took over his business, ‘John Reid (printer; Edinburgh)’, [NLS-SBTI], 2016 (<https://data.cerl.org/sbti/006227>). Consulted on 25 May 2018, and ‘Margaret (Lucky) Reid’, [NLS-SBTI], 2017 (<https://data.cerl.org/sbti/006237>). Consulted on 25 May 2018. The following broadsides carry their imprints: one of John Reid: “The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder.” ESTC N471291, NLS, 6.318(28); four of Margaret Reid: “THE LAST SPEECH AND CONFESSION OF *Anne Fogget*, Burnt for the Murder of her Husband *Abraham Fogget*. *Who was Executed at York September 10. 1716*” NLS, Ry.III.c.36(025), “THE LAST SPEECH OF *Elisabeth (alias Elspeth) Blacky*, who for Murthering her own Child was Executed at *Jedburgh, May 27, 1718.*” ESTC T193698, NLS, Ry.III.c.36(41), “THE LAST SPEECH and CONFESSION OF *Margaret Crooks*, who was Executed at the Grass-Market of *Edinburgh*, the twenty fourth of *December 1718*. for the Murthering her own Child.” NLS, Ry.III.c.36(042), “THE Last SPEECH and CONFESSION AND DYING WORDS OF *HELLEN MARISHAL* *Who was executed at the Grass-Market of Edinburgh, upon the Thirty Day of March, One thousand seven hundred and twenty, for the Crime of Murdering her own Child.*” ESTC T193508, NLS, Ry.III.c.36(069). A fifth broadside is printed in the years of Margaret Reid’s known activity, with very similar type and lay-out to hers: “THE LAST Speech

collaborated to serve them to audiences from both Edinburgh and Glasgow.⁹⁶ One execution sentence could also easily inspire more than one publication. For example, four titles are extant on the murder of Janet McIntyre, shopkeeper in Glasgow, and subsequent hanging of Margaret Neil (1773-74), whilst no less than six survive on the case of Mrs MacLeod, executed for forgery (1727-28).⁹⁷ This type of cheap print was so lucrative, that so-called “spurious” last speeches were common, containing less details, more inaccuracies, and mostly ‘padding’ through comments by the author.⁹⁸ Accounts of the actual crime, satires, songs, ‘groans from the dungeon’, written when the convict was in the local tolbooth awaiting the gallows...: possibilities abounded.⁹⁹ Apparently female voices could attract an audience large enough worth addressing.

and Confession, OF *Margaret Anderson*, who vvas Executedt at *Edinburgh*, on *Wedensday* being the Tvventy 2d. of *April* 1713. for the murdering of her own Child.” ESTC T193455, NLS, 6.314(29).

⁹⁶ “(Printed and sold by Henry Galbraith Edinburgh, and Joseph Galbraith above the Cross, Glasgow)” from “The Last SPEECH CONFESSION, and Dying WORDS OF *MARGARET ADAM*, Who was Executed at the Grass-Market of Edinburgh, upon the 2d of March 1774, for the Murder and Robbery of *JANET M^cINTYRE*, Shop-keeper in Glasgow.” (1774). It is plausible that the Galbraiths were related; ‘Joseph Galbraith’, [NLS-SBTI], 2016 (<https://data.cerl.org/sbti/002632>). Consulted on 25 May 2018, and ‘Henry Galbraith’, [NLS-SBTI], 2016 (<https://data.cerl.org/sbti/002628>). Consulted on 25 May 2018.

⁹⁷ On Margaret Adam’s case, see “A FULL AND PARTICULAR ACCOUNT, Of the Horrid and Bloody MURDER, committed on the Body of *JANET MACINTIRE* in the City of Glasgow, on Fridays Night, the 29th of Oct. 1173 [sic].”, Mitchell Library, SR347 311733, Vol.1.2; “THE LAST SPEECH CONFESSION and Dying WORDS OF *MARGARET ADAM*, who was Execute in the Grass-Market of Edinburgh, on Wednesday the 2d of March 1774. for the Bloody Murder of Janet M^cIntyre, Shop-keeper in Glasgow, and her Body given to Doctor Monro for dissection.”, Mitchell Library, SR347 311733, no number [between Vol.1.23 and Vol.1.25]; “The Last SPEECH CONFESSION, and Dying WORDS of *MARGARET ADAM*, Who was Executed at the Grass-Market of Edinburgh, upon the 2d Day of March 1774, for the Murder and Robbery of *JANET M^cINTYRE*, Shop-keeper in Glasgow.” ESTC N477628, NLS, RB.I.238(14); “[THE] SECOND SPEECH Of *MARGARET ADAM* OR, A Full and Particular ACCOUNT of the manner of her Execution, Behaviour on the Scaffold, and Dying Words to her Friends, and those good Christians who attended her in her last Moments. With an account of *JAMES BROUN*’s Reprieve.”, Mitchell Library, SR347 311733, VI.32. On Mrs MacLeod’s case, see “AN ACCOUNT OF The life and actions of Mrs. *M^cLeod*. *Nemo sine crimine vivit*.” ESTC T183514, NLS, Ry.III.a.10(109); “An elegy on the never to be lamented death of Mrs. *M^cLeod*, who was execute on *Wednesday* the 8th of *March*, 1727.” ESTC T182517, NLS, Ry.III.a.10(110); “A LETTER FROM Doctor *Dalgleish* to his Patient Mrs. *M^cLeod*, and her Answer”, NLS, Ry.III.a.10(106); “Mrs. *M^cLeod*’s last farewell to *John Gibson*.” ESTC T170683, NLS, Ry.III.a.10(107); “The Apparition.” ESTC T189665, NLS, Ry.III.a.10(111).

⁹⁸ LAKE and QUESTIER, ‘Agency, Appropriation and Rhetoric under the Gallows’, 80; besides commercial motives, controversy could also inspire authors. A famous example is the case of Margaret Dickson, who survived her execution for infanticide and was thus proclaimed ‘innocent’ by both worldly and divine law, yet still inspired retaliation from religious commentators, KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, 61-65.

⁹⁹ A ‘tolbooth’ was “originally a booth or office where tolls, market dues and other local imposts were paid to the municipality, hence the municipal buildings, including the room in which the Town Council met, the offices of various burgh officials, and very frequently also the local jail.”, and it is in the last sense that it is used in last speeches, ‘Tolbooth *n.*, *v.*’, *Dictionary of the Scots Language*, 2004 (<http://www.dsl.ac.uk/entry/snd/tolbooth>). Accessed 22 April 2018.

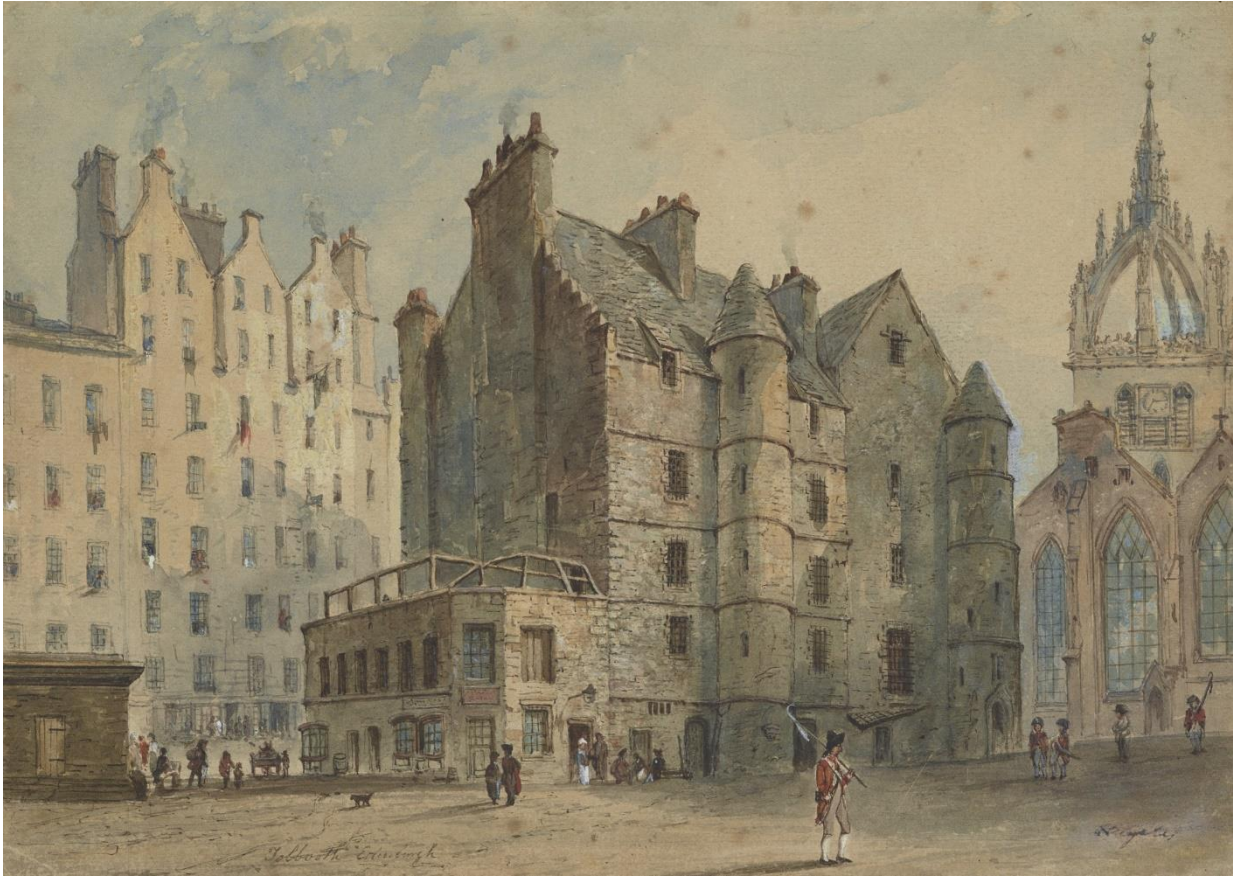


Figure 1. *The Tolbooth and St Giles Cathedral, Edinburgh*, by Henry Gibson Duguid (1805-1860), National Galleries of Scotland.

There are clues in the peritext of last speeches which indicate some other than commercial reasoning behind them.¹⁰⁰ For one, it was conventional to address the spectators of one's hanging, who attended with certain anticipations. As reportedly declared by a dying woman herself: "And now, I think I am called to give an account to the World, how I fell into these Tentations and Sins, that have brought me to this untimely End."¹⁰¹ Besides satisfying the curiosity of the crowd, speakers could impute last speeches with more personally motivated functions. The following statement serves as example: "It would be expected I should give some Account of my self, and satisfie the World, as to several Aspersiones that passed upon me".¹⁰² This remark already hints at a special form of authority, by promising to comment on "several Aspersiones". This authority stemmed from being assumed to be truthful, something which in early modern times was attributed

¹⁰⁰ With peritext being "paratextual materials adjacent to a text", such as titles, prefaces and epigraphs, D. GORMAN, 'Paratext', D. HERMAN, M. JAHN, and M.-L. RYAN eds., *Routledge Encyclopedia of Narrative Theory*, Abingdon and New York, 2008, 419.

¹⁰¹ "THE LAST SPEECH, CONFESSION and WARNING, Of Margaret Dickson, who was Executed in the *Grass-Mercat* of *Edinburgh*, for the unnatural Murder of her own Child, on *Wednesday the 2d of September 1724*." ESTC T193695, NLS Ry.III.c.36(94), 2.

¹⁰² "THE LAST SPEECH AND DYING WORDS Of Janet Hutchie, who was Executed in the *Grass-market* of *Edinburgh*, upon the 30th of August 1721, for the Murder of her own Child.", NLS, Ry.III.c.36(075).

to people on the brink of death.¹⁰³ On occasion a woman mentioned the origin of that assumed authority herself: “for as I am very soon to appear before the great judgment of an All-seeing and Heart-searching God, I know and am fully persuaded that it is in vain either to hide, or deny, or to dissemble the real truth.”¹⁰⁴ A judgement by God, who could not be lied to, was a credible insurance for criminals being truthful in their speeches. Women could, and did, appropriate this authority: “I know they report otherways, but I declare the Truth as a dying Woman”.¹⁰⁵ Such appropriation recurs throughout the eighteenth century, with women actively using it both to their own and to others’ advantage. On the one hand, women insisted they were not guilty of certain rumours circulating in town or allegations made in court. For example, Janet Hutchie, who was convicted for infanticide, announced that she would declare “the naked Truth”, and went on to rebut “Stories [...] of me having a Child before”.¹⁰⁶ More often, however, women used it not just for their own benefit, but also to protect others. In her last moments, Jean Cameron “was sharply interrogate concerning a scandalous Romance [...] To which she answered, that as she was a dying Woman she solemnly declared that she was innocent of that Man, and that Man of her”.¹⁰⁷ Family and possible accessories would also be defended. Margaret Adam repeatedly stressed the innocence of her alleged murder accomplice, her younger sister Agnes. She did so both in her last speech, and in her second speech, apparently to good effect. A royal reprieve for Agnes was delivered just in time, on the evening before their planned execution (1774).¹⁰⁸ Women could navigate accusations of loved ones in elaborate ways. An early example is Margaret Smith’s defence of her mother. Smith was convicted for infanticide after delivering her child in bed, then stifling it between the bed and the wall. Mr Anderson, minister at Dumbarton, where Margaret would be executed, visited her in prison. She declared to him:

¹⁰³ LAKE and QUESTIER, ‘Agency, Appropriation and Rhetoric under the Gallows’, 75, and J.A. SHARPE, “Last Dying Speeches”, 150.

