

# INTRODUCTION

Ecclesfield Village was at the time located in the old West Riding of Yorkshire and now in the county of South Yorkshire its main occupations at the time would have been agriculture and various domestic metal industries such as nail making and file cutting.

Several mills used a brook that flowed through the common and would were major employers. Esther and her brother worked at the cotton mill.

In 1830 Esther's neighbours became well aware of her pregnant state despite her denials. When it was obvious that she had given birth they were mystified as to the whereabouts of her baby. A newly born infant was soon discovered in a mill pond.

## ECCLESFIELD FROM HUNSHELF SHOWING MILL AND COTTAGE (Sheffield Library S22663)

Esther Dyson was a young deaf and dumb<sup>1</sup> girl who quickly confessed to placing the child in the dam but the circumstances were difficult to ascertain. Traumatized she could only communicate using an early form of a basic sign language and gestures, a sure recipe for misinterpretation.

Not asking for assistance, not preparing for the birth (clothes), and

concealment of the body were at the time considered damning facts that led to her being sent to trial.

At the trial it was determined that she, "stood mute through a visitation from God" and not through malice.

In 1830 general attitudes and the law were very different to those of today but it is interesting just how sympathetic some attitudes were and how the law was applied. The level of medical care that she received in later life whilst incarcerated also appears considerate.

We now understand more about psychological problems surrounding childbirth but perhaps it's more difficult to understand that a child conceived outside wedlock then was often a disaster.

The concept of denial is now a rich field of study which was certainly not understood during Esther's case and probably treated with suspicion and incomprehensible. Denial is often associated with rape and features in several other cases of historical infanticide. The person affected simply acts as if nothing has happened, behaving in ways others may see as bizarre. In its full form, it is totally subconscious, and sufferers may be as mystified by the behaviour of people around them as those people are by the behaviour of the sufferer.

I came upon this story whilst researching rural cutlers and my family history (I share a later connection with the family by a marriage to an Ecclesfield family named Wyke). In particular I studied a family at Birley Carr at a farm called Shotnell<sup>2</sup>. Here there lived a succession of farmer-cutlers who were the ancestors of Esther. Her father learned to be a cutler there before moving to start his own family at Ecclesfield.

Family records were obtained from ancestry websites, Ecclesfield Church and the LDS parish records. Tracing people can be largely guess work and the female lines are notoriously difficult.

Esther's ancestor's marriages may well have had a detrimental effect with regard to genetic makeup, her brother was also born deaf. I will later try and outline her family background.

It was said that the case was notorious but the incident seems to have been long since forgotten. Many books regarding crime in the Sheffield area have been published but I am unaware of any references. There is no mention in the Ecclesfield Diary<sup>3</sup>, although its entries do become sporadic during this period. However it mentions two boys who drowned in the cotton Mill dam in 1801.

Perhaps the story was just too painful and reminiscent of a real life Hardy-esque<sup>4</sup> drama dealing with fate, misunderstandings and tragedy but in this case with many tantalising loose ends.

Many aspects of the case remain a mystery but I would like to assume Esther was in fact innocent of the wilful murder of her baby and see her rather as a victim of tragic circumstances.

The trial transcripts are missing or perhaps never existed. The main sources of information regarding the trial are mainly represented by several journals and newspaper reports. I try and show these in full where possible to enable comparison by the reader. This may seem very repetitive but there are subtle differences in the reports which are difficult to spot but may be important when drawing any kind of conclusion.

The National Archives hold the original dispositions which shed some further light on some important aspects which I have now include in Blue where relevant.

## A SUMMARY OF THE INFANTICIDE LAWS

Most cases of infanticide involved unmarried mothers and many unmarried had their babies in secret so did not have a witness to prove the baby stillborn.

A 1624 statute dictated that if the death of the baby was concealed, the mother was presumed guilty of infanticide unless she could prove that the baby was born dead. The requirement placed on the defendant to prove her innocence was a reversal of the normal practice of requiring the prosecution to prove guilt. For most of the eighteenth century, however, women were acquitted of this charge if they could demonstrate that they had prepared for the birth of the baby, by for example, acquiring some kind of clothing for the child.

The law concerning the general crime of infanticide took two forms during the period 1660- 1800. If a married woman was prosecuted for the killing of a new born child the charge would remain the common law offence of murder unless it could be proved that the child was born healthy and that the accused had wilfully killed it. The mother would have been considered innocent until proven otherwise. However, an unmarried woman found with a dead child would be presumed to have killed it unless there was evidence to the contrary. The unmarried mother needed to prove

by the testimony of at least one witness that the child was born dead. If the woman was successful in proving a still birth the crime was reduced to concealing a birth, for which the punishment was still death! This indicates that the statute was aimed to prevent immoral behaviour as much as to punish the killing of newborns. <http://newhistories.group.shef.ac.uk/wordpress/wordpress/?p=3320>

Some married women charged with child murder drew on an informal insanity plea. A claim that was liable to be successful because whilst the criminal explanation for an unmarried mother killing her baby was readily cognisable, the possibility that a married woman could have committed such an act was “so shocking and so unlikely that it could only be a product of insanity”<sup>5</sup>. Before 1800 they were released into family care since there was no law in place allowing detainment.

The 1803 Offences Against the Person Act, repealed the 1624 statute and proof of the murder became a requirement for conviction. This statute also empowered juries to return a lesser-verdict of “Concealment of birth”, punishable by a maximum of two years imprisonment. <http://www.oldbaileyonline.org/static/Crimes.jsp>

The 1803 Act treated infanticide as murder until the Infanticide Act 1922: which effectively abolished the death penalty for a woman who deliberately killed her new born child while the balance of her mind was disturbed as a result of giving birth.

