

Cambridge Independent Saturday 5 December 1846

**DEATH PRODUCED BY SLEEPING IN A DAMP BED AT THE SPINNING HOUSE.**

INQUEST ON THE BODY OF ELIZABETH HOWE.

*On Thursday last, an inquest was holden at the Old Gentleman<sup>1</sup>, before Mr. C. H. Cooper, coroner, on view of the body of Elisabeth Howe, unfortunate girl, who had been living in Barnwell. There were 18 persons of the jury, and a good deal of interest was excited in the town, consequence it being understood that death resulted from the deceased having caught a violent cold at the Spinning-house<sup>2</sup>, by being put into a damp bed. The Rev. Mr. Kingsley, of Sidney College, the Junior Proctor, was present during the examination.*

*The Jury having been sworn, the Coroner at once commenced with the examination of Mr. Newby<sup>3</sup>, surgeon, who stated that he was called in to attend the deceased on Wednesday last: her complaint was rheumatic fever, and she was unable to move; her pulse was beating 120 minute ; she told him that she had been put in the Spinning house where she had slept in a damp bed; she stopped there, however, only one night, and was liberated in the morning ; he considered the cause of her death to be rheumatic fever.*

*Edward Wilson, examined: I have recently kept the Spinning-house ; Elisabeth Howe was never committed to my custody but once, which was on the evening of the 6th November, about half past eight; she was brought there by the Rev. Mr. Kingslev, one of the proctors ; another girl named King was brought with her; they were put the same ward; they slept together; the beds are good flock beds, as good as any poor people could wish to lie upon ; they have three blankets and a counterpane and no sheets; the bed room holds but two ; if girls choose to lie separately, I accommodate them ; the windows of that room are cased with iron ; they are about 2ft 3ins in size ; one of the iron casements has a piece glass to admit light; the whole used be glass, but the girls break them, and now the window is sheet iron except a square ; half the window will open ; this square was not broken the night the deceased came in: the room is well protected from the weather; two girls named Green and Wright slept in the same bed on the 4th November, but I cannot say if it was occupied on the 5th ; I saw deceased on the morning of the 7th, about eight o'clock ; she did not complain of illness to me, but she did to my servant girl, and she ought to be here; I want nothing but the truth; why is my girl not here ?*

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<sup>1</sup> This is presumable the Old English Gentleman, 120 Fitzroy Street

<sup>2</sup> The Spinning House

<sup>3</sup> This would have been Charles Newby of Regent Street, born 1798, described in 1851 census as surgeon

*The Coroner : I am sorry to have to reprimand you ; but I would thank you to give your evidence without making a speech. Any witness you like you will have an opportunity of bringing forward; for the inquiry will not terminate to-day ; and any explanation you may have to offer will be listened to.*

*Examination continued: The deceased complained to my servant, Eliza Patten, of illness; I believed the deceased had breakfast, it was provided for her; she was discharged the same morning, after being taken before the Vice-Chancellor, but I cannot recollect the exact time. [The witness now produced the entries of the girl having been taken to the Spinning-house, of which the following is an extract: "Elizabeth Howe, 19; parish of Fulbourn ; father and mother live at Fulbourn ; sister is apprentice to Miss Canham, a milliner ; last situation at Miss Milner's, Parkers Piece. Dates of former apprehensions, May 12, 1844; Oct. 31, March 12, 1846; May 9, 1846 ; Nov. 6, 1846; present residence, 7, Union-row ; charges, streetwalking; punishment, admonished and discharged, on promising to return to Fulbourn" Witness : I have nothing further to state.*

*By the Coroner : If it is a wet night, there is generally a fire. I believe there was no fire on the night of the 6th November. She had no refreshment that evening; she was tipsy; at least, she told my servant she was "lushy" but she did not appear to me to be intoxicated.*

*By a Juryman: Sometimes the girls sit an hour before a fire before they go to bed. In the same ward, that is, an adjoining room, there is generally a fire; there had been a day or two before hand; the rooms are boarded, and on the same floor.*