¹⁰⁴ “The Last SPEECH CONFESSIOIN, and Dying WORDS of MARGARET ADAM, Who was Executed at the Grass-Market of Edinburgh, upon the 2d Day of March 1774, for the Murder and Robbery of JANET M^cINTYRE, Shop-keeper in Glasgow.” ESTC N477628, NLS RB.I.238(14).

¹⁰⁵ “THE LAST SPEECH, CONFESSIOIN and WARNING, Of Margaret Dickson, who was Execute in the *Grass-Mercat of Edinburgh*, for the unnatural Murder of her own Child, on *Wednesday the 2d of September 1724*.” ESTC T193695, NLS Ry.III.c.36(94), 2.

¹⁰⁶ “THE LAST SPEECH AND DYING WORDS Of Janet Hutchie, who was Execute in the Grass-market of Edinburgh, upon the 30th of August 1721, for the Murder of her own Child.”, NLS, Ry.III.c.36(075).

¹⁰⁷ “The last SPEECH, Confession and dying Words of JEAN CAMERON, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3).

¹⁰⁸ Two ‘last speeches’ of Margaret Adam are extant, with one seemingly genuine, in which she proclaims “As to my Sister, she is quite innocent” ; the other may have been based on her first confession, portraying both sisters as having conspired in the murder. “THE LAST SPEECH CONFESSIOIN and Dying WORDS OF MARGARET ADAM, who was Execute in the Grass-Market of Edinburgh, on *Wednesday the 2d of March 1774*. for the Bloody Murder of Janet M^cIntyre, Shop-keeper in Glasgow, and her Body given to Doctor Monro for dissection.”, Mitchell Library, SR347 311733, [between V1.23 and V1.25].

“That her Mother neither was accessory to the said Murder, nor so much as knew of it, tho’ she was under the same Roof with her, and had lyen in the same Bed with her many Nights before, and even the Night after she had done it.”¹⁰⁹

Surprised at her declaration, Mr Anderson told her “That, that was a very incredible Thing, and questioned how it could possibly be.”¹¹⁰ Upon which Margaret started a divergent enumeration about how, since she was first suspected of concealing a pregnancy before her Kirk elders, had always denied it, up to and including when her mother questioned her about it whilst in labour. She concluded: “so that her Obstnacy in denying her being with Childe had brought her to her Ruin”.¹¹¹ Thus, if not entirely credible, at least successful in removing legal threats to her mother.¹¹² In the process of doing so, Margaret Smith experienced how a dying woman’s declaration could still be doubted. The aforementioned Margaret Adam faced a similar questioning before her death, illustrating the religious pressure lying on women pronouncing confessions and last speeches:

“She was then asked as one who was on the brink of an endless eternity, in a little to appear before the awful judge of heaven and earth, the heart-searching God, before whom envy cannot stand, and with whom, no malicious person can find mercy, If what she had declared in her speech was true?”¹¹³

Adam also, remained consistent: underneath her last speech the attention of the reader is called “N.B. [...] She adhered to her very last moments, to the truth of every circumstance narrated in her speech.”¹¹⁴ The remark illustrates that female agency, though appropriated frequently, was resilient of earthly scepticism, but could be limited by social pressure, and fear of eternal punishment.

This female agency is underlined by indications in sources that a woman could initiate the production of a written account and publication of a ‘last speech’. For instance, the broadside publication of Agnes Craig’s confession to infanticide, made on the day of her execution (1717), reads:

“This Confession she made in the Tolbooth of *Drumfries*, upon the day formentioned, and before these Ministers and Balie *Peterson*, who Subscribe as followeth, and whom she desired to Publish the same.”¹¹⁵

¹⁰⁹ “The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe.” ESTC T193531, NLS, Ry.III.c.36(34j).

¹¹⁰ *Ibidem*.

¹¹¹ *Ibid*.

¹¹² As the as “Act Anent Murthering of Children” only allowed circumstantial evidence to be used against the mother of a dead infant, not against any potential accessories to the murder.

¹¹³ “THE SECOND SPEECH Of *MARGARET ADAM*. OR. A Full and Particular ACCOUNT of the manner of her Execution, Behaviour on the Scaffold, and Dying Words to her Friends, and those good Christians who attended her in her last Moments. With an account of *JAMES BROUN*’s Reprieve.”, Mitchell Library, SR347 311733, Vol.1.32.

¹¹⁴ *Ibidem*.

¹¹⁵ “THE CONFESSION Of *Agnes Craig*, Daughter to the Deceased *John Craig* and *Agnes Grierson*, who Lives at the Bridge-End of *Minnijoe*, in the Paroch of *Glencairn* when the said *Agnes Craig* was Execute in *Drumfries*, on

Which is followed by the names of six witnesses, beneath the formula “*Sic Scribitur*”, including the announced “PETERSON Bailie”.¹¹⁶ The presence of both clergy and law, indicates that this may have been a legal procedure, which would have contributed to the implementation of Agnes’ request. A similar claim survives through a last speech of Margaret Adam’s: “I have delivered this to Richard Lock in order to be printed as my dying speech, and whatever others may be printed in my name is false” (1774).¹¹⁷ Whilst being able to initiate a publication of her last words, the proviso that a woman would have to be capable of reading and writing in order to inspire such a publication appears void. The last speech of Ann Campbell (1722) indicates that she stated:

“This being my only true Confession, I desire none may credit any other, this being taken from my own Mouth faithfully, and subscribed by me. *Sic Subscribitur, A.C.*”¹¹⁸

That she could initial but not write, and perhaps not even read well, does not exclude her actually delivering her speech, nor her eloquence – her background was an oral culture, not a written one.¹¹⁹ It should be noted that convicted women had different degrees of literacy: that a woman could initial did not mean she could write or read well, or read at all. Still, none of that precluded women who were in all senses illiterate, like Sarah Cameron (1784), from having “a true copy of her declaration, as she could neither read nor write herself” published.¹²⁰

Wednesday being the 5th of *June, Anno 1717*. For the Murdering of het own Child.” ESTC T201684, NLS, Ry.III.c.36(35).

¹¹⁶ *Ibidem*.

¹¹⁷ Richard Lock was inner keeper (turnkey, jailer) of the Edinburgh Tolbooth at the time, *Register of marriages of the city of Edinburgh, 1751-1800*, F.J. GRANT and R. HERALD eds. (Scottish Record Society Register of Marriages for the Parish of Edinburgh, 1595-, Volume 53), Edinburgh, 1922, 91; “The Last SPEECH CONFESSIO, and Dying WORDS of MARGARET ADAM, Who was Executed at the Grass-Market of Edinburgh, upon the 2d Day of March 1774, for the Murder and Robbery of JANET M^cINTYRE, Shop-keeper in Glasgow.” ESTC N477628, NLS, RB.I.238(14). That Margaret Adam gave the speech to Richard Lock is also mentioned in her second speech, “[THE] SECOND SPEECH Of MARGARET ADAM. OR, A Full and Particular ACCOUNT of the manner of her Execution, Behaviour on the Scaffold, and Dying Words to her Friends, and those good Christians who attended her in her last Moments. With an account of JAMES BROUN’s Reprieve.”, Mitchell Library, SR347 311733, Vol.1.32.

¹¹⁸ “THE LAST SPEECH AND CONFESSIO OF ANN CAMBELL, who was execute at the *How-Gate-Head* of *Glasgow*, on Wednesday the 10th of *October 1722*. for murdering her own Child.” ESTC T192968, NLS, Ry.III.c.36(91), 2; note that the same formula is used as prior to a signing by witnesses.

¹¹⁹ Additionally, when any text was cited by authors of last speeches, it was predominantly the Bible (King James Version), a book women sentenced to death would have been elaborately instructed with by the local minister in the weeks, sometimes months, before their execution. That someone transcribed Agnes’ declaration for her, is reminiscent of the letters of remission written for supplicants by middlemen, such as clerks. Though supplicants did not write their stories themselves, this did not impede them recognizing their own “life and values” therein, N. ZEMON DAVIS, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France*, Stanford, 1987, 25.

¹²⁰ “The last SPEECH, Confession and dying words of SARAH CAMERON, who was execute at Stirling on Friday the 29th of October 1784, and her body given to the doctors to be dissected, for the murder of her own child.” ESTC N477652, NLS, RB.I.238(18); Margaret Dickson, who in contrast likely could read well, highly likely knew how to write her own initials, apparently undertook an active role in distribution as well: “she [...] owned the Paper, called her Confession Warning and Request, which she ordered to be published before her Death to be her’s, and that it was signed by her, and that she had seen it in Print, and delivered several Copies of it out of her own Hand to the Magistrats and others”, “THE LAST SPEECH, CONFESSIO and WARNING, Of Margaret Dickson, who was Execute in the *Grass-Mercat* of *Edinburgh*, for the unnatural Murder of her Own Child, on Wednesday the 2d of *September 1724*.” ESTC T193695, NLS, Ry.III.c.36(94), 4.

Besides using such agency in a traditional manner, fulfilling the expectations of an audience on the one hand, and on the other hand, in the more individual ways of trying to mend their own reputation and protecting those who would survive them, women had two more ubiquitous motives for delivering last speeches. Those were religious sentiment and edification. Both will be discussed elaborately by focusing exclusively on infanticide broadsides, which make up the bulk of extant criminal broadsides concerning women. Before going on to do so, a last note must however be made on the audience of last speeches ascribed to women. A majority of those speeches were printed as broadsides, rather than pamphlets.¹²¹ As such a high percentage of said speeches consisted of only one page of paper, and only one extant speech carries an illustration, which is minor, it can be assumed that the going price of a typical speech was 2d. Scots.¹²² As the principal business location of printers and major place of execution at the time, a large percentage of the female population in that first sphere of distribution, in particular servants, would have been able to afford them.¹²³ Women were exactly the audience that was regularly addressed, explicitly, in those speeches as well. This was because of the edifying nature last speeches were supposed to have, since a woman supposedly spoke in truths on the brink of her death, and in particular would explain how she had come to it. This meant that a dying woman could automatically serve as a warning to her “sisters”, as someone’s actions to consider and avoid following.¹²⁴ A woman depicted as delivering her speech would indeed routinely address herself to “young Women”, who were warned to “take an Example by her”.¹²⁵ In summary, women’s last speeches carried out voices of women to be consumed by women.

¹²¹ Making no distinction between last speeches of women sentenced to death for infanticide, murder, or theft, 93% are broadsides, of which 73% printed recto and 27% recto verso.

¹²² At least in this was a recurring price in in the 1690s and early 1700s, a period close to the printing year most of the extant speeches (77% were printed between 1702 and 1726), FOX, ‘The Emergence of the Scottish Broadside Ballad’, 180; the broadside with illustration is “THE LAST SPEECH AND CONFESSION OF ANN CAMPBELL, who was execute at the *How-Gate-Head* of *Glasgow*, on Wednesday the 10th of *October* 1722. for murdering her own Child” ESTC T192968, NLS Ry.III.c.36(91).

¹²³ A detailed discussion of female earnings in Edinburgh and its surroundings is given in *Introduction*, supra.

¹²⁴ Margaret Adam addressed her female audience as “sisters”, in a “Declaration, attested by Richard Lock, inner turnkey of the Tolbooth, Edinburgh, and Mr James Milne, Lieth-wind”, “The Last SPEECH CONFESSION, and Dying WORDS of MARGARET ADAM, Who was Executed at the Grass-Market of Edinburgh, upon th 2d Day of March 1774, for the Murder and Robbery of JANET M^cINTYRE, Shop-keeper in Glasgow” ESTC N477628, NLS, RB.I.238(14).

¹²⁵ “THE LAST Speech and Confession, OF Margaret Anderson, who vvas Executedt at Edinburgh, on Wednesday being the Tvventy 2d. of April 1713. for the murdering of her own Child.” ESTCS T193455, NLS, 6.314(29).

Intertwined Perspectives of Scottish Authorities and Female Criminals

Last speeches ascribed to Scottish women sentenced to death for infanticide had two prevalent motives. More so than conforming to tradition by telling an eager audience how the crime had transpired, more so than publicising legal protection of people who were suspected abettors, religious sentiment and edification were focal points. This concurs with previous studies stating that last speeches were beneficial to Scottish authorities, being state and clergy.¹²⁶ Any expression of regret, or in this particular case, repentance, shown before being executed, undoubtedly served to underline the justness of that execution and the justice system issuing it. Additionally, that women gave last speeches after being pressured by visiting clergy to repent and deliver a confession, seems altogether an unequivocal argument that last speeches did indeed legitimise, and thus benefit Scottish authorities.¹²⁷ The message carried out by Scottish gallows speeches on infanticide committed by women, has been described as conveying a “three-fold message”. Firstly, that “the sentence [...] was justified”, secondly, that the convict “had been rendered duly penitent and remorseful for her crimes and misdemeanours”, and lastly, that “the shame she had been subjected to in making this public confession ought to serve as a warning to deter other potentially like-minded women”.¹²⁸

However, a reading of extant gallows speeches does not confirm these findings in a straightforward manner. On the one hand, it is undeniable that an overwhelming majority of last speeches which were printed, and which survive, convey confessions.¹²⁹ A confession in and of itself meant admitting legal guilt and religious remorse, and by extension validated both earthly and heavenly justice.¹³⁰ However, whenever a woman did confess, a margin of agency was allowed to her who was on the brink of death: giving a last speech. Such a speech contained the possibility of adding personal comments to the legal and ecclesiastical logic which had inspired it in the first place. Publishing a confession effectively lit a spotlight on its subject’s personal reasoning, including the motivations behind their crime, which were often of victimhood, and included generally unfavourable, occasionally desperate backgrounds. This complicated the message carried out by last speeches: by annotating it with comments of helplessness, public execution was

¹²⁶ BENNETT, *Capital Punishment*, 128; KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, 49-50 and 60.