Under the 1938 Infanticide Act, a woman who kills her child when it is less than a year old and “while the balance of her mind was disturbed by reason of the fact that she had not fully recovered from the effect of giving birth”, should not be found guilty of murder.

## FAMILY BACKGROUND AND WORK AT THE MILL

Esther's father, Isaac Dyson (born 1763) was a pocket knife cutler who lived and worked at a farmstead called Shotnell. (See below). Now demolished it was situated on Stubbing House Lane below Birley Edge within the Parish of Ecclesfield. Like the many generations before him Isaac had served his apprenticeship with his father, William. Isaac probably started work at a very early age. The workshop (reconstruction) is shown at the far right in the sketch.

### SHOTNELL FARM IN THE MID 19TH CENTURY. AUTHORS SKETCH ©

One of Esthers forefathers had migrated from Holme, a Pennine hamlet near a town called Linthwaite in the Colne valley around 1720 when he married at Ecclesfield Church. This is interesting since recent studies using DNA analysis has found that the Dyson surname and the "Y" chromosome has been traced back to the 13th century and to a lady called Dye or Dyonisia of Linthwaite. She had a son called John, literally, Dyes son<sup>6</sup>.

In 1881 there were almost 10,000 Dyson's in Britain with nearly 7000 living in Yorkshire. What is a surprising is that 287 were still living in

the Linthwaite area<sup>7</sup>. This amounted to 5% out of a population of 6000. Similarly, at nearby Slaithwaite (of which Holme is a part) there lived 115 Dysons which amounted to 4% out of a population of 3000<sup>8</sup>. One wonders what the figures would have been previously!

Linthwaite and its neighbour Slaithwaite today still retain a semi-rural character. A recent visit revealed that the name is still well represented with Dyson's appearing on many gravestones at Slaithwaite church where some of Esther's earlier ancestors are buried.

Some surnames proliferate<sup>9</sup> and it seems this was the case with the Dysons. Migrations took place mainly within the West Riding with clusters in the south in the old Ecclesfield parish and in Sheffield. There are occurrences of marriages to women with the Dyson maiden name (assumed to be widows of a brother etc.).

William Dyson (1701-1739) of Holme, Linthwaite, near Huddersfield married Elizabeth DYSON from Wakefield in 1720 at Ecclesfield Church<sup>10</sup>. He was a husbandman and they lived somewhere in Bradfield Chapelry<sup>11</sup>. Their son, also named William (1725-1799) became a cutler at Shotnell and appears to have had six children, one being Isaac (1763-1829).

A large flat gravestone of most of the Shotnell family still exists to the right of the path between the Lych gate and Ecclesfield church. Below is a photo of a small part.

ECCLESFIELD GRAVE, WILLIAM DYSON (1726-1799) was Esther's grandfather (authors photo)

Isaac married Hanna DYSON (b.1770?) at Ecclesfield Church in 1791 and they lived in Ecclesfield He worked as a cutler probably on the Common<sup>12</sup> at a place called Mertnall<sup>13</sup>.

Isaac and Hanna appear to have had eight children one being Esther (1808/9-1869) and William (1804-1875) Both Esther and William were born "Deaf and dumb". It was stated in court that William was her only relative (probably incorrect). I was also informed that there was at least one descendent of Isaac still living in Ecclesfield<sup>14</sup>.

We have two marriages to spouses of the same surname (1720 and 1791). Whilst this does not necessarily mean they were genetically related birth defects does make this seem probable. There was an instance in the south of England in the mid nineteenth century when a large family had alternate

children who were mute. It was generally realised by this time that static rural communities were susceptible to these birth defects which may include blindness<sup>15</sup>.

After their parent's death Esther and William apparently continued to lived together in a "small cottage on the outskirts of the town" (near the mill) and lived in a terrace since they had at least one next door neighbour. William occupied an "open loft or attic" whilst Esther had a bedroom and would have shared a ground floor living room.

The possibilities regarding the location of the cottage are limited. In the photograph below the two buildings that are visible on Whitley lane appear on a Fairbank sketch map which was drawn sometime in the late 18th century. The left hand terraced block seems to present a distinct possibility. It was comprised historically of two then later three dwellings. Their appearance today does not initially appear to be late 18th century; however, recent enquiries with an occupier revealed that his house deeds dated back to at least 1801.

PHOTOGRAPH OF THE COTTAGES SHOWING THE MILL BEHIND c1900. TAKEN FROM COIT LANE. (Courtesy Jones and the Chapeltown and High Green Archive)

The terrace visible on Whitley lane also appears on a Fairbank sketch map drawn in the late 18th century. (courtesy Sheffield Archives<sup>16</sup>) The large house alongside is rather too grand and the others are clearly connected to the mill.

The 1878 sale plan below though lacking in proportion, clearly shows the terrace at the bottom right and the large gable of the large house further along up Whitley Lane. The depiction of the lower building at the far end of the terrace may suggest a single storey workshop which raises the possibility that this may have been the cutlery location of Esthers and father, Isaac, named mysteriously as "Mertnall" in the Cutlers Company records. We also know a file cutter named Greaves lived in the terrace but he may well have worked at an employers workshop.

SALE PLAN 1878<sup>17</sup> The large house (centre foreground) still stands as do remnants of the factory.

SOME REMAINS OF THE WATER WHEEL AREA WHERE

ESTHER AND WILLIAM WORKED (authors photo 2013). Note this area would be on the far left on the sale plan shown above

At the time of the alleged murder, both were working at Mr Barlow's cotton-thread mill. (Shown to the rear of the cottages in the photo) It was said Esther and William lived "near that place".

