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## Case Shined First Light on Abuse of Children

By HOWARD MARKEL, M.D.

“Mamma has been in the habit of whipping and beating me almost every day,” the little girl testified. “She used to whip me with a twisted whip — a rawhide.

“I have now on my head two black-and-blue marks which were made by Mamma with the whip, and a cut on the left side of my forehead which was made by a pair of scissors in Mamma’s hand; she struck me with the scissors and cut me. ... I never dared speak to anybody, because if I did I would get whipped.”

If the words sound depressingly familiar, it is because they could have come from any number of recent news accounts — or, for that matter, popular entertainment, like the recently opened movie [“Precious,”](#) which depicts the emotional and sexual abuse of a Harlem girl.

In fact, though, the quotation is from the 1874 case of Mary Ellen McCormack, below, a self-possessed 10-year-old who lived on West 41st Street, in the Hell’s Kitchen section of Manhattan. It was Mary Ellen who finally put a human face on child abuse — and prompted a reformers’ crusade to prevent it and to protect its victims, an effort that continues to this day.

Tellingly, the case was brought by the American Society for the Prevention of Cruelty to *Animals*. In 1874, there were no laws protecting children from [physical abuse](#) from their parents. It was an era of “spare the rod and spoil the child,” and parents routinely meted out painful and damaging [punishment](#) without comment or penalty.

Mary Ellen had been orphaned as a baby. Her father, Thomas Wilson, was a Union soldier who died in the Second Battle of Cold Harbor, in Virginia. Her mother, Frances, boarded the baby with a woman living on Mulberry

Bend, on the Lower East Side, while working double shifts as a laundress at the St. Nicholas Hotel.

This arrangement cost \$2 a week, consuming her entire widow's pension. When she lost her job, she could no longer afford to care for her daughter and was forced to send her to the city orphanage on Blackwells Island.

A few years later, Mary Ellen was adopted by a Manhattan couple, Thomas and Mary McCormack. But Thomas died soon after the adoption, and his widow married Francis Connolly. Unhappy and overburdened, the adoptive mother took to physically abusing Mary Ellen.

Sometime in late 1873, the severely battered and neglected child attracted the attention of her neighbors. They complained to the Department of Public Charities and Correction, which administered the city's almshouse, workhouse, insane asylums, orphanages, jails and public [hospitals](#). Even the hard-boiled investigator assigned to Mary Ellen's case, Etta Angell Wheeler, was shocked and became inspired to do something.

Frustrated by the lack of child-protection laws, Wheeler approached the A.S.P.C.A. It proved to be a shrewd move. Mary Ellen's plight captured the imagination of the society's founder, Henry Bergh, who saw the girl — like the horses he routinely saved from violent stable owners — as a vulnerable member of the animal kingdom needing the protection of the state.

Bergh recruited a prominent lawyer, Elbridge Gerry (grandson of the politician who gave his name to gerrymandering), who took the case to the New York State Supreme Court. Applying a novel use of [habeas corpus](#), Gerry argued there was good reason to believe that Mary Ellen would be subjected to irreparable harm unless she was removed from her home.

Judge Abraham R. Lawrence ordered the child brought into the courtroom. Her heart-wrenching testimony was featured in The New York Times the next day, April 10, 1874, under the subheading [“Inhuman Treatment of a Little Waif.”](#)

“She is a bright little girl,” the article said, “with features indicating unusual mental capacity, but with a careworn, stunted and prematurely old look.

Her apparent condition of health, as well as her scanty wardrobe, indicated that no change of custody or condition could be much for the worse.”

Ms. Connolly was charged and found guilty of several counts of assault and battery. Mary Ellen never returned to her adoptive home, but her temporary placement in a home for delinquent teenagers was not much of an improvement. In a lifesaving act of kindness, Etta Wheeler, her mother and her sister volunteered to raise Mary Ellen in bucolic North Chili, N.Y., outside Rochester.

At 24, Mary Ellen married Louis Schutt. The couple had two children of their own, along with three children of Schutt’s from a previous marriage, and Mary Ellen passed on her good fortune by adopting an orphan girl. By all accounts, she was a superb and caring mother. She died in 1956, at 92.

Mary Ellen’s case led Bergh, Gerry and the philanthropist John D. Wright to found the [New York Society for the Prevention of Cruelty to Children](#) in December 1874. It was believed to be the first child protective agency in the world.

In the years since, the society has helped rescue thousands of battered children, created shelters to care for them and, working with similar groups and agencies in cities across the nation, instituted laws that punish abusive parents.

Gone are the days when beasts of burden enjoyed more legal protection than children. In recent years, a broad spectrum of programs, diagnostic and reporting protocols, safe houses and legal protections have been developed to protect physically or sexually abused children.

But every day, at least three children die in the United States as a result of parental mistreatment. Many more remain out of sight and in harm’s way. Mary Ellen’s story reminds us of a simple equation: How much our society values its children can be measured by how well they are treated and protected.

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