¹²⁷ On the role of the clergy regarding infanticide cases, see regarding Scotland, KILDAY, ‘Monsters of the Vilest Kind’, 103-104, and for the clergy’s role in the associated offences of fornication and adultery, BROWN, *Religion and society*, 70-72; during the eighteenth century a similar involvement of the clergy exercised religious pressure on convicts sentenced to death in England and Wales – regarding their influence in dying speeches, see RAWLINGS, *The reform of punishment and the criminal justice system*, 83-84 and 93-97.

¹²⁸ A.-M. KILDAY, ‘The Shame and Fame of ‘Half-Hangit Maggie’’, 60.

¹²⁹ Only one out of seventeen women warranted an introductory comment, stating that she was “very Obstinate and hard Hearted”, since even though she “when first imprisoned, [...] Declared her Sentence to be just, and did the same upon the Scaffold,” she still “never Confessed the Murder”, “The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder.” ESTC N471291, NLS, 6.318(28).

¹³⁰ In contrast with the catholic sacrament of Penance, confession was not a sacrament of Protestantism, but it was a common practice, including penance, both indicating remorse, M. OHST, *Enzyklopädie der Neuzeit*, 1: Abendland – Beleuchtung, ‘Beichte: Protestantisch’, Stuttgart and Weimar, 2005, 1161-1163.

implicitly not depicted in a favourable light. In that sense, Scottish infanticide speeches commonly conveyed a certain degree of contention of righteousness, and only infrequently a straightforward confirmation of justified sentencing.

The following section intends to clarify this more complex picture by exploring what women did with the agency they acquired by confessing and giving a last speech. That exploration will serve to build the aforementioned, fuller picture of the message conveyed by Scottish infanticide speeches. However, first, the authorities' logic behind last speeches must be described, in order to comprehend how women sentenced to death interacted with that logic. Only then will it become possible to demonstrate how convicted women acquired some agency within that logic, and what that agency entailed.

The notion that last speeches carry a message of authorities, that passed sentence of death was justified, is strengthened through explicit references to the justice of said sentence, present in many last speeches.¹³¹ Implicit allusions to the "Act Anent Murthering of Children" are even more frequent, mostly referring to concealment of pregnancy and not calling for assistance in birth.¹³² In many instances, convicted women do try to explain why they concealed their being with child, or

¹³¹ "She [...] when first imprisoned [...] Declared her Sentence to be just, and did the same upon the Scaffold", "The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder." ESTC N471291, NLS, 6.318(28); "She [...] own'd the justice of her Sentence", "THE LAST SPEECH and CONFESSION OF *Margaret Crooks*, who was Executed at the Grass-Market of *Edinburgh*, the twenty fourth of *December* 1718. for the Murthering her own Child.", ESTC T193456, NLS, Ry.III.c.36(042); "I acknowledge my Sentence to be very just", "THE Last SPEECH and "CONFESSION AND DYING WORDS OF *HELLEN MARISHAL* Who was executed at the Grass-Market of *Edinburgh*, upon the *Thirty Day* of *March*, *One thousand seven hundred and twenty*, for the Crime of *Murdering her own Child*.", ESTC T193508, NLS, Ry.III.c.36(069); "I own the Justness of the Sentence", "THE LAST SPEECH, CONFESSION and WARNING, Of *Margaret Dickson*, who was Execute in the *Grass-Mercat* of *Edinburgh*, for the unnatural *Murder* of her Own Child, on *Wednesday* the *2d* of *September* 1724." ESTC T193695, NLS, Ry.III.c.36(94), 3; "I am by the Just Sentence of the Law, condemned to suffer this Day a shameful and cursed Death", "The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. *February* 1726 at the *Gibbet* of *Dalkeith*, for *Murdering* her own Child." ESTC T231873, NLS, RB.I.106(119); "I freely own the justness of my sentence", "THE LAST SPEECH CONFESSION and Dying WORDS of *ANNE MACKIE* who was Execute in the *GRASS-MARKET* of *Edinburgh*, on *Wednesday* the 11th of *Sept.* 1776 : For the horrid *Murder* of her own Child.", Mitchell Library, C98677/311734, Vol.IV.446; also see the quotes in the following footnote.

¹³² The "Act Anent Murthering of Children" reads: "if any Woman shall conceal her being with Child, during the whole space [of the pregnancy], and shall not call for, and make use of any Help and Assistance in the Birth". This is directly relatable to speeches such as *Hellen Marishal's*, mentioning that "I for Concealing my self to be with Child, left that Place [of employment where she became pregnant], and came to this Place where I stayed till near my Delivery, and it never being perceived, I engaged again in Service in *Libertoun*, where I really brought forth the said Child, without calling for help", or *Ann Morison's*, from later in the century: "I took all possible Care to conceal it, but being come to my Time, and going a little Way off from my Master's House I unexpectedly took traveling [went into labour] and was there delivered without Assistance, nor did I call for any, altho' I knew there was People within hearing of me"; "ACT Anent Murthering of CHILDREN. *July* 19th. 1690.", ESTC R468990, NLS, RB.I. 106(63); "CONFESSION AND DYING WORDS OF *HELLEN MARISHAL* Who was executed at the Grass-Market of *Edinburgh*, upon the *Thirty Day* of *March*, *One thousand seven hundred and twenty*, for the Crime of *Murdering her own Child*.", ESTC T193508, NLS, Ry.III.c.36(069); "THE LAST SPEECH Confession, and dying Words, of *ANN MORISON*, who was execute in the Grass-Market of *Edinburgh*, on the 7th of *March*, 1759. for the horrid Crime of murdering her own Child.", ESTC N471255, NLS, APS.4.201.06.

that they did not mean to kill the infant, which in many instances they proclaim was stillborn.¹³³ Thus, they effectively advocate that their intentions did not matter: their execution was literally justified because their actions fell within the purchase of the legal definition of infanticide.¹³⁴ In a few instances, dated variously throughout the century, this is referred to explicitly, through use of the words “crime”, “criminal” and “law” in the secular sense.¹³⁵ Far more frequent is however a religious perspective of the law. The usage of the words “sin”, “sinful”, and “sinner” is abundant, presenting both worldly law and sentencing as a secondary extension of godly justice. It is best illustrated by a quote from the last speech of Agnes Craig (1717): “she declared, that for her concealing her being with Child and Deliveranco [sic], and all her other Sins she deserved the *Wrath of GOD.*”¹³⁶

¹³³ Claiming that a child was stillborn is very common in confessions, even though the “Act Anent Murthering of Children” did include stillbirth in its definition of infanticide, for which circumstantial evidence was accepted. This was a weak point of the law, which may have evoked doubt with juries to convict, and eventually SYMONDS, *Weep Not for Me*, 132 and 153-154.

¹³⁴ This application of the “Act Anent Murthering of Children” from 1690, using circumstantial evidence to convict, only became more successfully used by lawyers and more accepted by juries, after the turn of the century, SYMONDS, *Weep Not for Me*, 133-134.

¹³⁵ The word crime or criminal is mentioned in four speeches, “THE LAST SPEECH AND CONFESSION OF JEAN WILSON, who lived in the Paroch of *Calder*. And was Execute at the *How-Gate-Head* of *Glasgow*, upon *Wednesday* the *30th* of *August*, 1721. For murdering of her own Child.” ESTC T193454 Ry.III.c.36(75); “THE LAST SPEECH and CONFESSION Of *Margaret Fleck*, who was executed at the *Howgate-Head* of *Glasgow* on the *5th* of *June* 1723. for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29); “THE LAST SPEECH, CONFESSION and WARNING, Of *Margaret Dickson*, who was Execute in the *Grass-Mercat* of *Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday* the *2d* of *September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 4; “THE LAST SPEECH CONFESSION and Dying WORDS of ANNE MACKIE who was Execute in the GRASS-MARKET of *Edinburgh*, on *Wednesday* the *11th* of *Sept.* 1776 : For the horrid Murder of her own Child.”, Mitchell Library, C98677/311734, Vol.IV.446; the “Law” is mentioned in three speeches, for example when stating that dying words, “in all Ages have been esteemed [...], especially of those who come to a fatal and untimely End, such as to be put to Death by Law”, and thus it would be “proper to inform the Public of the poor State and lamentable condition of this unfortunate Woman [*Jean Cameron*]” in order “to warn others to avoid the Breach of the Law”. Other mentions are to be found in “The last SPEECH, Confession and dying Words of JEAN CAMERON, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3), and in “THE LAST SPEECH, CONFESSION and WARNING, Of *Margaret Dickson*, who was Execute in the *Grass-Mercat* of *Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday* the *2d* of *September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 3-4. The other time the law is mentioned is in the last speech of *Margaret Millar* (1726), the manner of which is quoted in Note 131.

¹³⁶ “THE CONFESSION Of *Agnes Craig*, Daughter to the Deceased *John Craig* and *Agnes Grierson*, who Lives at the *Bridge-End* of *Minnijoe*, in the Paroch of *Glencairn* when the said *Agnes Craig* was Execute in *Drumfries*, on *Wednesday* being the *5th* of *June*, Anno 1717. For the Murdering of her own Child.” ESTC T201684, NLS, Ry.III.c.36(35).

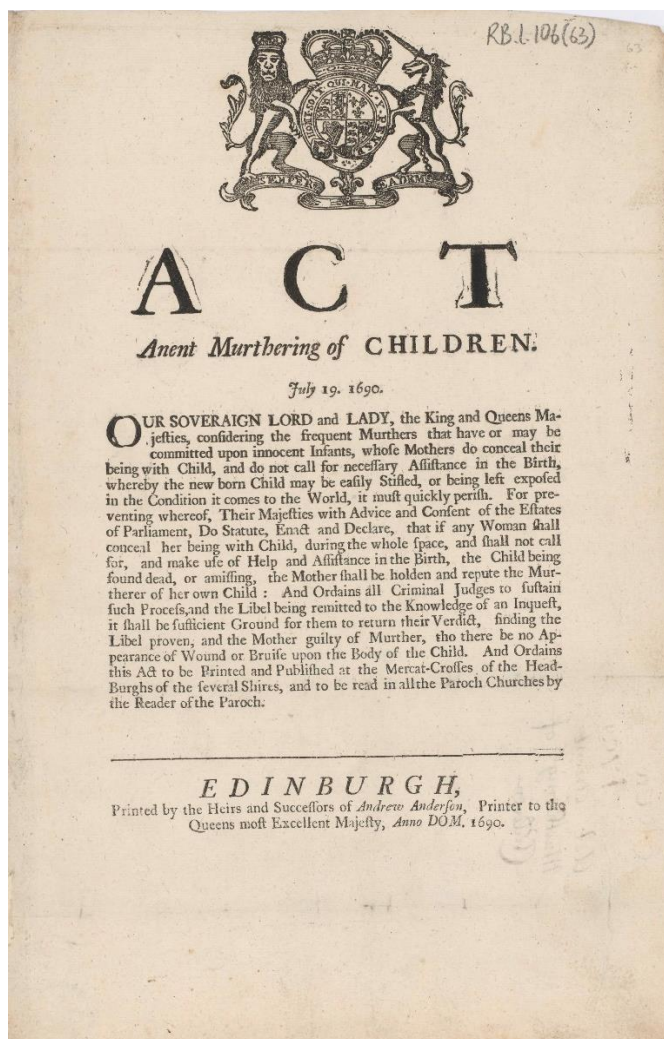


Figure 2. *Act Anent Murthering of Children* (1690). NLS, RB.I. 106(63). Reproduced by permission of the National Library of Scotland.

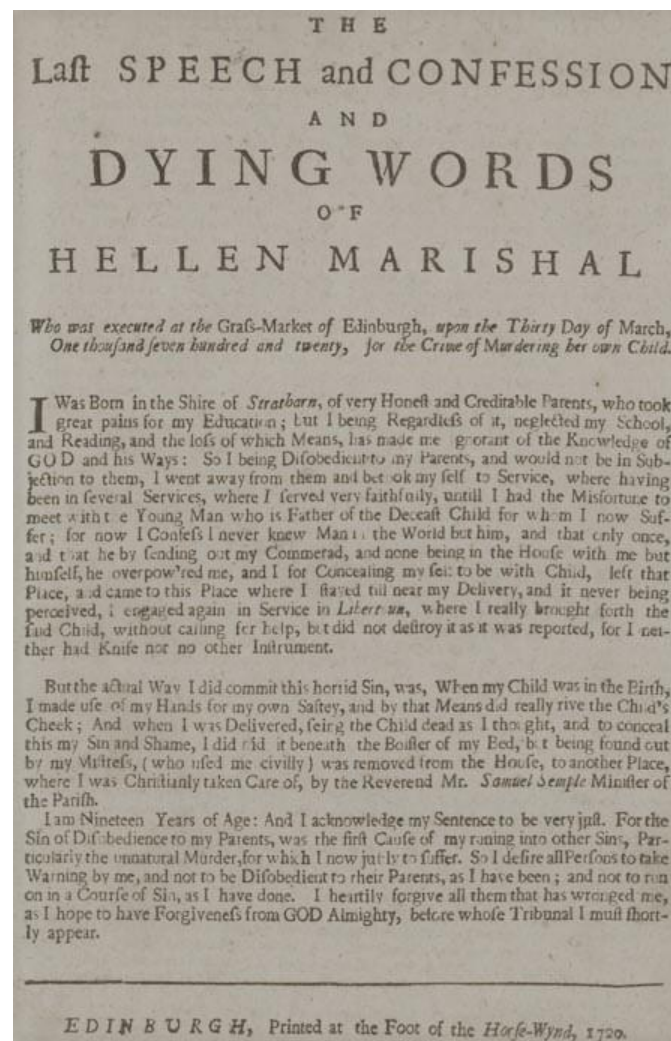


Figure 3. *The Last Speech and Confession and Dying Words of Hellen Marishal* (1720). NLS, Ry.III.c.36(069). Reproduced by permission of the National Library of Scotland.