Esther had worked at the mill since the age of 11. William also presumably also started at a similar age as it was stated in testimony that both had worked there some 11 years.

William did not continue with his father's cutlery trade possibly because of its decline. His deafness should not have been a barrier and I would guess that he would have helped father with some tasks at busy times.

Eastwood says the monks of the Priory had a corn mill at Ecclesfield in 1141<sup>18</sup> and the historian David Hey believes this would likely have been the site of the later Cotton Mill, and the later paper mill<sup>19</sup>.

So sometime prior to 1794 it became a cotton thread mill (or flax Mill) and in 1830 it was owned by Mr Barlow and the overseer was James Henderson

By 1833 it was used by Thomas Yeardley as a flax mill (mentioned at the inquest) and was finally used as a Paper Mill.

By 1830 there may have been more buildings as suggested by the next 1850 map. At some stage in the interim the dam was evidently increased to about twice its size.

FAIRBANK MAP probably later than the 18th century (Sheffield Archives<sup>20</sup>)

Note the terrace house on Whitley Lane

ECCLESFIELD MAP 1850<sup>21</sup>. If this map is accurate the dam has been enlarged by this time. Note how few dwellings exist on what we now know as the Common. The two buildings on Whitley Lane are not shown although the terrace is shown on the previous map.

ECCLESFIELD DAM TODAY IS USED FOR RECREATIONAL FISHING. THE OLD MILL WOULD HAVE BEEN IN THE CENTRE BEYOND THE GOIT. THE WATER WHEEL HOUSING AND SOME RUINS ARE VISABLE OVER THE WALL (authors photo 2013).

## ESTHERS LIFE BEFORE THE INCIDENT: HER CHARACTER, APPEARANCE AND DEAFNESS

Esther's life before the incident is virtually unknown apart from newspaper articles and comments made at the inquest where one reported that she was said to be, "a girl of exceedingly good appearance, and remarkably shrewd and cunning".

Perhaps the last rather judgemental remark is enlarged upon by the following newspaper-

SHEFFIELD INDEPENDENT 02/10/1830. (shown below and in full later)

A description of her trial was given in The York Herald newspaper and gives a more full and sympathetic picture.-

"She is rather tall, and of slender make. She has light hair and complexion, and of rather a pleasant and pensive cast of feature...she had the appearance of a respectable female in the lower walks of life".

Some form of sign language was generally known by Esther's time<sup>22</sup> and she appears to have had some basic knowledge; "She knows the deaf and dumb alphabet, but cannot join the letters except for very short words and those in common use" (stated by Henderson, the mill overseer and court interpreter).

A newspaper report of the inquest stated that Mr Yeardley (who was to later to take over the mill) had a mute child himself (see Standard newspaper extract below). He gave Ann Briggs, a midwife, some books on the subject of teaching sign language who says she then instructed Esther in the deaf and dumb alphabet. "She is of a very quick apprehension". This took place some five years prior and for upwards of twelve months, (Briggs disposition)

We can only assume the books would be an early form of the British Sign Language

ILLUSTRATION IN THE BOOK BY DANEIL DEFOE, "The Life and Times of Mr Duncan Campbell" 1720. Defoe highlights the intellectual potential of some deaf people. The system formed the basis of the British sign language.

THE STANDARD (LONDON) 02.10.1830.(testimony of Ann Briggs, midwife)

It is unclear as to why James Henderson (Mill overseer) should have a knowledge of sign language knowledge except for the practicalities of employing two (or more?) deaf people. He was the overseer of the mill and said that he had known Esther and William since child hood. Perhaps Esther benefited from having an older deaf brother but unlike Esther we know little of his abilities.

THE SHEFFIELD INDEPENDENT .02.10.1830. (James Henderson who was the mill overseer)

MORNING POST (London) 4.10.1830.

Henderson and Briggs both go on to act as interpreters at the trial.

## ANECDOTES AND ANNALS OF THE DEAF AND DUM

Events leading up to the incident were mentioned in the inquest and an account was later published in, “Anecdotes and Annals of the Deaf and Dumb” by C E Orpen in 1835<sup>23</sup>.

I have shown this account in full below.-

SHEFFIELD INDEPENDENT. 23.10.1830. 563

## THE TRIAL AT YORK ASSISES ON THE 19th MARCH 1831 (commenced but was abandoned)

A summary of the case was published in 1834 in “A report of cases determined on the crown side on the Northern circuit”. Sir Gregory Allnutt Lewin<sup>24</sup>.

BELOW IS PART OF “ A REPORT OF CASES DETERMINED ON THE CROWN SIDE OF THE NORTHERN CIRCUIT”

The text at the top left refers to a statute that was evidently followed-

*“A deaf and dumb person charged with the crime may be instructed under 30 & 40 Geo 3, if the jury find that she is too ignorant to be put on trial”.*

In other references we have 30&40 Geo 3 c94 and 39 Geo IV) A reference is also made to 39 & 40 Geo 3 c 94 which is the Criminal Lunatics Act 1800.

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Note that, “The jury returned a verdict, that she was insane”.

THE ANNUAL REGISTER  
OF THE YEAR 1831  
Baldwin and Cradock. London.<sup>25</sup>

Perhaps only differs from other accounts with regard to, “The jury found that the prisoner was not at that moment in time in a sane state of mind”.

VARIOUS NEWSPAPER  
REPORTS: MORNING POST  
(London) 4.10.1830.

YORK HERALD  
AND GENERAL ADVERTISER  
Saturday, March 26, 1831.

