

Circumstantial evidence : The extraordinary case of Eliza Fenning, who was executed in 1815, for attempting to poison the family of Orlibar Turner, by mixing arsenic in yeast dumplings. With a statement of facts, since developed tending to prove her innocence of the crime.

Contributors

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CIRCUMSTANTIAL EVIDENCE.

THE EXTRAORDINARY CASE

OF

ELIZA FENNING,

WHO WAS EXECUTED IN 1815,

*For Attempting to Poison the Family of Orlibar Turner, by Mixing
Arsenic in Yeast Dumplings.*

WITH

A STATEMENT OF FACTS,

SINCE DEVELOPED, TENDING TO PROVE

HER INNOCENCE OF THE CRIME.



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CASE OF ELIZA FENNING.

THE Trial and Execution of Eliza Fenning, in 1815, for an attempt to poison the family of Mr. Turner, the Law-stationer, will be in the recollection of most of our readers. The event excited great attention and interest at the time, on account of the conviction having taken place on circumstantial evidence only, and the powerful asseverations of innocence on the part of the unhappy woman, up to the very moment of her death. At that time a large portion of the public thought her wrongfully condemned, and some of the newspapers espoused her cause very warmly; but, after a patient and impartial trial, and a subsequent investigation before the privy council, the evidence was considered too strong to leave a doubt of her guilt; and she was executed. Years passed away without there appearing any reason to doubt the justice of the verdict; but fresh interest has been lately given to the subject, by a report that has been circulated, charging another with the dreadful deed; and it is, therefore, thought that a reprint of the trial will be acceptable, as the first of a series of extraordinary Convictions on Circumstantial Evidence, intended to be given in the Universal Pamphleteer.

On Thursday, March 30, 1815, Eliza Fenning underwent an examination at the Public Office, Hatton Garden, charged with attempting to poison the family of Mr. Turner, Law-stationer, No. 68, Chancery Lane, on the 21st day of that month.

Orlibar Turner deposed, that on Tuesday, the 21st of March, he dined at his house in Chancery Lane, with

his son and daughter-in-law; they had some yeast dumplings, with rump-steaks and potatoes. They had nearly dined, when Mrs. Charlotte Turner retired to her room above stairs, and upon inquiry they found her complaining of violent sickness. Robert Turner and himself were soon afterwards taken very ill, and vomited dreadfully. The apprentice, Roger Gadsden, went into the kitchen, and, seeing the remnant of the dumplings, was desirous of eating a part of them, but the prisoner, Eliza Fenning, endeavoured to dissuade him from it, by saying they were cold and heavy, and would do him no good: he however did eat a small portion of them, and was afterwards seized with violent vomitings also. The prisoner made no inquiry, nor did she do any thing to assist, but partook afterwards of the same dumplings, although she had had her dinner before, and was in consequence seized with similar vomiting. Having suspicion, he endeavoured to find arsenic in the house, but failed in so doing. A quantity of arsenic had for many months been deposited in a drawer in the office, tied up in wrappers, and written on "arsenic, deadly poison," which had been missed about three weeks. This was kept to be occasionally used to destroy mice, in the office drawers, where parchments and papers of consequence were deposited. Witness went into the kitchen, where seeing a brown dish or pan, in which the dumplings had been mixed, with water in it, he immediately examined it, and discovered, at the bottom of the dish, a powder, which appeared to have

separated from the dough, which had remained in the dish. He took the dish, with its contents, and kept it for the examination of Mr. Marshall and Mr. Ogilvy, two medical gentlemen. The prisoner admitted that no one but herself made the said dumplings.

John Marshall, a surgeon, deposed, that he was called to the family of Mr. Turner on the above day. He found the prisoner, Eliza Fenning, lying on the stairs, apparently in great agony, and was informed she had vomited much. Witness was satisfied from the symptoms he saw in Mr. and Mrs. Robert Turner, Mr. Orlibar Turner, the prisoner Eliza Fenning, and the apprentice, that they were affected by poison. He had examined the dish and its contents, and found a quantity of arsenic at the bottom of it.

Charlotte Turner, the wife of Robert Turner, deposed, that the prisoner had lived with her about six weeks as cook. About three weeks ago witness had some dispute with the prisoner, on account of some indelicacy in her conduct, and gave her warning to quit, but afterwards took compassion on her, and changed her mind. The prisoner had frequently, within the last fortnight, teased her to let her make some dumplings for dinner, adding "you cannot believe how well I can make them." Monday, the 20th, she told witness that the brewer had brought some yeast, which she ordered without witness's desiring her. Witness, in consequence, ordered her to make the dumplings she had been so long talking of, for next day's dinner. Witness saw the dough after she had mixed it up, and firmly believed the deleterious ingredients were then mixed in it, from its appearance being flat, black, and heavy.