Such heavenly judgement features most prominently in dying speeches on infanticide and has been explained by the particular role of the Scottish Church had regarding infanticide offences. On one hand, infanticide was “a parish-based offence which fell under the initial jurisdiction of the local religious community in which it had been perpetrated”.¹³⁷ Rather than legal officials, it was ministers, elders and parishioners of the Scottish Church who interrogated suspected women and collected evidence to be used in future court proceedings.¹³⁸ On the other hand, whenever a sentence to death was passed, clergy visited convicted women in prison, pressuring them to make confessions such as those published as last speeches.¹³⁹ This is occasionally attested to in last speeches themselves, most explicitly by Margaret Dickson (1724):

“I Desire to Bless the LORD for what Pains hath been bestowed upon me, both by the Ministers and some private Christians since I was sentenced, and especially by the Instructions, Directions and Exhortations, of Mr. *John Williamson* Minister of *Musselburgh*, under whose Ministry I lived formerly from my Infancy, and before my Marriage, and by the blessing of GOD I was convinced, enlightened and some ways perswaded [...] to Embrace CHRIST offered freely in the Gospel; especially from his Sermons [...] and [...] by his Letters to me since I was condemned, and his Exhortations and Advices, I have been both awakened and refreshed.”¹⁴⁰

Three things must be noted here. Firstly, how manifold the activities of the clergy were. It was not just the minister from the parish of Edinburgh who came to the Tolbooth where Margaret was awaiting her death – it was several of them, presumably from further afield, including her own parish. Moreover, even the minister from a parish where she did not live in anymore, who not more than having heard of her case – though of course it is possible he was informed by a superior – also instructed her. Moreover, this minister went to extensive lengths to instruct Margaret, writing multiple letters to her and even visiting her in prison. Ministers who visited Margaret not only instructed her in the word of God, but also on how to view her crime and the sentence she had to suffer, namely “the Punishment of the Law, the Severity of Justice” as “the Desert [merit] of my Sin”.¹⁴¹ The second point which needs highlighting, is that Margaret mentions not just ministers, but also private people who visited her out of religious concern. This is attested to in other last speeches as well, with visitors for example praying for and reading to Jean Cameron, who could not do so herself.¹⁴² This kind of encouragement to understand the scriptures and concern for

¹³⁷ KILDAY, ‘Monsters of the Vilest Kind’, 103.

¹³⁸ *Ibidem*.

¹³⁹ On ‘religious pressure’, see *supra*.

¹⁴⁰ “THE LAST SPEECH, CONFESSION and WARNING, *Of Margaret Dickson*, who was Executed in the *Grass-Mercat of Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday the 2d of September 1724*.” ESTC T193695, NLS, Ry.III.c.36(94), 4.

¹⁴¹ *Ibidem*.

¹⁴² “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3).

spiritual wellbeing was thus not just imposed by authorities, but rather a more widely carried sentiment. It means that last speeches were probably spread to an audience which would have been receptive to them. Thirdly, it is of interest to note that Margaret gives thanks for all the ‘religious pressure’ she has experienced. For one, this can be attributed to a certain relief concerning fear of physical death. On the one hand, a woman sentenced to execution would have had “dreadful Thoughts [...] of Death”, which “so disturbed her Mind, that she cried out, and was so disquieted”.¹⁴³ However, convicted women were explained that it was not just the fear of physical death, but rather “Guiltiness and want of Assurance” which “made even good People afraid to Die”.¹⁴⁴ In other words, it was not being executed, but rather having sinned and not knowing whether one would be forgiven through Christ, which warranted fear. Women did indeed fear the eternal judgement which was to follow death, and that to heightened levels, not least due to suggestions of the clergy. As Margaret states:

“A minister asked me if ever I read the ii. *James* 13. *For he shall have Judgment without Mercy, that hath shewed no Mercy*; which gave me such a Wound as I cannot Express, and I remained in this Case a considerable Time, I could not pray, I durst not Read, for I thought that every Letter in the Bible, when I looked on it, was so many Curses against me; yea, I resolved to Pray no more, for I thought it was in vain, and that I was past Recovery, I endeavoured to Pray but could not, and Read but durst not”.¹⁴⁵

Added to that, many convicted women had been exposed to the ideas of sin and repentance from an early age. All but one can be assumed to have been at least familiar with the “principles of religion”, usually owing to their parents, who had learned their daughters to “Read the Scriptures, and gave [...] good Example and Exhortations to live a Good Life”.¹⁴⁶ Thus, when women such as

¹⁴³ *Ibidem*. This was also a concern of the authorities, preferring an orderly proceeding at executions. For example Elisabeth Blacky (1718) was told by a minister that “he was afraid she would be put into great Disorder when she came to the Place of Execution, and saw the Instruments of Death, the Rope and Gallows”, “THE LAST SPEECH OF *Elisabeth (alias Elspeth) Blacky*, who for Murthering her own Child was Executed at *Jedburgh*, May 27, 1718.” ESTC T193698, NLS, Ry.III.c.36(41), 2.

¹⁴⁴ *Ibidem*.

¹⁴⁵ “THE LAST SPEECH, CONFESSION and WARNING, *Of Margaret Dickson*, who was Execute in the *Grass-Mercat of Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday the 2d of September 1724*.” ESTC T193695, NLS, Ry.III.c.36(94), 4; the minister only came back the next day, when Margaret states she “poured out” her “Heart to him, asking if there was Mercy for any like me, and he told me, there was Mercy for the greatest of Sinners, and therefore I was not excluded”, *Ibidem*.

¹⁴⁶ The exception is Sarah Cameron, who explains: “My parents had no learning themselves and bestowed as little on us, so that I was brought up in ignorance further than what I heard by going to church at times, and being far from the parish kirk we seldom went in the winter time, and in the summer we had the cattle to attend, and met with our companions on the hills upon the Sundays, so that I know little of the principles of religion.”, from “The last SPEECH, Confession and dying words of SARAH CAMERON, who was execute at Stirling on Friday the 29th of October 1784, and her body given to the doctors to be dissected, for the murder of her own child.” ESTC N477652, NLS, RB.I.238(18); in 75% of last speeches knowledge of religion is explicitly mentioned, for example that a convicted woman “was once a Seeker of GOD”, whilst another had “neglect Prayer” or had a pious person to follow in earlier years: “When I was about Thirteen Years of Age I went to serve an Aunt, where I had a godly Example set before me. Margaret Fleck, 1, “The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder.” ESTC N471291, NLS, 6.318(28); “The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of *May*, 1717, for Murdering her own Childe.” ESTC T193531, NLS, Ry.III.c.36(34j), 2; “THE

Margaret were instructed on salvation, so they “might be armed against Death”, it is less puzzling that they perceived religious instruction as help.¹⁴⁷ It also explains how they could keep a sense of composure on the gallows, expressing their dying hope of salvation by asking the audience to pray for them, or with sayings such as Elisabeth Blacky’s (1718): “I hope this Night to be with CHRIST the Bride-Groom of my Soul.”¹⁴⁸ What is more, women such as Margaret used some of their last words to express thanks towards the people who instructed them in the scriptures or otherwise promoted their “eternal Welfare”.¹⁴⁹ This indicates that more than acceptance had occurred; this points to internalization.¹⁵⁰ Other statements point to this alignment of external and internal reasoning as well, for example in the last speech of Margaret Fleck (1723):

LAST SPEECH AND CONFESSION Of *Margaret Fleck*, who was executed at the Howgate-Head of *Glasgow* on the 5th of *June* 1723, for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 1; in the other 25% it is not, but that percentage can be reduced further to 5% through details mentioned such as living at a walking distance to Glasgow.

¹⁴⁷ Quote from “THE LAST SPEECH OF *Elisabeth (alias Elspeth) Blacky*, who for Murthering her own Child was Executed at *Jedburgh*, *May 27*, 1718.” ESTC T193698, NLS, Ry.III.c.36(41), 2; regarding perception of spiritual advice in terms of help, Margaret Dickson’s speech is instructive: “I was helped to pour out my Heart before GOD, even in the bitterness of my Soul, and I was made to see there was no Help, but in and throw CHRIST”, though she still did “durst not lay any Claim to any Thing, because Guilt stared me in the Face”, “THE LAST SPEECH, CONFESSION and WARNING, Of Margaret Dickson, who was Execute in the *Grass-Mercat of Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday the 2d of September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 4.

¹⁴⁸ Asking for prayers is for example mentioned in the speeches of Margaret Anderson and Margaret Crooks, though sayings such as Elisabeth Blacky’s are more frequent, “THE LAST Speech and Confession, OF *Margaret Anderson*, who vvas Executted at *Edinburgh*, on *Wedensday* being the *Tvventy 2d. of April* 1713. for the murdering of her own Child.” ESTCS T193455, NLS, 6.314(29); “THE LAST SPEECH and CONFESSION OF Margaret Crooks, who was Executed at the Grass-Market of Edinburgh, the twenty fourth of December 1718. for the Murthering her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042); “THE LAST SPEECH OF *Elisabeth (alias Elspeth) Blacky*, who for Murthering her own Child. was Executed at *Jedburgh*, *May 27*, 1718.”, ESTC T193698, NLS, Ry.III.c.36(41), 2; Margaret Dickson’s speech ends with: “Welcome JESUS and eternal Life through Him, unto whose Hands I commend my Spirit.”, “THE LAST SPEECH, CONFESSION and WARNING, Of Margaret Dickson, who was Execute in the *Grass-Mercat of Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday the 2d of September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 4.

¹⁴⁹ *Ibidem*.

¹⁵⁰ Besides Margaret Dickson, five other women also give thanks for various forms of religious guidance or prayer, “THE LAST SPEECH OF *Elisabeth (alias Elspeth) Blacky*, who for Murthering her own Child was Executed at *Jedburgh*, *May 27*, 1718.” ESTC T193698, NLS, Ry.III.c.36(41), 2; “THE LAST SPEECH AND CONFESSION OF ANN CAMBELL, who was execute at the *How-Gate-Head of Glasgow*, on *Wednesday the 10th of October* 1722. for murdering her own Child.” ESTC T192968, NLS, Ry.III.c.36(91), 2; “THE LAST SPEECH, CONFESSION and WARNING, Of Margaret Dickson, who was Execute in the *Grass-Mercat of Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday the 2d of September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 2; “THE LAST SPEECH Confession, and dying Words, of ANN MORISON, who was execute in the Grass-Market of Edinburgh, on the 7th of March, 1759. for the horrid Crime of murdering her own Child.”, ESTC N471255, NLS, APS.4.201.06; “The last SPEECH, Confession and dying Words of JEAN CAMERON, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3); by “THE LAST SPEECH CONFESSION and Dying WORDS of ANNE MACKIE who was Execute in the GRASS-MARKET of Edinburgh, on *Wednesday the 11th of Sept. 1776* : For the horrid Murder of her own Child.”, Mitchell Library, C98677/311734, Vol.IV.446.

“I doubt not but it will be expected, and I think it most proper and my indispensable Duty, that as I have sinned heinously against God, so I should glorify him by an open, full, and free Confession of my Sins.”¹⁵¹

The argument for internalization is further supported by how some women concretely implemented so-called ‘warnings’ they gave their audiences, namely in a very personal way. Whilst awaiting death in prison, on the scaffold itself and afterwards via broadside publication, women routinely declared that they were meant to be seen as examples, from which their audiences should learn. Giving explicit warnings, advices or exhortations based on their personal experiences, or just letting those experiences speak for themselves, could hopefully help spectators not to come to a similar end.¹⁵² Those warnings made explicit the prime rationale behind public execution, namely its presumed deterrent value.¹⁵³ That convicted women implemented that external rationale in a very personal way, hints at the authenticity of some extant speeches. A good example comes from Margaret Dickson’s last speech (1724). She describes her story as the “account [...] how I fell into these Tentations and Sins, that have brought me into this untimely End”, thus already conforming to the external logic of the clergy, namely assuming that it was sin which led her to her death. However, she does this in a very personal way: Margaret begins her account by elaborately describing a marital quarrel about her sale of one of her husband’s coats in time of need, about which she says:

¹⁵¹ “THE LAST SPEECH AND CONFESSION Of *Margaret Fleck*, who was executed at the Howgate-Head of *Glasgow* on the 5th of *June* 1723, for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29).