## SHEFFIELD INDEPENDENT

March 26th 1831 (in two parts)

In what seems to me to be an unfair assumption, in the report below, Justice James Parke asserts that the baby must have been born alive since otherwise there would have been no need to cut its head off.

If it had been deemed that the baby had been still born then a murder charge could not have been brought.

SHEFFIELD INDEPENDENT.

02.10.1830.

## 1901 OS MAP SHOWING SOME LOCATIONS MENTIONED IN THE TEXT

The lane marked yellow has to be “Lee Lane” though known today as Whitley Lane. Hey<sup>26</sup> cites Harrisons Survey (1637) which mentions the mill and cottage being “under Lee bottome”. The Common at this time included the Mill area. Esther and Isaac lived in a cottage which was said to be on the outskirts, near the mill.

The foot-path marked green must be the described path from Ecclesfield to Wortley. There has until recently been an unofficial path that ran alongside the dam which Esther may have used (dashed in green). I used it regularly myself when I worked on the Common in the 1970s.

William Graham said he saw Esther 600 yards from the pond, whilst he was going home to Ecclesfield from Wortley and said, “She was on a footpath leading from Ecclesfield to Wortley”. This can only have been where the path joins Whitely Lane (Lee Lane).

Graham and Woodhouse both suggest that she was walking away from Ecclesfield which is difficult to explain. This also conflicts with a newspaper report, “one or two witnesses deposed that they had seen Esther “walking in a hurried manner towards the piece of water”

THE JUNCTION WHERE W.GRAYHAM WAS TRAVELLING HOME FROM WORTLEY ALONG LEE LANE WHERE HE MET ESTHER ON THE FOOTPATH “Leading from Ecclesfield to Wortley” (the path now starts on the drive on the right and continues towards Ecclesfield).

In a strange twist William was found dead on the same path forty five years later in 1875. (referred to later) whilst returning from Hoyle House which is to the left. (authors Photo 2013)

THE BLACK BULL Occupied (1822-1833) by Aaron Ashton and scene of the inquest. The Landlady, Jackson) shown written on the board was present 1890-1917. It was later replaced by the present Black Bull. (courtesy Chapletown High green and Archives)

THE WORKHOUSE. Esther and William were questioned here then Esther held before her removal to York. She was not sent for several weeks until she had recovered. Hopefully a carriage was used but it is possible that she had to walk.

## YORK CASTLE PRISON 1885

The National Archives has a record<sup>27</sup> of three criminal lunatics in the gaol at York Castle with James Shepherd, keeper.

“On behalf of: Esther Dyson, 26 years, convicted at the York Assizes on 19 March 1831, for the wilful murder of her bastard child. Found not guilty on grounds of insanity” and also states the, “prisoner was deaf and dumb and incapable of understanding the nature of the proceedings’ and ‘she has been very violent in confinement’.

At one point at her trial it was suggested that she could be instructed by, “Those who instruct the deaf and dumb children”. At the end of her trial the judge “directed her to be remanded and every proper means taken to instruct her”. I have found nothing to suggest that this instruction was undertaken or what deliberations took place, if any. She evidently spent eight months in detention before being sent to Wakefield Asylum in November 1831.

The Court ordered Dyson to be kept in strict custody under the Criminal Lunatics Act 1800 (39 & 40 Geo 3 c 94)

ENGLAND AND WALES  
CRIMINAL REGISTER.  
(Ancestry website)

See last entry at the bottom.

Murder - acquitted - Insane

FACING PAGE Bottom line, "acquitted insane"

# WEST RIDING PAUPERS LUNATIC ASYLUM, WAKEFIELD (later known as Stanley Royd, closed 1996).

The information below is taken from various websites.

Engraving of the Asylum 1818. J. Todd & A.L. Ashworth.

The West Riding Lunatic Asylum in Wakefield was one of the largest and most famous asylums of the Victorian era, and a significant location in the development of psychiatry and the neurosciences in Britain.

The Asylum was located around one mile north of the centre of Wakefield – first opened in 1818, only the sixth new asylum to be built under the County Asylums Act of 1808. The designs for the new institution were overseen by Samuel Tuke, a member of the Tuke dynasty associated with the famous Quaker Retreat in York, an establishment which provided the model of moral treatment that dominated British psychiatry through much of the nineteenth century. Prior to the construction of the Asylum in Wakefield, the only other public asylum in the county was the one at York, which had itself been the site of a number of scandals that had stimulated early asylum reformers and the founding of the Retreat. Yorkshire has long had a history in the world of asylums.

The first director of the West Riding Lunatic Asylum was William

Charles Ellis (1780-1839), a noted phrenologist and early proponent of moral treatment and “therapeutic employment”, who later became the first British psychiatrist knighted for services to the field. In the thirteen years he spent at Wakefield, the capacity of the Asylum grew from 150 to 250 patients, and in the following thirty five years after he left, under the directorships of four different medical men, it continued expanding to accommodate over 1,100 patients. Such expansion was in line with the enormous and well-documented growth in asylums nationally during the middle decades of the century, with the number of officially insane in England and Wales rising from around 5,000 in 1818 to around 50,000 in 1866.

# WAKEFIELD ASYLUM CASE NOTES<sup>27</sup> (courtesy West Yorkshire Archive Service)

1831 “Acquitted on account of being deaf and dumb” within a few days it is ascertained that she is willing to work.

By 1833 she is showing signs of ill health. Pain in chest and left side, difficulty communicating. Administered a Rhubarb mixture.

1834-37 Pain in her knees and back. Bowel pain. Pulse feeble.

1838/40 No sign of insanity, regularly at work. Fever, temper irritable and at times violent.

