

## *This is a Story from 'A Few Forgotten Women'*



### **Introduction:**

This story is about Betty, but portrays 3 potentially forgotten women. It starts with a scenario based on the final days of her mother Maria Hallam, Mrs George Kershaw (1809-1876). Second some reflections on what we know about Betty or Elizabeth Kershaw (1832 -1877) who suffered from chronic epilepsy, and details of the inquest into her death. The final section concerns Maria Rushton, Mrs James Kershaw, who was Betty's sister-in-law, and 20 years her junior.

### **Part One: Maria Kershaw, Mother**

As Maria heard the church bells ringing in the New Year, 1876, she knew she was not long for this world. She thought back over her 67 years of life. She hadn't done too bad, for a Yorkshire lass. Born in 1809 in Wood Bottom, Leeds, and moving down to Hipperholme, between Brighouse and Halifax before the turnpike road had officially opened. George's family similarly had moved in, and they worked in the local stone quarry.



*Section of Sheet 77 Huddersfield surveyed 1892-3, published 1896. Reproduced with the permission of the National Library of Scotland under Creative Commons Attribution License (<https://creativecommons.org/licenses/by/4.0/>)*

*Star marks Slead Syke where Maria lived in 1876.*

The Brighouse to Denholme Turnpike was opened in 1826, climbing North East out of the centre of the town, through Lane Head to Hove Edge, Hippersholme and beyond. That brought much new housing in the area. Later the new-fangled gas street lighting installed in 1861 and the abolition of toll charges on the Turnpike in the following year meant it was an increasingly popular area in recent years.

Her life had been fairly unremarkable, until she fell pregnant. Her son, Joseph, born 1828, took her own surname Allen or Hallam, depending who was saying or writing it. Then when she married George Kershaw, it was often more convenient for Joseph to be Kershaw too. When it

came to his own marriages though, Joseph had gone back to Allen. Hannah Lodge, his second wife was a sensible sort. Joseph was a quarryman, like George, a stone facer or flag facer.

Thinking back to her own wedding banns she smiled, September 1827 it was. Her brother Samuel and George's sister Eliza had their banns called at the same time. There was to be a double wedding - one Kershaw to become an Allen and one Allen to become a Kershaw, a 'fair exchange', but circumstances changed and both weddings were delayed.

No. <u>1037</u>
Banns of Marriage between <u>George Kershaw Flagfacer &amp; and Maria Hallam Spinster both of St. Stephen's in this Parish</u> were published on the Three Sundays underwritten ;
That is to say, On Sunday the <u>10</u>
On Sunday the <u>23 of September 1827</u>
On Sunday the <u>30</u>

Marriage banns - accessed December 2022.

[https://www.ancestry.co.uk/imageviewer/collections/2253/images/32355\\_249010-01552?pld=16880916](https://www.ancestry.co.uk/imageviewer/collections/2253/images/32355_249010-01552?pld=16880916)

She married George Kershaw in August 1828. Along came the children. Too many for Maria to think about in her weary state, but Elizabeth was playing on her mind today. What was to become of Elizabeth? Of course to the family she was always 'our Betty'.

Was it really 45 years ago that darling baby daughter was born? At first all was well, but at about 3 years old the fits began. She did manage to hold down a job as a Card Setter for a while. But the fits were bad from

time to time and Betty was not quite the same after a bad run. A simple soul, needing prompting to wash and look after her clothes, but willing enough to help with household tasks. She tried to help her mother but sometimes even Maria became frustrated with her clumsy ways and the constant need to watch out for her. Betty's speech wasn't so good in recent years, but she would do what she was asked to do and could make herself understood when needed. Betty couldn't chew solid chunks of food, so Maria was careful about what she gave her to eat, making sure meat was cooked til tender, or was finely minced.

Betty was quite settled at home with her Ma in Slead Syke (Star marks the place on the map), just to the North East of Brighthouse, not far South of Hipperholme. She seemed contented enough. Latterly though she was clearly worried by Maria's illness.

How was Betty going to cope with losing her mother, her constant lifelong companion? Maria couldn't bear to think about it. The family had tried to reassure her but did they know what they were taking on? Since her husband died Maria had found the constant minding of Betty reassuring, it kept her busy. But without George there was no break. Maria was used to taking Betty everywhere, thinking about her before agreeing to doing anything or going out. The fits themselves hadn't been so bad in recent years, with less falls and injuries, which was helpful.

Maria's thoughts turned to James, another of her sons. James was 15 years younger than Elizabeth. Now a married man, with a lovely kind and hard-working wife Maria, one of the Rushtons. James said they would take care of our Betty, if or when the time came. Living so close

by in Slead Syke, it would be less of a move for Betty. He was a good boy. Quite a change for his Maria though, looking after Betty. With her own children and baby too, how would she be able to keep her job? Eliza, George's sister, already did washing for her. Maria dozed, trying to assure herself all would be well. There were plenty of other family around to share Betty's care. They hadn't helped with her much in the past, but they had been rallying a bit while Maria felt so poorly.

Maria died before the end of January 1876 and is buried close to home in St Matthew's Churchyard, Lightcliffe.

## **Elizabeth Kershaw**

Maria's daughter, always called Betty, was a chronic epileptic. Fits were more common in the past, and of course there was no effective treatment either for the fits themselves or to prevent recurrence. Prolonged severe fits, status epilepticus, could result in brain damage. This is likely to be what happened to Betty.