¹⁵² Varying terms are used, but the most ubiquitous throughout the whole eighteenth century is “warning” – present in 70% of all last speeches – of which an early example is “she earnestly Desired all Spectators to take Warning by her” (1711) and a late one “let my fatal exite be a warning” (1774), “The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder.” ESTC N471291, NLS, 6.318(28) and “THE LAST SPEECH CONFESSION and Dying WORDS of ANNE MACKIE who was Execute in the GRASS-MARKET of *Edinburgh*, on Wednesday the 11th of Sept. 1776 : For the horrid Murder of her own Child.”, Mitchell Library, C98677/311734, Vol.IV.446; various other wordings are used, being variations of “advice”, “example”, “exhort”*, and “wish” for instance: “She desires [...] that all young Women may take an Example by her”, “I now return to give some Advices” and “As soon as she got up on the Scaffold, she first began with a most Pathetick and pressing Exhortation to the Multitude”, from “THE LAST Speech and Confession, OF *Margaret Anderson*, who vvas Executedt at *Edinburgh*, on *Wedensday* being the Twventy 2d. of *April* 1713. for the murdering of her own Child.” ESTCS T193455, NLS, 6.314(29); “THE LAST SPEECH and CONFESSION OF *Margaret Fleck*, who was executed at the Howgate-Head of *Glasgow* on the 5th of *June* 1723. for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 2; “THE LAST SPEECH OF *Elisabeth (alias Elspeth) Blacky*, who for Murthering her own Child was Executed at *Jedburgh*, *May* 27, 1718.” ESTC T193698, NLS, Ry.III.c.36(41), 2; * to exhort means “to admonish or urge (a person) earnestly to do something”, ‘Exhort, v.’, *Dictionary of the Scots Language*, 2004 (<http://www.dsl.ac.uk/entry/dost/exhort>). Accessed 24 June 2018.

¹⁵³ For the logic behind early modern Scottish executions, see BENNETT, *Capital Punishment*, 129-130; it is no surprise that such warnings are found in last speeches, which as attested to higher, could be sanctioned by authorities – for more on the “regulatory” function of Scottish broadsides from the eighteenth century, see KILDAY, ‘Monsters of the Vilest Kind’, 111.

“it brade great Contentions betwixt us, not only at the Time, but still he made it an Upcast unto me, when ever any Thing molested him: Indeed, I acknowledge it was the Thing that I should not have done”.¹⁵⁴

This internal reasoning is directly relatable to the warning she gives according to external reasoning, both ecclesiastical and legal.¹⁵⁵ Margaret addresses herself “to all new Married Persons, to guard against the first Suggestions of Satan, provocking you to Contentions betwixt your selves, for if once Satan get in a Hand that way, it will not be so easily out again”.¹⁵⁶ From there the circle can be closed by referring to her earlier statement: “I fell into these Tentations and Sins, that have brought me into this untimely End”, which she thus gave meaning in a very personal way.¹⁵⁷

By thus conforming to authorities’ logic, convicted women gained a sliver of agency. In their position, so shameful because their sins had been exposed, they nonetheless gained the capability to issue warnings, exactly because they had confessed to their sins.¹⁵⁸ Women who confessed actively accepted a cloth of shame and became a model whose advice to take, in sum, willing actors on the educational podium that was public execution.¹⁵⁹ In a way, a woman would

¹⁵⁴ “THE LAST SPEECH, CONFESSION and WARNING, *Of Margaret Dickson, who was Execute in the Grass-Mercat of Edinburgh, for the unnatural Murder of her Own Child, on Wednesday the 2d of September 1724.*” ESTC T193695, NLS, Ry.III.c.36(94), 3.

¹⁵⁵ Legal, because as stated earlier, the legal system saw merit in public execution as a deterrent mechanism – hence a warning; ecclesiastical, because Margaret speaks of her experience in a religious light, namely as a suggestion of Satan.

¹⁵⁶ “THE LAST SPEECH, CONFESSION and WARNING, *Of Margaret Dickson, who was Execute in the Grass-Mercat of Edinburgh, for the unnatural Murder of her Own Child, on Wednesday the 2d of September 1724.*” ESTC T193695, NLS, Ry.III.c.36(94), 3.

¹⁵⁷ *Ibidem.*

¹⁵⁸ Women in last speeches explicitly refer to their death as “shameful(l)”, “The last SPEECH and dying Words of *Margaret Smith, in the Paroch of Combernauld, Who was Execute at Dumbarton on Friday the last Day of May, 1717, for Murdering her own Childe.*” ESTC T193531, NLS, Ry.III.c.36(34j), 1; “THE CONFESSION *Of Agnes Craig, Daughter to the Deceased John Craig and Agnes Grierson, who Lives at the Bridge-End of Minnijoe, in the Paroch of Glencairn when the said Agnes Craig was Execute in Drumfries, on Wednsday being the 5th of June, Anno 1717. For the Murdering of het own Child.*” ESTC T201684, NLS, Ry.III.c.36(35); “THE LAST SPEECH AND CONFESSION *OF ANN CAMPBELL, who was execute at the How-Gate-Head of Glasgow, on Wednesday the 10th of October 1722. for murdering her own Child.*” ESTC T192968, NLS, Ry.III.c.36(91), 2; “The last Speech and dying Words of *Margaret Millar, Coal-bearer at Colden-cleugh who was execute 10. February 1726 at the Gibbet of Dalkeith, for Murdering her own Child.*” ESTC T231873, NLS, RB.I.106(119); “THE LAST SPEECH *Confession, and dying Words, of ANN MORISON, who was execute in the Grass-Market of Edinburgh, on the 7th of March, 1759. for the horrid Crime of murdering her own Child.*”, ESTC N471255, NLS, APS.4.201.06; on the peculiar combination of acquiring spiritual authority through submission by women, see L. ROBSON, ‘ ‘Now farewell to the lawe, too lang have I been in thy subjection’: early modern murder, calvinism and female spiritual authority’, *Literature & Theology*, 22/3 (2008), 298.

¹⁵⁹ Deploying mastery of authorities’ logic in last speeches underline this as well, if the authenticity of speeches is accepted. For example, on occasion women state forgiving juries, as doing no more than their religious duty, and declared themselves willing participants, for example in “THE LAST SPEECH and CONFESSION *Of Margaret Fleck, who was executed at the Howgate-Head of Glasgow on the 5th of June 1723. for the Murdering of her own Child.*” ESTC N471543, NLS, 1.8(29), 1-2, or they declared having a desire for others to learn from their mistakes, with statements such as: “I desire that all Persons take a warning of me this Day [...] lest that their End be such an untimely one as mine.”, from “The last Speech and dying Words of *Margaret Millar, Coal-bearer at Colden-cleugh who was execute 10. February 1726 at the Gibbet of Dalkeith, for Murdering her own Child.*” ESTC T231873, NLS, RB.I.106(119). “Public executions were [...] intended as a staged lesson in morality and legality”, BENNETT, *Capital Punishment*, 132, and a more detailed discussion is found *Ibidem, Chapter 5: The Spectacle of the Scaffold*, 123-152; dying women would have been aware of this: “I am made an open Spectacle to the World”, “THE LAST SPEECH,

take on the role which was first performed by the ministers and private people visiting her in prison, this time instructing others on spiritual matters herself. However, more than former visitors, a dying woman was a figure of exceptional spiritual authority, because she declared herself willing to do the highest penance by dying an untimely death.¹⁶⁰ Moreover, the public nature of penance for infanticide made large audiences pay attention, and that to women who would not have routinely possessed public authority.¹⁶¹ The scope of their religious authority was substantial, with people visiting them in prison, thousands attending their executions, and, even after death, an uncounted number of people hearing of them through cheap print and sermons.¹⁶²

What is more, the nature of a dying woman's authority transcended her social status. In almost two-thirds of last speeches, women were capable of addressing "all persons", rather than just women or people of her own age and background, or even of similar employment.¹⁶³ This is probably because they confessed to much more sins other than to infanticide, which in contrast was a crime for which almost exclusively young, single women, who were in service in the countryside were held accountable. The multiplicity of sins confessed to in last speeches had two functions. The first, which would have benefitted the women themselves, was spiritual. In confession before death, all former sins would have to be mentioned, as it showed repentance and glorified God, "before whose Tribunal" one would shortly appear.¹⁶⁴ The second function was explanatory. It was

CONFESSION and WARNING, *Of Margaret Dickson, who was Execute in the Grass-Mercat of Edinburgh, for the unnatural Murder of her Own Child, on Wednesday the 2d of September 1724.*" ESTC T193695, NLS, Ry.III.c.36(94), 2.

¹⁶⁰ For the authority of dying women and women claiming it in last speeches, see supra; several women refer to their own death as "untimely", "The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe." ESTC T193531, NLS, Ry.III.c.36(34j), 1; "The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. *February* 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child." ESTC T231873, NLS, RB.I.106(119); "THE LAST SPEECH Confession, and dying Words, of ANN MORISON, who was execute in the Grass-Market of Edinburgh, on the 7th of March, 1759. for the horrid Crime of murdering her own Child.", ESTC N471255, NLS, APS.4.201.06.

¹⁶¹ Due to their sex, unmarried status, women from last speeches were not routine figures of early modern spiritual authority, but their "unnatural" crime, dying and (relatively) immediately post-natal state could overcome this temporarily, see L. ROBSON, 'Now farewell to the lawe, too lang have I been in thy subjection', 297-298 and 307, and the low rate of female executions in Scotland may have contributed to this as well Bennett, *Capital Punishment*, 34 and 39 [the exception being the 40s and 50s, though no speeches are extant from that period], and *Ibidem*, 33 for a comparison of Scotland and England.

¹⁶² Beneath Anne Mackie's last speech it is mentioned that "a most excellent sermon preparatory on this occasion" was preached the Sunday before her death, and "Likewise every Sunday since her sentence, a suitable sermon upon faith and repentance", "THE LAST SPEECH CONFESSION and Dying WORDS of ANNE MACKIE who was Execute in the GRASS-MARKET of Edinburgh, on Wednesday the 11th of Sept. 1776 : For the horrid Murder of her own Child.", Mitchell Library, C98677/311734, Vol.IV.446; additionally, after death, the body of a criminal could be publicly dissected, and parts of it could also become tokens of remembrance, BENNETT, *Capital Punishment*, 169, 178-79; about the number of people attending early modern executions, see *Ibidem*, 134 and 150.

¹⁶³ 59% of warnings were addressed to all persons, and also 59% were addressed to the young, be it both genders or only young women; 35% specifically sought out all females of the general public 35%; only in 12% of last speeches servants were addressed.

¹⁶⁴ "THE Last SPEECH and "CONFESSION AND DYING WORDS OF HELLEN MARISHAL *Who was executed at the Grass-Market of Edinburgh, upon the Thirty Day of March, One thousand seven hundred and twenty, for the Crime of Murdering her own Child.*", ESTC T193508, NLS, Ry.III.c.36(069); moreover, it would be useless to hide something from "the all-seeing Eye of God", as mentioned for example in "THE LAST SPEECH Confession, and

commonly thought to make comprehensible why women had come to their untimely end by finding some original sin or sins, which eventually led to them committing graver ones, only eventually including the murder for which they were to be executed.¹⁶⁵ This insight would then be useful to instruct others not to follow that same path. These attitudes explain why women in last speeches could warn against neglect of religious duties and sinning in general.¹⁶⁶ Specifying any further sins which women had committed was therefore also seen as instructive to audiences, even “deemed proper”.¹⁶⁷ The specific sins most frequently warned against were not obeying parents and Sabbath-breaking.¹⁶⁸ Of course, different from infanticide, such sins, and not to mention sinning in general, were not just thought attributable to young, single women, but rather to any member of an early modern audience. This explains then, why dying women had authority to routinely warn ‘all people’. There are strong indications that women were aware of the spiritual authority they had gained, as for example demonstrated in Margaret Fleck’s last speech (1723). She issued the following personal warning:

“I now return to give some Advices [...], To you who are the Professors of Religion and may know something of the Life and Power of Godliness upon your Spirits, *He that standeth let him take heed lest he fall; [...] be humble when you look upon me who was once a Professor, as well as you, in the Place where I lived*”¹⁶⁹

Additionally, that last speeches were customarily addressed to the general populace, implies that dying women’s authority was understood to transcend their social status. Margaret Millar (1726), who was illiterate and orphaned at a young age, is reported to have “desire[d] that all persons take a warning of me this Day who am but an Ignorant, or a Castaway”.¹⁷⁰ Her statement suggests that women themselves could have been aware of this exemption from their normally limited social authority, and knowingly applied it.

The same logic which inspired religious warnings, namely that dying women could act as a deterrent against the transgressions they had committed, also made that descriptions of the life a convicted woman had led could be allocated type area.¹⁷¹ The typical Scottish, infanticide last

dying Words, of ANN MORISON, who was execute in the Grass-Market of Edinburgh, on the 7th of March, 1759. for the horrid Crime of murdering her own Child.”, ESTC N471255, NLS, APS.4.201.06.

¹⁶⁵ FALLER, *Turned to Account*, 165, and P. RAWLINGS *Drunks, whores and idle apprentices: Criminal biographies of the eighteenth century*, London and New York, 1992, 22.

¹⁶⁶ 53% of extant last speeches contain either one or both of these warnings.

¹⁶⁷ “The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe.” ESTC T193531, NLS, Ry.III.c.36(34j), 2; FALLER, *Turned to Account*, 165, and Rawlings *Drunks, whores and idle apprentices*, 22-23.