*By the Coroner : I believe the 6th of November was very fine weather; they have sevenpence a-day each, with a pint of beer, and soap extra; they are allowed buy other food if they have money.*

*By Juror: I am acting both for Mr. Wright and the University.*

*The mother of the deceased wished to give her evidence, and to be allowed to carry the body away. She seemed a very respectable looking country woman, and was much affected.*

*The Coroner said he would hear the evidence ; the body might he buried, but the funeral must take place in the town. She was then sworn, and gave evidence as follows:*

*I am the mother of nine children; my husband is a labourer ; I had letter from mv daughter to say she was ill; but what day it was I don't know ; she was at*

*home with me all summer ; she came Cambridge a month ago last Monday (2nd November). She was ill at times in the summer, with pains in the back and head ; when she went to Cambridge she was in pretty good health ; I was quite pleased to see her so.*

*Coroner: You can have a warrant for burial, for Cambridge.*

*Witness : My husband is anxious to see her before she is buried ; and have her placed in the same churchyard, besides three others of our children.*

*Coroner: Very well; I will adjourn the inquest till tomorrow evening, at six o'clock ; when it will, no doubt, be terminated ; and then you can have the body.*

*The Jury then adjourned to the Town Gaol, to hear the evidence of Elisa Green, who was committed for disorderly conduct week ago, and who was too ill to be removed. She was committed to the Spinning-house on the 4th of November, and was confined there a week ; was taken to the night-ward; does not know that the bed was damp ; but the ward was very cold ; the next morning was taken before the Vice-Chancellor, and committed for week ; did not sleep the same room again, but in a top ward; had two blankets and a rug; the beds were very good; was very well before she went to the Spinning-house, but since she came has has been dangerously ill; was taken ill two days afterwards. The then left the gaol to examine the Spinning-house, after which the inquiry was adjourned until six o'clock last evening.*

*FRIDAY.*

*The Jury assembled this evening at six o'clock, in the Council Chamber, at the Town-hall; Mr. Cooper again acting as Coroner. There were several members of University present, on the Alderman's Bench as well as the Mayor and Ald. Deighton; there were also many other persons in the body of the Court.*

*The Rev. Mr. Kingsley was first examined: I am one of the Proctors; I recollect apprehending Elizabeth Howe by reverting to the book, not memory; she was apprehended in Hobson's street; she was not behaving disorderly or indecently : I apprehended her because the constables, who were with me, knew her to be a prostitute; it was between 8 and 9 o'clock. I did not know she was a prostitute my own knowledge ; she went quietly; I but partially acquainted with the internal arrangements of the Spinning house ; it appears to a proper place to confine females; I don't know how females are accommodated in gnoj.*