Sarah Peer, the housemaid, deposed, that she had lived eleven

months in Mr. Turner's family; she recollected hearing the prisoner say, after her mistress gave her warning, that she should never like them any more.

Upon this evidence, Eliza Fenning was committed for trial, to the Old Bailey; and on Tuesday, April 11, she was tried before Sir John Silvester, the Recorder. The following is a correct abstract of the evidence:—

Charlotte Turner sworn.—I am the wife of Robert Gregson Turner; his father, Mr. Orlibar Turner, is his partner: he lives at Lambeth. The prisoner came into my service about seven weeks before the accident.

Q. After she came into your service, had you occasion to reprove her?—A. I had, about three weeks after she came.

Q. What was the reason that you reproved her?—A. I observed her one night go into the young men's room partly undressed. I said it was very indecent of her to go into the young men's room undressed.

Q. What age were the young men?—A. About seventeen or eighteen years old.

Q. What was her conduct after that for the remaining month?—A. I observed her fail in the respect that she before paid me, and she appeared extremely sullen.

Q. Did she, after this, say anything to you on the subject of yeast dumplings?—A. She did: a fortnight before the transaction, she requested me to let her make some yeast dumplings, saying she was a capital hand. That request was very frequently made. On Monday, the 20th of March, she came into the dining-room, and said the brewer had brought some yeast.

Q. Had you given any order to the brewer to bring any yeast?—A. Oh, no. I told her I did not wish to trouble the man—that was not the way I had them made: I generally

had the dough of the baker, which saved the cook a good deal of trouble, and was always considered best; but, as the man had brought a little yeast, on the next day she might make some. On Tuesday morning, the 21st, I went, as usual, into the kitchen. I told her she might make some, but, before she made the dumplings, to make a beef-steak pie for the dinner of the young men; and, as she would have to leave the kitchen to get the steaks, I did not wish her to do so after the dumplings were made. I told her I wished them to be mixed with milk and water; she said she would do them as I desired her. This was about half-past eleven: she carried the pie to the baker's before the kneading of the dough commenced. I told her, I wished her not to knead the dough, that she might carry the pie to the baker's. She carried the pie to the baker's at near twelve; I went into the kitchen after she had been to the baker's; I gave directions about making the dough; I said, I suppose there is no occasion for my stopping; she said,—oh, no, she knew very well how to do it; then I went up stairs; in about half an hour I went into the kitchen again; I then found the dough made; it was set before the fire to rise.

Q. What other servant have you? —A. Another maid; her name is Sarah Peer; at the time that the dough was made, I had given Sarah Peer orders to go into the bed-room to repair a counterpane. I am certain that during the time the dough was made no person was in the kitchen but the prisoner; this was about half-past twelve; we dine at three, the young men at two. From half-past twelve till three I was in the kitchen two or three times, until the dough was made up into dumplings.

Q. Where was the dough?—A. It remained in a pan before the fire to

rise; I observed it never did rise. I took off the cloth, and looked at it. My observation was, it had not risen, and it was in a very singular position, in which position it remained until it was divided into dumplings. It was not put into the pan as I have seen dough; its shape was singular; it retained that shape till the last; I am confident it never was meddled with after it had been put there.

Q. Who sat down to dinner with you? —A. Mr. Orlibar Turner and my husband. I helped Mr. Orlibar Turner and my husband to some dumpling, and took a small piece myself. In a few minutes I found myself affected in the stomach; I did not eat a quarter of a dumpling; I felt myself very faint, and an extreme burning pain, which increased every minute.

Jury. You eat nothing else?—

A. I eat a bit of beef-steak that the prisoner had cooked. When I went up-stairs I perceived my sickness had increased, and my head was swollen extremely. I retched very violently; I wondered none of the family came up to my assistance; I was half an hour alone. When I came down, I found my husband's father and my husband very bad.

Orlibar Turner sworn. Q. Did you eat of the dumplings?—A. I did. I was taken ill in less than three minutes afterwards; the effect was so violent, that I had hardly time to get into the yard before my dinner came up. I felt considerable heat across my stomach and chest, and pain.