1840/41/42 Health generally good. Piles, Menstrual irregularity, tumous. Expresses herself better.

The 1841 Census shows she is a “Patient-servant”. This was not unusual as the use of patients as servants was not only seen to be therapeutic but greatly reduced the running costs of the asylum.

1842 Pain in the back

1843/44. Appears better, then poorly but no ailment perceived. Then, weak, ill, thinner.

1845 Complains of stomach ache and pain in shoulder.

By late 1845. Looks feeble and poorly, pain in her back. Prescribed, “Wine 1 glass daily”

1848-52 Gastric pain. Vomiting, hoarseness. Begs for medicine. Diarrhoea and vomiting.

1852/53/54/56/61/63. Maniacal symptoms with a strong disposition to injure those about her. Weak health but employs herself in the ward. Not excited for the last 12 months.

1868-69 Very feeble health. Difficult to understand what ails her - making signs. Bronchitis, Death

The above notes suggest that within a few years Esther is suffering severe pain and having difficulties communicating. There is no mention of sign language other than, her improvised gestures. Statistically I imagine that she was not the only deaf inmate.

The blank interim periods may suggest periods of better health. There are no entries for the last five years leading up to her deterioration and death.

Leonard Smith<sup>29</sup> in his book, “Cure, Comfort and Safe Custody” (1999) says that “During the first half of the nineteenth century many Asylums were prone to “diseases of an endemic nature.... most commonly in the form of dysentery or related complaints. At Wakefield the cause was identified as being poor water and sanitation as early as 1828 by William Ellis.

Smith quotes a report in 1830 by Dr Gilby who painted a very bleak picture of the asylum remarking upon the stench of the huge quantity of filthy linen.

The death toll continued to rise and in the years, 1828 -14; deaths, in 1830 -8; deaths, 1831; more than 8 deaths including a doctor, and in 1849-100; deaths. (about 17% of the 600 inmates).

These outbreaks caused growing alarm, "...particularly as nurses, keepers and domestic staff were succumbing". In 1837 Flu and consumption claimed another 30 lives.

It would seem that Esther was very lucky to survive as long as she did particularly as she no doubt had helped with these outbreaks. Her medical notes do not mention the epidemics but she has bouts of diarrhoea, stomach, gastro pain and pain in her chest and side.

Esther's death certificate gives her age as 62 although she was a month short of her sixtieth birthday. Her occupation was stated as "Single from near Sheffield". Her cause of death was "Chronic disorganisation of the brain" and "Bronchitis"<sup>30</sup>.

BURIAL AT STANLEY,  
ST PETERS  
(Authors photo 2013,  
due to be demolished)

A note book in possession of the church<sup>31</sup> gives a dated section which strongly suggests Esther is buried to the east of the church among the trees in the centre of the photograph. The exact spot is unfortunately unrecorded.

THE CHURCH BURIAL  
REGISTER<sup>32</sup>.

Recorded as March 23rd 1869.

(courtesy West Yorkshire  
Archive Service)

## TIME LINE

(Note that some reports differ  
with regard to dates)

September. Fri 24th. Seen by neighbour, “large in the family way”.

Sat 25th 9.00am. Seen washing the house floor (Given birth in her bedroom during the preceding night).

Esther was seen Saturday night on the footpath with the junction of Lee Lane at 8.00pm by William Graham (Esther was evidently walking away from the dam?). Also seen by Henry Woodhouse and Fanny Guest who was returning from milking.

Sunday 26th Seen to be sick and unwell by neighbour, obviously, ” ... been delivered “James Machin made a search of the house of Esther and Williams.

Monday 27th. Baby found in the dam by Machin (Vestry clerk) and Shaw (Constable).

Esther and William were arrested and held separately at the workhouse.

The dead baby and Esther examined by the surgeons Jackson, Campsall

and the midwife Ann Briggs. Esther was confronted with the body at the Workhouse by Ann Briggs.

Thursday 30th. Inquest at the Black Bull presided over by Thomas Badger.

Esther questioned and then held at the Workhouse. William is released.

October 23rd. 1830. Newspaper report. “Sent to York on Wednesday.”

19th March. 1831 Trial at York.

Held at York Castle Prison (8 months).

24th November 1831. Sent to Wakefield Asylum.

2nd March 1869. Died.

23rd March 1869 Burial at Stanley Church Wakefield.

1875 William Dyson found dead on a path. Burial at Ecclesfield.

## WILLIAM DYSON

William was quickly cleared of any involvement in the death of the baby and presumably its conception. However, I find it difficult to understand how he failed to see Esther's pregnant condition.

From the depositions it appears that the gossip was that William had delivered the baby. In the newspaper report below it suggests William was at first implicated by Esther although she quickly made it clear he had "nothing to do with it" (interpreted by Henderson).

THE STANDARD (LONDON) 02.10.1830.

A second report (see Morning Post article 4.10.1830. page 24) is similar but crucially says not Why she blamed him, but, if she blamed him. This is a very different question but perhaps the one more plausible.

Esther never denied she had placed the baby in the dam and even demonstrated how gently she had placed it there.

Esther's brother in the 1841 Census appears to have moved nearby but is still working at the thread mill. In the 1851 Census there is a William Dyson living at Pea Croft, Sheffield. This area was characterised by old slum dwellings amid industrial buildings. William is working as a pocket knife

blade forger and married to Mary. (I can't find another candidate).

He is listed as a barber and widower at Stocks Hill in the 1861 and 71 Census and appears to be living a few houses away from the "The Tankard", a public house.