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Coroner: Have you instructions to your duties, better than the statutes of the University? Witness: I refuse to answer. Coroner: You trust, Sir; I have my duty to perform which, Judge of this Court. I will perform. Witness: I have no other instructions; I have never read the charter of Queen Elizabeth, giving the University power to apprehend disorderly persons deceased was reprimanded the next morning and discharged; the deceased came quietly I recommended her discharge to the Vice-Chancellor; one other girl with her, who did not go orderly; there is no member\* of the University their company when we apprehended them. By Juror: I am not certain that I have seen the tetter of the cell; I believe I was a few days ago; I merely deliver her to the keeper; the glass was broken the last time I saw the cell; I believe the University have power to cause the apprehension of persons in the street, although they may not be misbehaving themselves. Eliza Wright, who was very ill, said: I live at 33. Cannon-row, I was in the Spinning-house on the fifth of November; I was taken the fourth; I was locked up in a small cell, where there are only two bed-rooms; I was myself; the bed was not made; I could not see to make it; so I laid down with my clothes on; the bed clothes were very damp; they consisted of three blankets and 1 quilt; I was not ill when I was taken to Spinning, house; but when I was there I was very ill, with bad cold and pain in bones; Eliza Green was brought in the Spinning-house when I was there: we both asked Willson for fire, said he would not have fire for two girls I knew Elizabeth Howe; I saw her the morning she got out of the Spinning house; she looked cold and put her hands to her chest if she were full. I saw her afterwards the house where she was lodging; but she was not sensible then. The breakfast for Green and me was half a quarter loaf, and 2d. of butter; we complained of the quality of the butter; had no drink; we gave 4d. for the loaf, the food is supplied by Willson: the two penny of butter was just the size we get for penny out the house; there was pane in the window when we slept there. there was no utensil in the bed-room; there were no chairs or a lamp very unwell now, and have ever since left the house. Ate Walsh: I was committed to the King's Bench the 1st of November was there the and saw how\* when the cane in and when she went out. she said she complained a dreadful cold; she did not complain the previous night; bed was very damp when I went to bed when I was to the I had not a dry thread about me; they gave me no dry clothes; nor was there fire the since the beginning of this term: have we a day, the girls sometimes break the window of the bed-room. By Juror. resisted when I was taken; and I conceived a total insensibility; when I was being the street, they poured water over me to make me thus I became wet; the proctor ordered the hangings to be taken off me and to me something warm, 11. was not done: the girls afterwards told me this order I being insensible did not hear it; I slept when I was taken; two prisoners were with me that I understood yesterday that bed rioters were taken up but the keeper said was impossible; I am sure they are not. King: I believe No. 11. recollect Mr. taking me. and also Howe being taken up.



do?' She said, 'Quite well, thank you, only I have a bad cold;' I knew she had been ill at home all summer ; I told my master that night of this conversation.

Coroner : Well, Mr. Willson, this witness does not improve your case.

Mr. Willson : I do not recollect that she did; it was the next morning.

Witness : Yes ; it was the next morning.

Coroner : Take care, young woman, or I shall not believe you. You say she was ill all summer ; we have different testimony from her mother.

Coroner: Well, I will take it as you say; you did not tell your master that night. Now, why didn't you - you knew she had been ill all the summer, and yet you did not tell your master. Was she drunk?

Witness : She told me that she was lousy ; I believe she was drunk.

Coroner : The Proctor says she was sober; your mother says she was sober. Now, what do you believe?

Girl: I believe she was sober.

Coroner : You are, I afraid, a very bad girl.

Willson : I never caught her in a lie in my life ; I have lived in this town 55 years, and nothing can be brought against me. Now ask the girl as to the beds.

Witness: I am convinced that the beds are not damp. Elizabeth Howe was very hoarse when she came in; she came from the same place that I do ; I make the beds sometimes ; I never observed that the beds were damp; I often take a pan of coals and warm them ; I have had no conversation with my master upon this subject.

Mr. Willson: Yesterday Mr. Champion told he did not believe me on my oath. If I had been ten years younger, \_

Coronet: Well, well, never mind about that. If you have any statement to make you can do so.

Willson then described how girls were brought by the Proctors, and reiterated that he did not know that Elizabeth Howe was ill when she came. He then said the Doctor, of Fulbourn, would prove-

*Coroner : You bring the Doctor from Fulbourn here, we will hear him.*

*Willson : I believe the girl was sober.*

*Coroner: It is quite immaterial whether she was or not. If she were, the more care ought to have been taken of her.*

*Emma Osborne: I was the Spinning-house three week in November; I was there when Elizabeth Howe was brought in, but not in the same cell. I suffered a great deal from cold, when I came out I thought I should have lost the use of my limbs ; the first night there was no convenience in the room ; when Elizabeth Howe was brought in, I said to Mr Willson who is it? He said Elizabeth Howe ; my servant knows her, but she (Howe) turns her head away and won't speak to her ; the night before she died, I was sent to Mr. Lyon's for some medicine for her; I was going from there to Mr. Newby to tell him that Elizabeth was worse, when was stopped by a Proctor ; I told him what my errand was, but he did not believe me, and bade me go home ; I offered to satisfy him if liked to go with me ; I wish to complain of the treatment we experience at the Spinning-house ; potatoes are not fit to eat.*