Q. Did the prisoner give any of you any assistance while you were sick?—A. None in the least.

Q. Did you observe whether the prisoner eat any dumplings?—A. I did not; I had suspicion of arsenic; I made a search the next morning; I found a brown dish or a pan that the dumplings had been mixed in; there appeared to be the leavings of

the dumplings in it; I put some water into the pan, and stirred it up with a spoon, with a view to form a liquid of the whole. Upon the pan being set down for half a minute, and my taking it up slowly, in a slanting direction, I discovered a white powder at the bottom; I showed it to several persons in the house; I kept it in my custody, and showed it to Mr. Marshall, when he came; no person had access to it.

Q. Had you any arsenic?—A. Yes: I kept it in a drawer in the office; any person might have access to it.

Q. Do you happen to know whether the prisoner can read?—A. I believe she can read and write.

Q. (To Mrs. Turner.) Is that so?—A. She can read and write very well.

Q. (To Mr. Turner.) Was that drawer locked or open?—A. It always remained open.

Q. Who lit the fire in that office, do you know?—A. It was the prisoner's duty to do so; she might properly resort to that drawer for paper to light her fire. I saw the paper of arsenic in that drawer on the 7th of March, but never after that time; I heard of its being missed about a fortnight before the 21st of March. I observed that the knives and forks we had to eat the dumplings with were black; there was no vinegar at all in the sauce. I have two of them in my pocket to show. (*Witness produced two of the knives.*) On the next day I asked the prisoner how she came to introduce any ingredients into the dumplings that were so prejudicial to us. She replied that it was not in the dumplings, but that it was in the milk that Sarah Peer brought in. I had several discourses with her on that day upon this subject; during the whole of which, she persisted that it was the milk, as before described. That milk had been used for the sauce only: the prisoner made the dumplings with the refuse of the milk that had been left at breakfast. I asked the prisoner if any person but herself had mixed or had anything to do with the dumplings; she expressly said, no.

Mr. Alley. Q. In the conversation you had with the prisoner, did you tell her that you had missed the poison?—A. I did not.

Roger Gadsden sworn.—I am an apprentice to Mr. Turner. Q. Do you remember seeing in the office a paper with "arsenic, deadly poison," written upon it?—A. I do, sir: the last day I saw it was on Tuesday, the 7th of March. I missed it in a day or two afterwards; I mentioned in the office that I had missed it. On Tuesday, the 21st of March, I went into the kitchen between three and four in the afternoon; I had dined at two; I observed there a plate on the table with a dumpling and a half; I took a knife and fork up, and was going to cut it to eat it; the prisoner exclaimed, "Gadsden, do not eat that,—it is cold and heavy, it will do you no good." I ate a piece about as big as a walnut; there was a small quantity of sauce in the boat; I put a bit of bread in it, sopped it up, and eat it. I was taken ill about ten minutes afterwards, but not so ill as to vomit. In consequence of the distress the family were in, I was sent off to Mrs. Turner, the mother; I was very sick going and coming back; I thought I should die.

Q. Who made the fire in the office?—A. The prisoner; nobody could get into the office until I did; any person might go into the office in the day; at night it was locked; loose paper was kept in the drawer where the arsenic was kept.

Margaret Turner sworn.—Upon this melancholy occasion I was sent for; when I arrived, I found my husband, son, and daughter, extremely ill, and soon after I came the prisoner was sick and vomiting; I exclaimed, "Oh these devilish dumplings," supposing they had done the mischief; she said, "Not the dumplings, but the milk, ma'am;" I asked her what milk she meant; she said the halfpenny-worth of milk that Sally had fetched to make the sauce.

Q. Did she say who had made the sauce?—A. Yes: my daughter. I said that cannot be,—it could not be the sauce; she said,—"Yes: Gadsden had but a very little bit of the dumpling, not bigger than a nut; but he had licked up three parts of a boat of sauce with a bit of bread, and had been ill in consequence."

Q. (To Mrs. Turner.) Was any of the sauce made with the milk that Sarah fetched?—A. It was; I mixed it, and left it for Eliza to make.

Robert Gregson Turner sworn.—Q. Did you partake of the dumplings?—A. Yes; I did.

Q. Did you eat any of the sauce?—A. None whatever. I was taken ill soon after dinner; I was extremely sick, exactly as my father and wife were.

Sarah Peer sworn.—Q. Do you remember the circumstance of warning being given to the prisoner, some time after she came?—A. I do, sir: after that I heard her say she should not like Mr. and Mrs. Robert Turner.