STOCKS HILL WITH THE WORKHOUSE IN THE BACKGROUND  
c 1900 The Tankard would be behind the photographer (kindly supplied by Jones of Chapeltown and Highgreen Archives).

In 1875 William was found dead in a field whilst returning home after shaving some clients. It seems that he had stumbled on a fence near Hoyle House. (See map) He evidently was on the same footpath where Esther was encountered forty five years before.

SHEFFIELD INDEPENDENT 09.03.1875.

His grave was recorded at Ecclesfield Church but now lost. (author's photo ©1970).

## DISCUSSION

In 2014 I obtained copies of the original depositions held at the National Archives at Kew. They are in a bundle ASSI 45/63. They were evidently used in most of the accounts already shown. However some information which appears to me to be crucial was not mentioned at the inquest or the court, or at least they were not reported. This I cannot explain. See additions to my original conclusion below.

Esther was an intelligent attractive young girl but cursed with deafness. She was perhaps helped by her older brother who was similarly affected. We don't know if she or her brother ever received any formal sign language tuition or indeed any education? It would seem doubtful. They both worked at the Cotton Mill and lived in a cottage nearby. I think this was part of a terrace since they had neighbours (as such possibilities are very limited). The terrace still survives at the bottom of Whitley Lane, albeit much altered. It is possible the far end was once a single storey workshop (See 1878 sale map) possibly used by their father who was a cutler.

THE TERRACE OCCUPIED BY ESTHER AND WILLIAM (Authors photo © 2013)

When the infant was discovered something like a witch hunt ensued with descriptions of Esther such as “Shrewd and cunning”. This attitude seems to have been quickly replaced by sympathy at the inquest and even the newspaper reports. In accordance with the law at the time there was little option but to send her for trial for murder. At the inquest it was testified and later accepted (?) that the child had been born alive.

She delivered her own baby perhaps entirely ignorant of the procedure and possibly in the dark. As she managed to explain, panic ensued and she pulled the baby's head off. We don't know if the birth had complications, did she cut the baby whilst struggling with the umbilical cord? Did she cut the baby with her finger nails (See the Jarvis case below?)

The deposition by Henderson describes in great detail the great amount of blood in Esther's bedroom, on the window, bed, walls, floor and on numerous clothes. (This seems to have been downplayed in the published accounts). He then says that the baby was, “brought to Ecclesfield workhouse and laid down by her. I motioned to her to know why the child's head was off. She then motioned and made signs to me that it came off with the feet first and by herself wringing the feet during the delivery of herself the head of the child came off”.

This seems to be the first mention of a complicated birth and it is therefore doubtful that it was ever mentioned in court. This evidence should surely have been presented in her defence since it adds great weight to Esther's explanation. It raises the strong possibility that the child could well have died before or during delivery. Esther explained to Sarah Ingham and Ann Briggs and even demonstrated on her bed how she had delivered the baby. (a search on the internet reveals that the head coming off during childbirth is not unknown).

The disposition of the surgeons, William Jackson and Joseph Campsall go into great detail on the examination of the child but do not mention the difficult birth. I summarise Jacksons deposition below.

The weight was seven pounds and a quarter, its length twenty two inches. Upon the left arm was an abrasion of the skin, and a similar mark on the right side of its head. Not sufficient to produce death. The navel string was nineteen inches long and appeared to have been torn asunder but remained attached to the body of the child. The head of the child had been separated from the body at the part between the fifth and sixth vertebrae

that is where the neck joins the chest. This separation appears to have been effected by a rough edged knife such as a common table knife.

“I am decidedly of the opinion from the examination that the head of the child has not during delivery been torn off or screwed off by the mother as it would have exhibited very different appearances and various ligaments and tendons would have remained hanging out attached both to the neck and head which wasn't the case”

Various experiments were carried out on the organs such as floating the lungs in cold water when they “...floated buoyantly”. (this practice had been in use for some time and called the “lung test”. In the 1770 s it had been challenged by some as a worthless experiment).

“I have no doubt from the particular examination which I have made of the body of the deceased and the appearances which it exhibited on the examination that the child was born alive”

A table knife would not usually have a “rough edge” and contradicts the Sheffield Independent newspaper report (2.10.30.) which says it had a “dull or blunt edge”. Ann Briggs is quoted in “Opens account” as saying “some dull instrument”. These different descriptions would surely display different kinds of cut marks! If she had a use of a knife then why did she not cut the umbilical cord?

Constable Shaw was unable to find a bloodied knife or the afterbirth.

Esther was obviously in a complete state of denial (a condition often associated with rape). After the birth she probably suffered post natal depression or psychosis.

She may have felt guilt and fearful of asking for help. The cleaning of the house floor just having given birth was probably also a classic indicator. (she gave birth in her bedroom).

At the time, a birth out of wedlock at the time would have been viewed as a disgrace whatever the circumstances.

At the inquest she “called for imprecations on a person whom she charged with the crime of her seduction ....conveyed by her in a very distressing fashion”.

The fact that the coroner jurors found her account distressing may suggest something much more serious than the “Crime of seduction” but obviously her account may well have been misinterpreted, or perhaps even underplayed.

William was at first implicated in the child's delivery and its death by

gossips but he was soon exonerated. Esther's testimony above would also I expect have cleared him of being the “seducer”.

The identity of the father seems not ever to have been raised (very common in these cases unless suspected of murder). However, I think it improbable that William did not notice she was pregnant since the neighbours were well aware months before she gave birth.

We don't know if she had the encounter (which may have been at about Christmas) whilst on her “vagrant excursions” to neighbouring towns in the village or perhaps at the mill? Perhaps there was a good reason why she only occasionally worked at the mill. The seduction would have taken place around the time of her father's death. It's hard to believe that there was no gossip regarding the matter.