*Coroner: Potatoes are generally bad.*

*Witness: We never have tea ; we can't afford it for half the time we live on dry bread. We are allowed a pint of small beer, but it stinks sometimes; we can buy things if we have money, but few girls have the good fortune to go in the Spinning-house with money.*

*Eliza Cook : I was taken to the Spinning-house three weeks ago, by Mr. Kingsley ; I was put in a cell next to where Elizabeth Howe slept; the bed was very damp; I caught a bad cold and cough, in consequence of sleeping there; I was ill when I went in, but much worse when I came out; I was committed for a fortnight, but being very ill, went in again ; the Proctor told me that the room had been ventilated ; I saw Elizabeth Howe come out of the Spinning-house ; she told she was so ill she did not know what to do, she believed she had been sleeping in a damp bed.*

*Coroner : Gentlemen of the Jury, you examined the bed at the Spinning-house yesterday, one of you can give evidence upon the state in which you found them.*

*Mr. Branton (a Juryman): We examined the two beds : they were very damp ; we only found two blankets and a rug ; the rug was was not so damp as the blankets ; the beds were not so long the mattresses by two feet; there was no glasses in the windows in any of the cells ; the windows are blocked in iron shutters, with a little square left in the middle, in neither of which was glass ;*

*we also found the iron shutters where the beds are did not fit close, so that a great draught is admitted which comes directly on the head of the bed ; we considered the walls of the cells damp ; I asked the keeper how long the glass had been out of the windows ; he said six or eight days ; the rooms were tolerably clean.*

*Mr. Willson: When I went there first there were only two blankets allowed ; thought that not sufficient and applied for an extra one, which was granted. When some of the beds are not occupied I let them have an extra blanket and counterpane.*

*The Coroner called the attention of the jury to the evidence, observing that they would have to say, first, - whether they were satisfied that death had resulted from exposure to the weather whilst confined in the Spinning-house ; and secondly, if they were so satisfied, whether any party was criminally culpable. Although several things had come out in the course of the inquiry which had induced them think that Willson, the keeper, was not kind and humane as could be wished to the unfortunate creatures under his charge, yet it was but fair to him to bear in mind that the cold which the deceased suffered was in some degree caused by the shutter being open all night. It did not appear that Willson knew this. Had it so appeared, he (the Coroner) had no hesitation in saying that the case against him would have assumed a very serious aspect. The circumstances under which deceased was apprehended were these : She was, beyond all doubt, a person coming within the description of common prostitute ; but appeared distinctly, that at the time she was apprehended she was not conducting herself disorderly or indecently. As regards prostitutes misconducting themselves, the Legislature had provided that they should be deemed idle and disorderly persons, and punishable such under the Vagrant Act; but the University officers claimed the extraordinary power of apprehending without warrant any prostitute whatever found within the town or precincts Cambridge. Mr. Kingsley stated that he believed the University officer had the power do this but referred to no authority, and stated it only matter of opinion. This power was really claimed under Charter of Queen Elizabeth, granted to the University in 1561,*

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by which she empowered the Masters, and Scholars, by themselves or their deputies, officers, servants, and ministers, from time to time, well by day as by night at their pleasure, to make scrutiny, search, and inquisition in the town and suburbs, and Barnwell and Sturbridge, for all comenwo men, bawds, vagabonds, and other suspected persons coming or resorting to the town and suburbs, the said lairs, and punish-all whom on such scrutiny, search, and inquisition, they should find guilty or suspected of evil, by imprisonment of their bodies, banishment, or otherwise, as the Chancellor or