Q. On the morning of the 21st of March, did you go for any milk?—A. Yes; that was after two, after I had had my dinner; I eat beef-steak pie for my dinner; I never eat any of the dumplings; the same flour was used for the crust of the pie as for the dumplings.

Q. Had you any concern whatever in making the dough for the dumplings?—A. No, sir; nor the sauce; I was not in the kitchen when the dough was made; I had permission of my mistress to go out that afternoon; when I had taken the dumplings up I went directly.

William Thisselton sworn.—I took the prisoner into custody on the 23d of March. I asked her whether she suspected there was anything in the flour. She said, she had made a beef-steak pie that day with the same flour she had used for the dumplings; she said she thought it was in the yeast,—she saw a red sediment at the bottom of the yeast after she had used it.

Mr. Marshall, the surgeon, deposed to the fact of arsenic having been mixed in the dough.

The prisoner then delivered the following defence:—My lord, I am truly innocent of all the charge, as God is my witness; I am innocent, indeed I am; I liked my place, I was very comfortable: as to my master saying I did not assist him, I was too ill. I had no concern with the drawer at all; when I wanted a piece of paper, I always asked for it.

Court. (To Roger Gadsden.) You say the prisoner used to light the office fire?—A. She used. I and my fellow apprentice have seen her go to that drawer many times.

The prisoner called four witnesses, who gave her a good character.

The Recorder having summed up the evidence, the jury returned a verdict of—Guilty.

THE EXECUTION.

On Wednesday, July 26th, Eliza Fenning was executed, pursuant to her sentence, before the debtors' door, at Newgate. The morning was wet, gloomy, and disagreeable; but the unfavourable state of the weather did not prevent the accumulation of an immense crowd at an early hour.

She was neatly dressed in a white muslin gown, a handsome worked cap, and laced boots.

A few minutes before she ascended the scaffold, the Rev. Mr. Cotton, the ordinary of Newgate, asked her whether she had any communication to make; she paused for a moment, and then said, with firmness and strong emphasis, "Before the just and Almighty God, and by the faith of the holy sacrament I have taken, I am innocent of the offence with which I am charged." She afterwards said, in an indistinct tone of voice, what seemed to the by-standers to be,—“That the truth of the business would be disclosed in the course of the day.” The Rev. Mr. Cotton, anxious to learn, precisely, what she uttered, requested her to repeat her words. She then said,—“I am innocent, and I hope, in God, the truth may be disclosed in the course of the day.”

About a quarter before eight o'clock she ascended the platform with the same uniform firmness she had maintained throughout. She conducted herself with great propriety, and seemed perfectly resigned to her fate. On being asked in this sad and awful moment to confess her crime, she unhesitatingly declared, as she had done throughout her confinement, in the most solemn manner, her perfect innocence. She also expressed her perfect

resignation, and her confidence of entering the kingdom of Heaven. This she repeated while the executioner was preparing for the final event. The necessary preparations being made, at about twenty minutes before nine the signal was given that all was ready, and she was launched into eternity. The last words of Eliza Fenning, on being addressed by her religious attendant, were—"I know my situation, and may I never enter the kingdom of Heaven, to which I feel confident I am going, if I am not innocent."

The Recorder, we understand, held a consultation with the Lord Chancellor and the Secretary for the Home Department, on Tuesday, on the subject, in consequence of a representation from some gentlemen who had investigated the case in Newgate; but the evidence exhibited on the trial was deemed too conclusive to admit of mercy being extended to her.

Within the last few weeks, a paragraph has appeared in many of the newspapers, stating that the son of Mr. Turner had died lately in a hospital, after confessing that he had mixed the poison in the food prepared by Eliza Fenning, and was consequently guilty of the offence for which she suffered. Upon this statement, the Examiner newspaper of June 14, 1829, remarks—"We saw the paragraph alluded to, but know not whether its statement be correct. We think it very likely, because this we do know, that a son of the prosecutor, Turner, did on one occasion betray symptoms of insanity in the shop of Messrs. Corbyn, Holborn, where he went to purchase arsenic, and was refused by a gentleman of the establishment. This was not long previous to the affair of the alleged attempt to poison by Eliza Fenning; and when the unfortunate girl was so strangely found guilty by the jury, the gentleman alluded to thought it his duty to submit Mr. Turner's situation and conduct to the consideration of the Recorder Silvester. That man, however, had made up his mind, and nothing could move him. We took considerable pains at the

time to obtain all the testimony adduced, and our firm conviction was, that there was not sufficient evidence to convict. Arsenic was kept in the house, and some of it certainly found its way into the flour that Eliza Fenning had made into a pudding. Of this she partook, as well as Mrs. Turner and the children, and was extremely ill in consequence. She had occasionally quarrelled with her mistress upon common matters, but there appeared no cause for anything like a feeling of revenge, such as so deadly an attempt as that to poison a whole family would indicate."