The testimony regarding seeing Esther on a footpath 600 yards away from the dam and travelling in the opposite direction is mystifying but perhaps irrelevant. However it possibly indicates distress as she walks nearly a mile carrying her dead baby (according to witnesses) on a late September evening after giving birth the previous night.

The newspaper report that one or two witnesses deposed that they had seen her “walking in a hurried manner towards the piece of water” is perhaps a reporters sensational assumption.

Why the dam? It was stated that she “Threw baby in the dam for the purpose of concealment” (see asylum note). It would seem an odd place to choose and suggests that perhaps she wanted it to be found or at least she didn't care if it was found? It almost seems like a ritualistic act?

The dam would have been deep and perhaps if she had thrown it in then it may never have been found. There must also have been ample opportunity to conceal the baby whilst walking through the countryside. We can only speculate as to the outcome of the trial if in fact the baby had never been discovered and she had instead been found guilty of concealment.

The depositions make it clear that it was William Graham's information about meeting Esther on the footpath that caused the dam to be dragged by Machin and Shaw. How this location could have been deduced I am not sure, especially as was made quite clear, she was walking away from the dam. Did she double back or had she already placed the baby in the dam?

The trial it seems was effectively abandoned because Esther was unable to understand the proceedings. A new jury was selected that ascertained that she was not sane. She was held eight months in York Castle Prison in unknown conditions where she became violent.

The courts proceedings set a precedent and cited in subsequent case a few years later<sup>33</sup>.

At the Asylum the notes say she willingly works as a maid but then soon succumbs to various ailments. These occur throughout much of her stay for which she receives treatment.

The deposition by Graham mentions she had well known severe breathing problems (not ever referred to at the trial although she seems to have suffered with chest problems in the asylum).

She was very lucky to have survived numerous epidemics particularly as she was working even when unwell. Presumably she was a great asset at those times.

Little else is recorded except that she is occasionally irritable and violent. I wonder if she ever had any visitors or even understood that she would never return home.

The asylum admission record says, “Acquitted on account of being deaf and dumb” and their records stated that she showed no sign of insanity. She was never allowed home although some inmates were.

It is difficult to imagine how she could have been rehabilitated if she had ever been returned to Ecclesfield.

The cost of maintaining Esther at the Asylum was born by the parish poor rates and would have been about six shillings per week in 1837<sup>34</sup>. She seems to have had good medical care for the time although she had difficulties in communicating ailments. The records make no mention of sign language although I imagine that she was not the only deaf inmate.

There is no record of visitors and in fact they may not have been encouraged as was the case in other asylums. By the time Middlewood Asylum was built at Sheffield Esther had died, otherwise she may well have been transferred. Esther was buried in an unmarked grave next to Stanley Church, Wakefield (now demolished).

It was stated that William was her only relative but I think she had seven other siblings that may have included five older sisters. Some of her father’s relatives still existed with her aunt and uncle who were living at Shotnell Farm (Birley Edge). The last cutler from there (William) died a pauper in Firvale Workhouse in 1905.

Esther and Williams’s deafness was most likely a result of inter marriage. Historically there was a high concentration of Dysons at Linthwaite in the Colne valley and generally within the West Riding of Yorkshire. Their

father Isaac had married, Hannah Dyson at Ecclesfield in 1791.

I am unaware of any other defects regarding the Shotnell branch of the family so a previous instance in 1720 of marriage to another spouse with the same surname (not necessarily a Dyson) was perhaps not to blame. There were many infant deaths but these would not be that unusual for the time.

The interesting question is to what extent Esther’s deafness (and shrewdness) created the tragic outcome, notwithstanding that she may otherwise have been sent to prison or executed.

Esther denied murder claiming she pulled the baby’s head off during labour. She never seemed to deny placing the baby in the dam. Despite this, all the reports continued to take delight in stating that she “Threw the baby in the dam”. It appears that someone gave information that led the search to the dam but I imagine that such information could only have originated from Esther.

It’s apparent that Esther was in complete denial regarding her pregnancy and today her condition would probably be recognised as pre-natal depression, followed by post-natal depression or psychosis.

A recent book “Sex, Gender and the Sacred” (2014) by Groot and Morgan<sup>35</sup> includes references to the Esther case. Apart from some factual errors, the writers portray particular views, which I suspect were formed to “fit” their book. It includes an examination of the attitudes of past societies including, “anxieties of deaf maternity ...”. They highlight doubts regarding the ability of the deaf as suitable parents.

The writers say that, Esther’s neighbours, “Had assumed that she would not understand the meaning of her pregnancy” and it would have been assumed that because William was deaf he would not understand her pregnancy either. “Both were incapable of understanding the very concept of motherhood”.

They also propose that she became violent and depressed in the asylum because she had been, “removed from her language community”.

All are interesting propositions but very subjective. In fact the community’s high regard for Esther and William seems to be very much at odds with their hypotheses. Their intelligence was never in doubt.

The writers above referred to a researcher named Dr Daniel Gray who kindly gave me a reference for the dispositions held at Kew and replied to a query;

“I wasn’t quite as surprised that William was dismissed from the court so

quickly, regardless of whether or not he might have been the baby's father (something which nobody can shed any light on). The judicial system was frequently criticised for the uneven ways in which it dealt with certain issues around infanticide, and one of these was the general lack of interest in who the father of a dead child was unless he was suspected of direct involvement in its death”.

We can only guess at the nature of conception but the birth, inquest and trial was evidently traumatic and humiliating.

I believe after the initial frenzy and gossip Esther was treated sympathetically, especially with regards to her, and Williams's deafness.