¹⁶⁸ Both were mentioned in 29% of last speeches.

¹⁶⁹ A professor being “one who makes open profession of religious faith, an acknowledged adherent of some religious doctrine”, ‘Professor *n.*’, *Dictionary of the Scots Language*, 2004 (<http://www.dsl.ac.uk/entry/snd/professor>). Accessed 30 Jun 2018; “THE LAST SPEECH and CONFESSIO^N Of *Margaret Fleck*, who was executed at the *Howgate-Head* of *Glasgow* on the 5th of June 1723. for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 2.

¹⁷⁰ *Ibidem*.

¹⁷¹ Such descriptions were a genre in their own right in early modern Britain, and both the genre and short descriptions of convicts’ lives in last speeches are commonly called ‘criminal biographies’ in academic literature, see for example

speech, began with a mentioning of childhood home and education, or lack of it.¹⁷² This was followed by an account of a woman's working life, where she had lived, and could include the men she had slept with. Such 'criminal biographies' commonly served as introduction to a very detailed account of criminal actions, being elaborate descriptions of concealment of pregnancy and circumstances of childbirth.¹⁷³ This was usually concluded with a comparatively brief mention of the murder or manner in which a stillborn child was disposed of.¹⁷⁴ In their entirety, those criminal accounts could be quite extensive, regularly comprising half or more of the type area of extant broadsides.¹⁷⁵ Conveniently, such descriptions satisfied the public's curiosity, but essentially, they were an integral part of legal and religious confessing.¹⁷⁶ That is to say, on the one hand they focused immensely on the criminal act itself, thus underscoring the legal basis of conviction. On the other hand, depicting previous sins as direct causes of moral decay leading to infanticide, last speeches also served to make a direct connection between religious transgression and execution. Scottish last speeches on infanticide were thus indeed legitimising of both law and clergy.¹⁷⁷

However, the message carried out by last speeches was often ambiguous. Analysis of confessions reveals a pattern of subtle dissonance between legitimisation of authorities and the narrative ascribed to convicts. Academic literature has already remarked upon this, noting that:

FALLER, *Turned to Account*; P. RAWLINGS, *Drunks, whores and idle apprentices*; S.F. TUNG, 'Dead Man Talking: James Boswell, Ghostwriting, and the Dying Speech of John Reid', *Huntington Library Quarterly*, 77/1 (2014), *passim*; see as examples of extant Scottish cheap print: "The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe." ESTC T193531, NLS, Ry.III.c.36(34j); "THE LAST SPEECH AND CONFESSION Of *Margaret Fleck*, who was executed at the Howgate-Head of *Glasgow* on the 5th of June 1723, for the Murdering of her own Child." ESTC N471543, NLS, 1.8(29); "The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. February 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.", ESTC T231873, NLS, RB.I.106(119); "The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child", ESTC N477660, NLS, RB.I.238(3); "The last SPEECH, Confession and dying words of *SARAH CAMERON*, who was execute at *Stirling* on Friday the 29th of October 1784, and her body given to the doctors to be dissected, for the murder of her own child." ESTC N477652, NLS, RB.I.238(18).

¹⁷² 70% of extant last speeches start in this manner.

¹⁷³ As mentioned also in the case study regarding Margaret Dickson's last speech as conducted by Anne-Marie Kilday, see KILDAY, 'The Shame and Fame of 'Half-Hangit Maggie'', 59.

¹⁷⁴ Other academic literature on infanticide broadsides does likewise only mention "becoming pregnant", and "concealing their condition" as focal points, rather than the murder itself, KILDAY, 'Monsters of the Vilest Kind', 111.

¹⁷⁵ 88% of extant last speeches dedicate such a large amount of type area to criminal accounts if the area dedicated to the title and subtitle is excluded.

¹⁷⁶ In this sense, morbid curiosity could very well be disguised under religious interest; for morbid curiosity concerning execution in eighteenth-century Scotland, see BENNETT, *Capital Punishment*, 130-131; not only authorities, but private people also considered last speeches as possessing of educational value, at least in England, see SHARPE, "Last Dying Speeches", 150; for the commercial success of last speeches, see *supra* and RAWLINGS, *Drunks, whores and idle apprentices*, 1-2.

¹⁷⁷ As rightly pointed out by KILDAY, 'Monsters of the Vilest Kind', 111.

“Many of the Scots women accused of child murder took the opportunity provided by broadside literature to partly defend their actions by saying they were wronged by their suitors, or that they had experienced a still-birth”.¹⁷⁸

This is not further discussed, but rather dismissed by the same literature:

“Despite these pleas, however, the women involved universally admitted that they had behaved sinfully, immorally and unjustly by becoming pregnant in the first place, and thereafter, by concealing their condition. Ultimately, the women insisted, they deserved to be brought to justice”.¹⁷⁹

Whilst dying women did indeed subscribe themselves to the Calvinist and legal reasoning of authorities, their defending themselves is not to be dismissed so easily. The frequency with which such defensive digressions are present is too significant: all but one last speech include mitigating factors or turns of phrases.¹⁸⁰ As discussed higher, the legal definition and parallel religious logic did not attach any value to intentions or mitigating actions, only to results. What mattered was whether a woman had concealed her pregnancy and whether her infant had died: that was what made her a criminal; that was what made her a sinner. That most women mention not having killed their baby, or having tried to find sustenance from its father but were turned away, was irrelevant according to both godly and earthly laws.¹⁸¹ However, if the only thing that mattered to authorities was admission to sinful and criminal actions, it begs the question why women were quoted so often trying to explain their crime. The answer is simple: women’s self-image did not completely align with authorities’ logic, and, in last speeches they used their margin of agency to express this incongruity. Women’s disagreement with authorities’ public logic stemmed from a private, individual perception of their actions. Whilst they invariably conformed to official logic by admitting religious and regularly also legal guilt, dying women simultaneously annotated their confessions with personal comments.¹⁸² Those could consist from several phrases to entire paragraphs, and their concrete reasoning was very varied.

As remarked upon by academic literature, one of two prime explanations a dying woman presented in her defence was having “experienced a still-birth”.¹⁸³ Indeed, two fifths of last

¹⁷⁸ *Ibidem*.

¹⁷⁹ *Ibid*.

¹⁸⁰ The exception is a last speech which seems to have been heavily redacted by a religiously inspired author, “THE LAST SPEECH OF *Elisabeth (alias Elspeth) Blacky*, who for Murthering her own Child was Executed at *Jedburgh*, May 27, 1718.” ESTC T193698, NLS, Ry.III.c.36(41).

¹⁸¹ Cf. the previous quote from KILDAY, ‘Monsters of the Vilest Kind’, 111.

¹⁸² One woman never admitted to legal guilt, though she did confess to disobedience to her parents, being a “Breaker of the LORDS Day”, fornication, and “the Sin of Denyal of Uncleanness”, “The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder.” ESTC N471291, NLS, 6.318(28), and “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. *February* 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.” ESTC T231873, NLS, RB.I.106(119).

¹⁸³ KILDAY, ‘Monsters of the Vilest Kind’, 111.

speeches mention that women thought their infant was dead upon birth.¹⁸⁴ These speeches all date from the first half of the century, which can be ascribed to the hesitant implementation of the “Act anent Child Murder” (1690).¹⁸⁵ In the decades after its issuing, it was normal practice to debate in court whether the legal grounds of conviction based upon presumptive evidence was acceptable. Juries, accustomed to the requirement of direct evidence in order to convict for murder, could be hesitant regarding infanticide conviction until at least the mid-1700s.¹⁸⁶ Moreover, out of court, the logic of the act spread even more slowly, which can explain why women would feel it necessary to mention a still-birth: in their eyes, it advocated their innocence.¹⁸⁷ The mentions of still-birth in last speeches are usually more than just a statement regarding a stillborn infant. Additional explanations shifted, for example, part of the blame onto others, as in the last speech of Margaret Anderson (1713):

“[the child’s] Father the old Man made her to Drink of Herbs a long Time, and took blood of her that same Day she brought forth the Child [...] she declares the Child did never Cry, nor make any lively Symptom to her Knowledge, but her not calling for Assistance of Women as she ought to have done on such an Occasion, and putting the Child under the Chaff Bed, she owns her self Guilty of Murdering the Child”.¹⁸⁸

Moreover, this quote illustrates how women’s personal reasoning could stand in direct opposition with the authorities’ logic. Other dying women contradicted legal reasoning all throughout the century as well. For that they used argumentations which may have been inspired by defence lawyers’ rhetoric, who attacked the legal definition of infanticide, particularly its dependance on presumptive evidence, all throughout the eighteenth century.¹⁸⁹ For example, several women describe how they did not really kill their infant by their own hands. For one, Jean Cameron (1764) described death by exposure as not “not actually murder”, even though she “did no Thing to save it alive”, thus challenging the presumptive evidence accepted by the “Act anent Child Murder”.¹⁹⁰

¹⁸⁴ Seven out of seventeen last speeches (41%) mention this; it has to be noted that this was a common defence tactic in court, however, last speeches were supposedly given *after* sentencing to death, KILDAY, *A History of Infanticide in Britain*, 44.

¹⁸⁵ 54% of extant speeches from the first half of the century contain a mentioning of stillbirth; of course, the sample from the second half of the century is much smaller: only four last speeches survive from that period.

¹⁸⁶ SYMONDS, *Weep Not for Me*, 132-134, 137, and 147.

¹⁸⁷ SYMONDS, *Weep Not for Me*, 132.

¹⁸⁸ Agnes Craig (1717) seems to have experienced something similar to Margaret Anderson, but more violent, at the hands of her child’s father, and Jannet Shank (1711) suffered a work accident which a surgeon treated in ways which, so she stated, made her part with her child, “THE LAST Speech and Confession, OF *Margaret Anderson*, who vvas Executedt at *Edinburgh*, on *Wedensday* being the *Tvventy 2d. of April* 1713. for the murdering of her own Child.” ESTCS T193455, NLS, 6.314(29); “THE CONFESSION Of *Agnes Craig*, Daughter to the Deceased *John Craig* and *Agnes Grierson*, who Lives at the Bridge-End of *Minnijoe*, in the Paroch of *Glencairn* when the said *Agnes Craig* was Execute in *Drumfries*, on *Wednsday* being the 5th of *June, Anno* 1717. For the Murdering of het own Child.” ESTC T201684, NLS, Ry.III.c.36(35); “The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder.” ESTC N471291, NLS, 6.318(28).

¹⁸⁹ SYMONDS, *Weep Not for Me*, 130, 137, 139, 144, 150-160.

¹⁹⁰ Jean Cameron’s last speech is from a period when the “Act Anent Murthering of Children” became contested once more, in particular by the lawyer Andrew Crosbie in 1762 who successfully defended a woman from infanticide charges by, amongst other, insisting that: “The jury had not [...] found her guilty of “Actual Murder,” or murder at

Likewise, women state that they did not purposefully kill their infant. Rather, they say that their inexperience in childbirth caused their baby to die, because they did not know how to take care of it, or hurt it by accident during labour.¹⁹¹ Other women reason not against, but in accordance with the legal statute of infanticide, once again possibly inspired by lawyers. They probe, and thus implicitly question its limitations. For instance, several dying women state having told someone about their pregnancy.¹⁹² In this manner, they tried to exempt themselves from the damning legal condition regarding concealment of pregnancy.¹⁹³ That this did not impact their conviction, yet is

common law [which required direct evidence], and what they had found her guilty of, concealing her pregnancy and labor, was not a crime in itself”, from SYMONDS, *Weep Not for Me*, 141 and “The last SPEECH, Confession and dying Words of JEAN CAMERON, who was executed at Perth, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3); Jean Cameron’s statement is similar to one from Janet Hutchie’s last speech (1721) (for the exact wording see the next footnote), which stems from a period when, in contrast, the Act was more successfully applied in court and when women did explicitly acknowledge the Act in last speeches as well: SYMONDS, *Weep Not for Me*, 133 and “THE LAST SPEECH and CONFESSION Of Margaret Fleck, who was executed at the Howgate-Head of Glasgow on the 5th of June 1723. for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 2: “my Child, which was alive, when born, and cried, and immediatly died, no Care being taken of him after the Birth to preserve his Life, which in it self I acknowledge to be actual Murder”.

¹⁹¹ Janet Hutchie stated: “I truly own my Guilt in destroying the Child, but not directly, for it was alive when I was delivered, but for want of Help and my Unnaturalty in the Birth it soon died”; Hellen Marishal’s delivery was her first, and she declared: “I made use of my Hands for my own Saftey, and by that Means did really rive the Child’s Cheek; And when I was Delivered, seing the Child dead as I thought”; Margaret Fleck also hurt her child: “inconsiderately for mine own Relief and in mine Agony I took hold of the Week of his Mouth, and never quit untill [sic] I had brought forth my Child”; from “THE LAST SPEECH AND DYING WORDS Of Janet Hutchie, who was Execute in the Grass-market of Edinburgh, upon the 30th of August 1721, for the Murder of her own Child.”, NLS, Ry.III.c.36(075); “THE Last SPEECH and CONFESSION AND DYING WORDS OF HELLEN MARISHAL Who was executed at the Grass-Market of Edinburgh, upon the Thirty Day of March, One thousand seven hundred and twenty, for the Crime of Murdering her own Child.” ESTC T193508, NLS, Ry.III.c.36(069); “THE LAST SPEECH and CONFESSION Of Margaret Fleck, who was executed at the Howgate-Head of Glasgow on the 5th of June 1723. for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 2.