his vicegerent should deem fit. This grant was clearly bad of common law, but ten years afterwards the University claimed an Act of Parliament which it was confirmed in most ample manner ; and effect, the Charter became an Act of Parliament. Large the power granted was, (the Coroner) had great doubts if its powers were ample enough justify an arrest without warrant; but still looking the practice which had prevailed for many years, he was not prepared to charge the jury that point of law the arrest of the deceased was clearly illegal. If it were, it would involve Mr. Kingsley in charge of manslaughter, inasmuch it would a violation of the liberty of the subject and the law was, that if death resulted, though unavoidably from a trespass, the trespasser was guilty of manslaughter. It would, however, be most inconvenient that question to the construction of a doubtful charter should be raised in such manner. was averse to stretching to criminal law in cases where there was no culpable intent, and if the relatives of the deceased thought proper, the question might be raised, under an Act of Parliament passed last session, under which action could brought, for wrongful act, although the party wronged died ; and, although such wrongful act amounted in law to a felony! sincerely hoped that what he stated would induce the officers of the University to take the opinion of their able and learned legal advisers as to the construction the charter in question, and as a well-wisher to the University, should be rejoiced to find that the result of this inquiry was the abandonment of a practice which was most repugnant the spirit of freedom, which formed the boost of modern times, and which he firmly believed was in degree necessary for the preservation of peace and good order. Indeed, its exercise was constantly causing outrage, riot, and bad feeling. The discipline of University could be amply preserved the provisions of the Vagrant Act, to which he had alluded. The Coroner then referred to the place which the deceased had been confined. That place was notoriously improper for the confinement of women, and the evidence adduced fully shewed the miseries to which the poor creatures who were committed there were subjected. they must be sent to prison, why could not they be sent to the Town or County Gaols, which were under the care of the most humane men, and under the constant inspection and supervision of the Magistracy. By the University Charter of Elizabeth, they had power commit delinquents to it of these prisons. One irregularity of a very gross character had appeared in the course of the inquiry, to which he must particularly allude. It appeared that the keeper was allowed to sell provisions, although this was expressly prohibited by the 6th Geo<sup>ap</sup>' 64 ' The Spinning-horse was in short a P<sup>nd</sup> ' "usance, -Wch imperatively called for immediate abatement. This was strong language, but used it advisedly and without reference the circum- J<sup>e</sup> If Thomas Hobson, the benevolent individual who founded this house endowed it, for purpose of doing good the University and Town, could rise from his grave. he would shrink with horror at finding that his well-intentioned foundation was perverted the purpose\* which had been disclosed in evidence. If the result of this inquiry should

call the attention the of the University to the scenes of misery be found in an establishment under the care of its officer\*, much good would be effected, i The law was, that if a gaoler far ill treated his prisoner that death ensued, it would murder or manslaughter, according the circumstances and according: the degree of duress used ; but looking at all the circumstances of the case, he could hardly think that they would be justified in returning a verdict which would affect William. The fault appeared to him rather in the system than in the individual. Those who died in gaols were under the especial protection of the law, and in all such cases an inquest was indispensably necessary from whatever cause death might have arisen\*, j So in all cases which it was suggested that the cause of death was to be traced to confinement in prison, an inquest appeared to him to be called for. He felt that the jury would give the case their impartial and cool consideration, with no bias against any party, but with a determination not to shield any party, he | whom might, whom in their judgment they might think culpable. had been induced to make the enquiries which led to the inquest, in consequence of representations made to him by a member of the University,

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*who had desired that his name might not be disclosed, but whose information upon further enquiry, proved to be substantially correct.*

*Verdict. "We find that Elizabeth Howe died of Rheumatic Fever, caused by violent cold caught at the Spinning-house, on the night of the 6th of November, she having been conveyed thither in the custody of William Towler Kingsley, Proctor of the University, and confined for that night in a cold and damp cell, from the effects of which she died. The Jury cannot separate without expressing their abhorrence at a system which sanctions the apprehension of females when not offending against the general law of the land, and confining them in a gaol unfit for the worst of felons. The Jury also request the Coroner forward a report of the whole of the proceedings to the Secretary State for the Home Department. "*