The depositions tend not to show Esther in a good light. All the witnesses were, I expect, made to say she knew right from wrong. There is no mention of the difficult birth or her severe breathing problems that are mentioned in the depositions but not it seems at the trial.

Ellen Greaves crucially states that “I do not know if she prepared any linen for the child”.

William Graham in his disposition says when he met her on the path he knew it was Esther as she makes a great noise from her difficulties in breathing. This long term health problem was never mentioned at the trial.

The asylum must have been bewildering at first but perhaps she did manage to establish some kind of tolerable existence and her willingness to work possibly points to this. Presumably she was a great help throughout the years particularly during the many epidemics. She must surely have been strong in both body and soul.

Perhaps Esther occasionally enjoyed the walks that had been created in the Asylum grounds.

Today she would have been treated very differently and it is probable that she would not even have received a custodial sentence.

Regarding the much used description of Esther as being “Shrewd and Cunning”. The meaning of shrewd has changed over time and I wonder as to which sense it was used in 1830.

The current Oxford definition is “Having or showing sharp powers of judgement; astute:”

However in Middle English the sense was to be ‘evil in nature or character’ ‘to curse’.

The word developed the sense of ‘cunning’, and gradually gained a favourable connotation during the 17th century.

ALL THAT REMAINS OF THE ASYLUM 2013. The building behind has been recently converted to flats. (Authors photo© 2013)

## COMPARITIVE CASES AT THE OLD BAILEY

These three cases were used as a basis for an episode of a BBC TV series called “Garrows Law” (2009) <http://garrowslaw.wordpress.com/tag/infanticide/>

Note that the dates are earlier than Esther’s case and there was subsequently the 1803 Infanticide Act.

They offer Interesting comparisons particularly as regards the damage that can be caused to a baby during birth when not assisted, not to mention the “denial” aspects. (refusing to acknowledge that an event has occurred).

### ELIZABETH JARVIS<sup>35</sup>

In 1800 Elizabeth Jarvis worked as maid and even after giving birth she was in complete denial. Her mistress had offered her help and challenged her several times but she angrily retorted that it was a “*complaint in the bowels*”. After delivering the baby herself she concealed it in an apron and bed clothes. Still denying she had given birth, her mistress found the baby after hearing it make a noise. The baby was found to be bleeding from the nose and mouth found to be a laceration of the tongue. It died soon after.

At the trial one expert believed that the laceration was caused by a blunt instrument. Another believed that during a difficult birth the mother had inadvertently put her finger in the baby’s mouth. It was observed that she had long finger nails.

Seven witnesses testified of her good character. She was found not guilty.

### MARY MUSSEN<sup>36</sup>

In an earlier case Mary Mussen, spinster, was indicted for the murder of her female bastard child, by cutting its throat in 1757. She was also in denial until the baby was found underneath a bolster with its throat cut. Her defence argued that the throat was cut whilst disentangling the umbilical cord.

The midwife was asked,

*“Supposing the child in the delivery was to be very difficult in coming from the mother, and the mother should attempt to cut the navel-string, might not she cut the throat through mistake?”*

Answer.

*“I can’t say anything to that; I never met with any instance of that sort”.*

*“Have not children sometimes their navel-strings wrap’d round their necks in their birth?”*

Answer,

*“Very often; the umbilical vein was cut within an inch and a half, or two inches of the body.”*

Despite excellent references she was found guilty and hung.

### ELIZABETH HARRIS<sup>37</sup>

In 1781 Elizabeth Harris, a child nurse was charged with infanticide. In this case the accused is married. The extent of denial is less clear but she declines offers of help and delivers her own baby which is found in a box in her bedroom, by a midwife. The midwife asks, "Why she had cut its throat?" She cried very much and said, "She did not". Asked what she had done with the scissors? She replied that she had made use of them to disentangle the child.

Questions in court to the midwife,

*Could you form any judgment, from the appearance of the woman, whether she had had a difficult or an entangled labour? - No, I could not form any judgment; but it is likely she might, for want of assistance.*

*But if she had been in the situation she described to you, with the child much entangled, and without assistance, must she not have been in great pain and agony? - To be sure she must.*

*When children in the birth are entangled with the string, is it not usually about the neck? - Yes.*

*If the child had been so entangled, from your observation of the wound upon the neck of the child, was it or not possible that that wound might have happened in her attempt to extricate it? - It is very possible, and very probable, that she might not be capable, at that time, of knowing what she did in her extremity.*

*Am I to understand you, that, if the child was so entangled with the string about its neck, it is possible that that wound might have been given in the attempt to disentangle it? - It might with an unskilful woman; especially with her, if she was not in her senses.*

*I believe it is not an unusual thing for children to be entangled about the neck? - It is very common.*

*Do you recollect anything else that is material? - No farther than that, while I was with her, she appeared sometimes to be delirious.*

Found not guilty.

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I would be most interested if anyone can add any further information particularly regarding the medical issues: [michael@wharnie.plus.com](mailto:michael@wharnie.plus.com)

## APPENDIX

DEATH CERTIFICATE. Her age is given as 62 although she was a month short of her 60th birthday. Her occupation is given as, "Single from near Sheffield". Cause of death, chronic disorganisation of the brain and bronchitis.

The notebook held at Stanley suggesting Esther's burial place to be at the east of the church 18th March 1869

Nine years later we have a more sympathetic approach. Sheffield & Ind 26.01.1839. (coincidentally the child killed by fire was a John Charles Dyson, a child of my grt grt grandparents Patrick and Mary. Buried in an unmarked grave at Stannington).

23.02.1839