¹⁹² One woman told a friend, who however had died in child-birth, “THE LAST SPEECH AND DYING WORDS Of Janet Hutchie, who was Execute in the Grass-market of Edinburgh, upon the 30th of August 1721, for the Murder of her own Child.”, NLS, Ry.III.c.36(075); Margaret Dickson “frequently told the Father of the Child that I was with Child to him”, “THE LAST SPEECH, CONFESSION and WARNING, Of Margaret Dickson, who was Execute in the Grass-Mercat of Edinburgh, for the unnatural Murder of her Own Child, on Wednesday the 2d of September 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 3; Margaret Anderson had told both the father and grandfather of the child, “THE LAST Speech and Confession, OF Margaret Anderson, who vvas Executed at Edinburgh, on Wednesday being the Twenty 2d. of April 1713. for the murdering of her own Child.” ESTCS T193455, NLS, 6.314(29); Agnes Craig’s father, mother and sister knew, “THE CONFESSION Of Agnes Craig, Daughter to the Deceased John Craig and Agnes Grierson, who Lives at the Bridge-End of Minnijoe, in the Paroch of Glencairn when the said Agnes Craig was Execute in Drumfries, on Wednesday being the 5th of June, Anno 1717. For the Murdering of het own Child.” ESTC T201684, NLS, Ry.III.c.36(35); Margaret Crooks’s mother plausibly knew, “THE LAST SPEECH and CONFESSION OF Margaret Crooks, who was Executed at the Grass-Market of Edinburgh, the twenty fourth of December 1718. for the Murthering her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042); Margaret Fleck mentions “My being with Child was known to every Body that knew or saw me”, “THE LAST SPEECH AND CONFESSION Of Margaret Fleck, who was executed at the Howgate-Head of Glasgow on the 5th of June 1723, for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 1; Jean and Sarah Cameron both told the father of their child, “The last SPEECH, Confession and dying Words of JEAN CAMERON, who was executed at Perth, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3) and “The last SPEECH, Confession and dying words of SARAH CAMERON, who was execute at Stirling on Friday the 29th of October 1784, and her body given to the doctors to be dissected, for the murder of her own child.” ESTC N477652, NLS, RB.I.238(18).

¹⁹³ SYMONDS, *Weep Not for Me*, 128, and “ACT Anent Murthering of CHILDREN. July 19th. 1690.”, ESTC R468990, NLS, RB.I. 106(63).

mentioned in their last speech, implies that even though these women were not heard in court, they could be heard advocating their innocence through cheap print. Other women mention not having had access to assistance in birth when they went into labour, which made them guilty of the legal stipulation: “not call for and make use of help and assistance in birth”.¹⁹⁴ For example Agnes Craig (1717) was on her way home from work “in the Night Time, and [...]lay down there amidst the Snow, but had no Persons here to whom she could cry for help”.¹⁹⁵ Margaret Fleck (1723) even asked three women she knew, including a midwife, to be there with her, “to be assisting to me in the bringing forth of my Child”. Her precautions however, were in vain as “upon a Sabbath Evening [...] my Pains suddenly and unexpectedly seized upon me, for I had not well got out of the Bed untill I brought forth my Child [...] having no Assistance in the birth”.¹⁹⁶ These are effectively accusations of the unfairness of the “Act anent Child Murder”. Together, all of aforementioned arguments indicate that convicted women used the agency last speeches offered them, to argue against the presumptive evidence accepted as basis for their conviction.

In the same manner, dying women employed their agency in other ways, for instance to depict themselves as being of good character.¹⁹⁷ Dying women mentioned having “served with several creditable People, faithfully and honestly”, or having actively tried to find God on their own initiative.¹⁹⁸ Such professions of good character work well in conjunction with mentions of happenings, which are described as coincidental and unlucky, in order to describe a dying woman as unfortunate, such as in Hellen Marishal’s last speech (1720):

¹⁹⁴ *Ibidem*.

¹⁹⁵ “THE CONFESSION Of *Agnes Craig*, Daughter to the Deceased *John Craig* and *Agnes Grierson*, who Lives at the Bridge-End of *Minnijoe*, in the Paroch of *Glencairn* when the said *Agnes Craig* was Execute in *Drumfries*, on Wednesday being the 5th of *June*, Anno 1717. For the Murdering of het own Child.” ESTC T201684, NLS, Ry.III.c.36(35).

¹⁹⁶ “THE LAST SPEECH AND CONFESSION Of *Margaret Fleck*, who was executed at the Howgate-Head of *Glasgow* on the 5th of *June* 1723, for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 1; similarly, Margaret Crooks went to live with mother when her time of delivery drew nearer, but her mother was away when she gave birth, and Jean Cameron’s baby also came earlier than expected, which she stated was why she was still in service at the time and had not “any Cloaths provided for my Child”, “THE LAST SPEECH and CONFESSION OF Margaret Crooks, who was Executed at the Grass-Market of Edinburgh, the twenty fourth of December 1718. for the Murthering her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042); “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3).

¹⁹⁷ This can be connected to the use of character witnesses in infanticide cases, SYMONDS, *Weep Not for Me*, 140.

¹⁹⁸ Quote from “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3); both Margaret Fleck and Margaret Dickson elaborately discussed a spiritual quest, “THE LAST SPEECH and CONFESSION Of *Margaret Fleck*, who was executed at the Howgate-Head of *Glasgow* on the 5th of *June* 1723. for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), 1, and “THE LAST SPEECH, CONFESSION and WARNING, Of Margaret Dickson, who was Execute in the *Grass-Mercat* of *Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday* the 2d of *September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 1.

“[I] betook myself to Service, where having been in several Services, where I served very faithfully, untill I had the Misfortune to meet with the Young Man who is Father of the Deceast Child for whom I now Suffer”¹⁹⁹

Even though women always state that they had been sinful – thus subscribing to Calvinist logic – phrases indicating misfortune as a contributing factor are manifold in last speeches. Unhappiness, misery, desperation, and other words with negative connotations all contribute to a self-image of victimhood.²⁰⁰ Besides accident, the Devil as an agent eliciting fall into ruin is also alluded to.²⁰¹ In combination with a statement such as “My want of Learning I find now, is a great want to me”, which implies that women were not armed against evil temptations in the first place, and again underlines an image of misfortune and victimhood.²⁰² Many women’s voices presented themselves as victims of social and economic circumstances relating to a lack of education. For example Margaret Smith (1717), despite confessing “herself a Murderer”, still mentions that “That her Father had dyed while she was in her Third Year of her Age, and that the meanness of her Mothers

¹⁹⁹ “THE Last SPEECH and CONFESSION AND DYING WORDS OF HELLEN MARISHAL *Who was executed at the Grass-Market of Edinburgh, upon the Thirty Day of March, One thousand seven hundred and twenty, for the Crime of Murdering her own Child.*” ESTC T193508, NLS, Ry.III.c.36(069).

²⁰⁰ Agnes Craig called herself “very Desperate”, Margaret Smith called herself “unhappy”, Ann Campbell mentioned “Unhappiness”, and besides the previously quoted Hellen Marishal, Margaret Millar and Ann Morison talked of the “Misfortune” of encountering the man who became the father of their child; “THE CONFESSION Of *Agnes Craig*, Daughter to the Deceased *John Craig* and *Agnes Grierson*, who Lives at the Bridge-End of *Minnijoe*, in the Paroch of *Glencairn* when the said *Agnes Craig* was Execute in *Drumfries*, on Wednesday being the 5th of *June*, Anno 1717. For the Murdering of het own Child.” ESTC T201684, NLS, Ry.III.c.36(35); “The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe.” ESTC T193531, NLS, Ry.III.c.36(34j), 2; “THE LAST SPEECH AND CONFESSION OF ANN CAMPBELL, who was execute at the *How-Gate-Head* of *Glasgow*, on Wednesday the 10th of *October* 1722. for murdering her own Child” ESTC T192968, NLS Ry.III.c.36(91), 2; “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. *February* 1726 at the *Gibbet* of *Dalkeith*, for Murdering her own Child.” ESTC T231873, NLS, RB.I.106(119); “THE LAST SPEECH Confession, and dying Words, of ANN MORISON, who was execute in the Grass-Market of Edinburgh, on the 7th of March, 1759. for the horrid Crime of murdering her own Child.”, ESTC N471255, NLS, APS.4.201.06.

²⁰¹ See for example “THE LAST SPEECH AND CONFESSION OF *JEAN WILSON*, who lived in the Paroch of *Calder*. And was Execute at the *How-Gate-Head* of *Glasgow*, upon *Wednesday* the 30th of *August*, 1721. For murthering of her own Child.” ESTC T193454 Ry.III.c.36(75), and “THE LAST SPEECH, CONFESSION and WARNING, Of *Margaret Dickson*, who was Execute in the *Grass-Mercat* of *Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday* the 2d of *September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 2.

²⁰² Quote from “THE LAST SPEECH AND CONFESSION OF *JEAN WILSON*, who lived in the Paroch of *Calder*. And was Execute at the *How-Gate-Head* of *Glasgow*, upon *Wednesday* the 30th of *August*, 1721. For murthering of her own Child.” ESTC T193454 Ry.III.c.36(75); five other women mention lack of education, though two of them (Hellen Marishal and Jean Cameron) ascribe this to their own wilfulness as they ran away from their parents and neglected their education; “The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe.” ESTC T193531, NLS, Ry.III.c.36(34j); “THE LAST SPEECH and CONFESSION OF *Margaret Crooks*, who was Executed at the Grass-Market of Edinburgh, the twenty fourth of December 1718. for the Murthering her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042); “THE Last SPEECH and “CONFESSION AND DYING WORDS OF HELLEN MARISHAL *Who was executed at the Grass-Market of Edinburgh, upon the Thirty Day of March, One thousand seven hundred and twenty, for the Crime of Murdering her own Child.*”, ESTC T193508, NLS, Ry.III.c.36(069); “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3); “The last SPEECH, Confession and dying words of *SARAH CAMERON*, who was execute at *Stirling* on Friday the 29th of October 1784, and her body given to the doctors to be dissected, for the murder of her own child.” ESTC N477652, NLS, RB.I.238(18).

Condition, with the Dearth that was then in the Country, had hindred her being Schooled, as otherways she would have been; That this induced her to neglect Prayer herself, in which neglect she had been encouraged by her being so unhappy, as always to serve in Families wherein nothing of the Worship of GOD was kept up”.²⁰³ This had, in turn, contributed to her “Misery” – that is, her path of sin through life – and thus eventually to “her Ruin”.²⁰⁴ It has to be noted that in court, where authorities’ logic ruled, economic argument was not accepted, which once again indicates a dissonance between their logic and the one purported by female voices in last speeches.²⁰⁵ Similarly, in the eyes of religious authorities, fornication was a sin for which women could be blamed and shamed extensively, even though the sex was not consensual.²⁰⁶ Yet, several women in last speeches implicitly challenge that logic by mentioning how they resisted being raped.²⁰⁷ Men wronging women in other ways are also repeatedly mentioned.²⁰⁸ That is, suitors reneged on a promise of marriage, or refused to pay some money to support women or are mentioned to have said “*That if she gave the Child to him he would never take with [look after] it.*”²⁰⁹ Women could

²⁰³ Smith is referring to the Scottish famine of 1695-1699, SYMONDS, *Weep Not for Me*, 262 (note 24); “The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe.” ESTC T193531, NLS, Ry.III.c.36(34j), 1-2.

²⁰⁴ “The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe.” ESTC T193531, NLS, Ry.III.c.36(34j), 2.

²⁰⁵ KILDAY, *A History of Infanticide in Britain*, 160; examples other than the aforementioned last speech of Margaret Smith can be found in the last speeches of Margaret Crooks, who came from a “sober” background, Ann Campbell, who had been disowned by her parents, Margaret Millar, who had lived in dire circumstances all her life, and Sarah Cameron, who had been disowned by her husband, “THE LAST SPEECH and CONFESSION OF Margaret Crooks, who was Executed at the Grass-Market of Edinburgh, the twenty fourth of December 1718. for the Murthering her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042); “THE LAST SPEECH AND CONFESSION OF ANN CAMPBELL, who was execute at *How-Gate-Head of Glasgow*, on Wednesday the 10th of October 1722. for murdering her own Child.” ESTC T192968, NLS Ry.III.c.36(91); “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. February 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.” ESTC T231873, NLS, RB.I.106(119); from “The last SPEECH, Confession and dying words of SARAH CAMERON, who was execute at *Stirling* on Friday the 29th of October 1784, and her body given to the doctors to be dissected, for the murder of her own child.” ESTC N477652, NLS, RB.I.238(18).

²⁰⁶ BROWN, *Religion and society in Scotland*, 70-71.

²⁰⁷ “THE Last SPEECH and “CONFESSION AND DYING WORDS OF HELLEN MARISHAL *Who was executed at the Grass-Market of Edinburgh, upon the Thirty Day of March, One thousand seven hundred and twenty, for the Crime of Murdering her own Child.*”, ESTC T193508, NLS, Ry.III.c.36(069), and “THE LAST SPEECH AND CONFESSION OF ANN CAMPBELL, who was execute at *How-Gate-Head of Glasgow*, on Wednesday the 10th of October 1722. for murdering her own Child.” ESTC T192968, NLS Ry.III.c.36(91); plausibly also Janet Hutchie, as she mentioned: “I never knew the said *Williamson* but once in an Morning, when my Brother and Family were at the Coal-pit, but he has frequently attempted it, but never got his Design perpetuate but that Time”, “THE LAST SPEECH AND DYING WORDS Of Janet Hutchie, who was Execute in the Grass-market of Edinburgh, upon the 30th of August 1721, for the Murder of her own Child.”, NLS, Ry.III.c.36(075), 1.