Letters written by Eliza Fenning after her Trial.

To Lord Sidmouth.

Newgate, 27th June, 1815.

My Lord,—With deference I most humbly beg leave to address your lordship; at the same time, am entirely at a loss how I dare venture such a presumption; but your lordship's well-known goodness and mercy, which has repeatedly been extended to many miserable creatures under calamities like myself, encourages me, with all submission, to state my real situation to your lordship. I most humbly beg leave to inform your lordship, that I am under the awful sentence of death, on suspicion of poisoning Mr. Turner's family, which heinous crime I never was guilty of, I most solemnly declare to a just God, whom I must meet, and my blessed Redeemer, at the great and grand tribunal, when the secrets of all hearts will be known. Innocence induces me to solicit a fuller examination. I am the only child of ten, and to be taken off for such an ignominious crime strikes me and my dear parents with horror. I, therefore, most humbly beg leave to solicit your lordship's merciful interference in my behalf to spare my life, and my parents, with me, will be ever bound to pray for you.

I remain,

With due submission,

Your poor, but innocent servant,
ELIZA FENNING.

To Mr. Turner, her Master.

Honoured Sir,—With due submission I most earnestly entreat of you to sign my petition, to save my life, which is forfeited for what I am not guilty of. Honoured sir, I do here most solemnly declare I never meant to injure you or any of your family; picture to yourself the distressed mind of my dear parents, to see their only child suffer such an ignominious death; but innocent I am. May the blessed God give my ever dear parents strength to bear the dreadful affliction to see their only child suffer; but may you never feel the pangs of a broken heart, which your unfortunate servant endures.—Prayers for you and your family.

ELIZA FENNING.

P.S. If your goodness will comply with my request, I shall be bound to pray for you.

It appears that Mr. Turner did not sign the petition.

To her Parents.

*Felons' Side, Newgate,
July 21, 1815.*

Dear and affectionate Parents,

With heart-rending sighs and tears, I, for the last and ever last time, write these solemn lines to you, hoping and trusting the Almighty will give you strength and fortitude to bear the distressing, awful, and dreadful scene that is about to take place. Believe me, cruel and pitiable is my unfortunate and affecting situation, but God's will be done, and with humble resignation I must bear my untimely fate. But what a pleasing consolation within this tortured breast to suffer innocently. Dear parents I do solemnly declare, was I never to enter the heavenly mansion of heavenly rest,—I am murdered,—dear father and mother, believe I am

your only child that speak the sentiments of a broken heart; do not let me distress your breaking hearts. I wish to comfort you, dearest of parents: be happy, pray take comfort, let me entreat of you to be reconciled, and I will be happy in heaven with my dear sisters and brothers, and meet you bye and bye. Pray read the blessed Bible and turn your hearts, and live religious and holy lives, and there we shall be where sorrow and trouble will be no more. I grieve more to think I had an opportunity once and did not make use of it, yet there is time to pray to my Heavenly Father to forgive me all my sins and offences in my life past. It is only the passage of death that I have to go through, and I hope and trust in God that will soon be over. Oh, my blessed and beloved parents, think what are my present distressing feelings, to part from you who gave me my being, and nourished me at that breast, and was my sole comfort, and nursed me in helpless and infant years, and was always a direction to me in the sacred path of virtue, which I have strictly kept; it will be one sin less to answer for, as a spotless frame will be acceptable in the eyes of God; I mention this as I let you know I have not done amiss.—Oh, dear parents, what an affecting scene to part from you, which must be endured by the laws of justice, but justice has not been shown at the bar. Man judges man, but God will judge us at the last, who knows the secrets of all hearts, and they who swore my life away will never enter with me into rest. God bless you both, and may you live happy. Adieu, from your injured and unhappy child. Keep these few lines in remembrance of me, as this is all the comfort I can afford with my imperfect prayers. Adieu, dear parents,—God bless you both.

ELIZA FENNING.

Aged 21 Years.

THE END.

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