²⁰⁸ This is also pointed out by KILDAY, ‘Monsters of the Vilest Kind’, 111, as quoted higher.

²⁰⁹ Quote from “The last SPEECH and dying Words of *Margaret Smith*, in the Paroch of *Combernauld*, Who was Execute at *Dumbarton* on Friday the last Day of May, 1717, for Murdering her own Childe.” ESTC T193531, NLS, Ry.III.c.36(34j), 2; other last speeches mentioning similar predicaments or warnings against, for example, the “deluding speeches of young men” are “THE LAST Speech and Confession, OF *Margaret Anderson*, who vvas Executed at *Edinburgh*, on *Wedensday* being the Ttwenty 2d. of *April* 1713. for the murdering of her own Child.” ESTCS T193455, NLS, 6.314(29); “THE CONFESSION Of *Agnes Craig*, Daughter to the Deceased *John Craig* and *Agnes Grierson*, who Lives at the Bridge-End of *Minnijoe*, in the Paroch of *Glencairn* when the said *Agnes Craig* was Execute in *Drumfries*, on *Wednsday* being the 5th of *June*, Anno 1717. For the Murdering of het own Child.” ESTC

do more than implicitly blame men who refused them help, as for example Sarah Cameron (1784) did:

“I am sure he may have a trembling heart wherever he is, and he may guess by what has happened me, that God’s vengeance will always pursue the guilty, and he may take it to himself, that tho’ I threw the child over the bridge, he is not free of its murder more than me for leaving me in such a condition.”²¹⁰

Women did not only blame their suitors, but other people as well. For example, Margaret Dickson had previously “Defend[ed]” herself with her “Husband’s Neglect” of her, and subsequently she corrected herself, stating “I cannot so much Blame him as some of his Friends, who stirred him up”.²¹¹ Women could and did single out people who, in her opinion, had wronged them.²¹² This was permissible under the mantle of a religious warning addressed to those people to better themselves, and to others so that they would avoid them and similarly inclined persons.²¹³ Women thus pointing the finger of blame not just at themselves, but at others and at external circumstances, are all examples of the application of agency provided through last speeches. The multiform and distinct implementations illustrate how women did not simply subscribe to authorities’ logic, but

T201684, NLS, Ry.III.c.36(35); “THE LAST SPEECH and CONFESSION OF Margaret Crooks, who was Executed at the Grass-Market of Edinburgh, the twenty fourth of December 1718. for the Murthering her own Child.”, ESTC T193456, NLS, Ry.III.c.36(042); “The last Speech and dying Words of *Margaret Millar*, Coal-bearer at *Colden-cleugh* who was execute 10. *February* 1726 at the Gibbet of *Dalkeith*, for Murdering her own Child.” ESTC T231873, NLS, RB.I.106(119); “THE LAST SPEECH Confession, and dying Words, of ANN MORISON, who was execute in the Grass-Market of Edinburgh, on the 7th of March, 1759. for the horrid Crime of murdering her own Child.”, ESTC N471255, NLS, APS.4.201.06, from whence the warning is quoted; Jean Cameron worked for an officer and later conceived with a soldier, “The last SPEECH, Confession and dying Words of *JEAN CAMERON*, who was executed at *Perth*, the 19th of October, 1764. For the horrid Murder of her own Child”, ESTC N477660, NLS, RB.I.238(3); “The last SPEECH, Confession and dying words of *SARAH CAMERON*, who was execute at *Stirling* on Friday the 29th of October 1784, and her body given to the doctors to be dissected, for the murder of her own child.” ESTC N477652, NLS, RB.I.238(18).

²¹⁰ *Ibidem*.

²¹¹ “THE LAST SPEECH, CONFESSION and WARNING, *Of* Margaret Dickson, who was Execute in the *Grass-Mercat of Edinburgh*, for the unnatural Murder of her Own Child, on *Wednesday* the *2d* of *September* 1724.” ESTC T193695, NLS, Ry.III.c.36(94), 2.

²¹² Besides Margaret Dickson, and excluding rape or neglect by suitors, three other last speeches contain mentions like “I was led on to the Commission of such Sins [...] by the corrupt Example of others”, “THE LAST SPEECH AND CONFESSION OF *ANN CAMPBELL*, who was execute at *How-Gate-Head of Glasgow*, on *Wednesday* the *10th* of *October* 1722. for murdering her own Child.” ESTC T192968, NLS Ry.III.c.36(91); “THE LAST *SPEECH* and *CONFESSION* *Of* *Margaret Fleck*, who was executed at the *Howgate-Head of Glasgow* on the *5th* of *June* 1723. for the Murdering of her own Child.” ESTC N471543, NLS, 1.8(29), from whence the previous quote is taken; “THE LAST SPEECH CONFESSION and Dying WORDS of *ANNE MACKIE* who was Execute in the *GRASS-MARKET* of *Edinburgh*, on *Wednesday* the *11th* of *Sept.* 1776 : For the horrid Murder of her own Child.”, Mitchell Library, C98677/311734, Vol.IV.446.

²¹³ In the second last speech delivered by a woman called Margaret Adam, convicted for homicide in 1774, the woman was asked about her first speech, whether “she retained any grudge or ill-will against the persons therein mentioned, for what they might have formerly done her, or at her trial witnessed against her?” She answered in the negative, stating “that the persons she had mentioned in her Speech were there taken notice of for no other end but that others might take warning and shun such company.”, “THE SECOND SPEECH *Of* *MARGARET ADAM*. OR, A Full and Particular Account of the manner of her Execution, Behaviour on the Scaffold, and Dying Words to her Friends, and those good Christians who attended her in her last Moments. With an account of *JAMES BROUN*’s Reprieve.”, Mitchell Library, SR347 311733, Vol.I.32.

that they expressed objections to it – individual, personal objections, which mattered to them even after sentencing.

Conclusion

As last speeches originated in a legal context, convicted women subscribed to the logic which ruled there: the logic of Church and State. Therefore, last speeches depicted dying women subjectively, namely as sinful criminals. But, the same legal context instigated – through last speeches – dying women to speak out for themselves.²¹⁴ The margin of agency that convicted women acquired through confession, enabled them to voice how they themselves interpreted the circumstances leading up to their execution. Without exception, women saw themselves as having confronted difficult situations, such as being born into poverty, being abandoned by their suitor and risking becoming a social outcast, or experiencing labour for the first time, and that on their own. Alternately, they focused on their desperate or harmless intentions, assigned blame to their bad luck, social disadvantages and economic circumstances, or explained how other people had played a role in their path to the gallows. Such personal interpretations were misaligned with legal and Calvinist rhetoric. This was because said rhetoric blamed convicted women entirely for their crime, whilst such women themselves did not. Whilst the authorities proclaimed their procedures and verdicts as righteous, that is, ‘just in judgement’, women told of experiences which partly exonerated them.²¹⁵ By voicing such mitigating reasoning, women implicitly contested the righteousness of their conviction. This was in direct contrast with their explicit acknowledgement in last speeches of their sentence as ‘just’. Still, authorities did not feel a particular need to censor dissonant details, or even complete denial of charges, as long as they were verbally recognized as being righteous.²¹⁶ Authorities may have allowed misalignments in last speeches to serve as examples of ‘how not to reason’. However, the alternative reasoning in cheap print was still circulated among the larger population. Thus, dying women were able to publicise their private comments on their sentence, including notions of victimhood.²¹⁷ As the general public was curious

²¹⁴ Dying women could censor themselves though, as for example in “THE LAST SPEECH AND CONFESSION OF ANN CAMPBELL, who was execute at *How-Gate-Head* of *Glasgow*, on Wednesday the 10th of *October* 1722. for murdering her own Child.” ESTC T192968, NLS Ry.III.c.36(91), 1: “These Sins have provoked GOD to punish one Sin with another, I mean, it provoked GOD to suffer me to fall into that Sin of Uncleanness”.

²¹⁵ ‘Richtwis adj., adv.’, *Dictionary of the Scots Language*, 2004 (<http://www.dsl.ac.uk/entry/dost/richtwis>). Accessed 11 July 2018.

²¹⁶ Jannet Shank acknowledged her sentence to be just, yet never confessed to infanticide, “The last Words and Declaration of *Jannet Shank*, Who was Eecute in the Grass mercat of *Edinburgh*, upon the 7 day of *February*, 1711 for the Crime of Child-Murder.” ESTC N471291, NLS, 6.318(28).

²¹⁷ Additionally, though the crime of infanticide was often described as “unnatural” or “horrid”, it was never the woman herself who was described as such. Moreover, the words “monster” and “monstrous” may have been used by judges in court to denominate women accused of or convicted for infanticide, but women in last speeches were never labeled as such. They were, however, always called sinful. The explanation for this lies in that describing women as monstrous would have been counterproductive. Authorities wanted to present them as someone whose religious advice was to follow. It seems therefore imprudent to use such terms to refer to their description of themselves in last speeches, as done by academic literature such as KILDAY, ‘Monsters of the Vilest Kind’, 111. (The word “monstrous” itself is

about dying women or desired to learn from them, it is probable that the ‘coincidentally included’ opinions of dying women’s last speeches would initially be consumed by a receptive audience. In summary, infanticide last speeches functioned not just as mouthpiece of authorities, but also as representation of how lower class women integrated authorities’ logic with their personal perceptions, thus giving it new meaning. As last speeches were the only commentators on infanticide in at least the first half of the eighteenth century, this may have even contributed to the attenuation of punishments for the crime.²¹⁸

This finding aligns with studies of Scottish broadsides in verse: women could and did use broadsides in order to express themselves publicly. Such a conclusion without question requires further investigation, in particular with regards to other types of broadsides, such as petitions made by women, elegies of women, and perhaps even a large-scale study into courtship ballads, where women feature prominently. Such new studies would moreover allow for comparison between the already elaborately researched English corpus and still untapped Scotland source materials. It has become clear that Scottish broadsides can lead to a whole new path in ephemera studies.

only used once to describe the crime of infanticide in last speeches, “THE LAST SPEECH AND DYING WORDS *Of Janet Hutchie, who was Execute in the Grass-market of Edinburgh, upon the 30th of August 1721, for the Murder of her own Child.*”, ESTC T193510, NLS, Ry.III.c.36(075), 1.)

²¹⁸ On last speeches as sole voices in the public sphere commenting on infanticide, see KILDAY, ‘Monsters of the Vilest Kind’, passim, and especially 110-111; on punishments, see KILDAY, *A History of Infanticide in Britain*, 49 (figure 2.8).

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Abbreviations

ESTC	English Short Title Catalogue
EUL	Edinburgh University Library
ML	The Mitchell Library
NLS	National Library of Scotland

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“THE LAST SPEECH AND CONFESSION OF ANN CAMPBELL, who was execute at *How-Gate-Head* of *Glasgow*, on Wednesday the 10th of *October* 1722. for murdering her own Child.” ESTC T192968, NLS Ry.III.c.36(91).

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“THE LAST SPEECH AND CONFESSION OF JEAN WILSON, who lived in the Paroch of *Calder*. And was Execute at the *How-Gate-Head* of *Glasgow*, upon *Wednesday* the 30th of *August*, 1721. For murthering of her own Child.” ESTC T193454 Ry.III.c.36(75).

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“The last Speech and dying Words of *Margaret Millar, Coal-bearer at Colden-cleugh who was execute 10. February 1726 at the Gibbet of Dalkeith, for Murdering her own Child.*” ESTC T231873, NLS, RB.I.106(119).

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“The last SPEECH, Confession and dying Words of *JEAN CAMERON, who was executed at Perth, the 19th of October, 1764. For the horrid Murder of her own Child*” ESTC N477660, NLS, RB.I.238(3).

“The Last SPEECH CONFESSION, and Dying WORDS of *MARGARET ADAM, Who was Executed at the Grass-Market of Edinburgh, upon the 2d Day of March 1774, for the Murder and Robbery of JANET M^cINTYRE, Shop-keeper in Glasgow.*” ESTC N477628, NLS, RB.I.238(14).

“THE LAST SPEECH CONFESSION and Dying WORDS OF MARGARET ADAM, who was Execute in the Grass-Market of Edinburgh, on Wednesday the 2d of March 1774. for the Bloody Murder of Janet M^cIntyre, Shop-keeper in Glasgow, and her Body given to Doctor Monro for dissection.”, Mitchell Library, SR347 311733, no number [between V1.23 and V1.25].

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Summary

This master's thesis examines the gendered constructions carried out by eighteenth-century Scottish gallows speeches from women condemned for infanticide. By analysing Lowland broadsides it argues that broadsides could contain authentic traces of lower class women's voices. By confessing and making a 'last speech', women simultaneously made themselves subservient to authorities and acquired an agency to articulate their own opinions on their crime and sentencing. Moreover, they acquired a spiritual authority on the brink of their death, serving as an example on the gibbet which should not be followed, being able to warn others as they had confessed their sins and were about to face a higher judgement. Thus, this thesis argues, Scottish gallows speeches did not only serve to reinforce the judgement of authorities, but also to spread lower class, female opinions on the early modern justice system.