The language used to describe Betty feels very uncomfortable today. Words such as imbecile, of weak mind, of weak intellect, a feeble subject, which today would be derogatory, but was then just regarded as a description of the situation. Life was much more physical, and with little education, arguments may well have ended in physical fights. Corporal punishment for children was accepted. Putting yourself in the mindset of the time, and feeling comfortable with the language and culture of that era is not easy.

Betty seems to have led a contented life in her family home, cared for by her mother for 45 years. Unfortunately with the death of Maria her Ma in January 1876, everything was about to change. Without the accounts that followed her death, we would not have had a picture of her early life. You may prefer to stop here, knowing that for 45 years she was well cared for. Betty's final eleven months, with brother James and his wife, also confusingly called Maria, are a very different story.

James's wife Maria Kershaw was accused of ill-treating Betty. Maria, though 20 years junior to her sister-in-law Betty, may well have seen Betty as childlike and treated her like a child, perhaps expecting her to learn from reprimands. There was no evidence presented that the children of James and Maria were ill-treated. No evidence was presented that suggests either James or Maria had asked for help with Betty. Surely James was at least aware of his sister Betty's deterioration. It is certainly a very sad case.

The Newspaper headlines declare "Manslaughter in Brighthouse". Their accounts of Betty's death and postmortem are shocking, horrifying. (e.g. Halifax Courier - Saturday 13 January 1877. Newspaper accounts of the post mortem are full and florid but will not be repeated in detail here. Nevertheless witness statements, which are summarised, are unpleasant to read).

The post mortem describes a clear case of abuse, physical and psychological, with cruelty and neglect. The multiple injuries, of varying ages, including several extensive abscesses and purulent wounds, were untended. There were very significant head injuries. In addition we are

told the hair was full of vermin. She was unwashed, unkempt, and very poorly nourished.

Bradford Observer Thursday 25 January 1877 puts a rather different slant on the information, telling us “Deceased was a woman of dirty habits, and a nuisance in the house, and there had been considerable difficulty in getting information from the witnesses, who were all neighbours.” However, there is no suggestion that she was dirty when living with her mother.

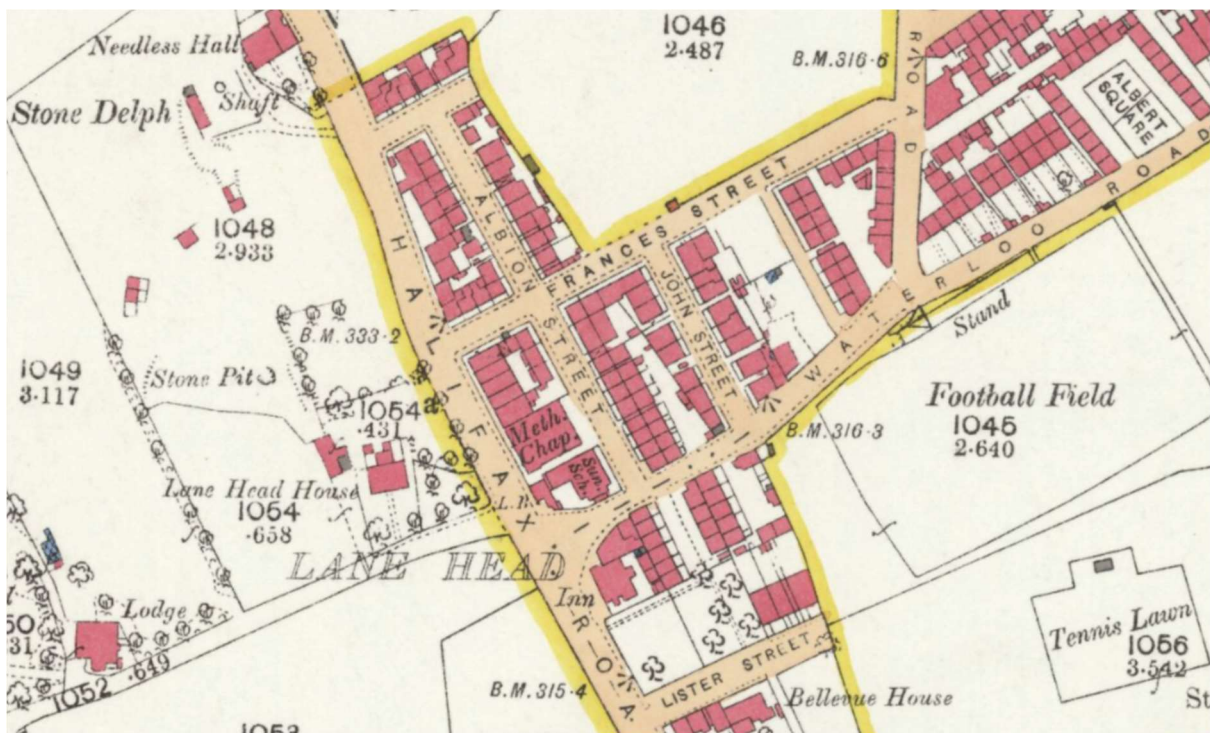
There were plenty of witnesses. As commonly found in cases of abuse today, many people knew something about what was happening, but not until disaster strikes is the jigsaw put together.

An interesting sideline is how they ensured a child was fit to give evidence at the trial. Margaret Ellen Shaw was eight years old. In order to test that she was up to the ordeal and understood the solemnity of giving evidence on oath, the Inspector asked her to tell the court where bad boys, who don't tell the truth go to. She promptly replied “The Police Office”. Next she was asked “Where do Good Boys go?” “Home sir” was the immediate but unsatisfactory reply.

Mr Barstow, the coroner then asked her where good boys went when they died. Her response to this finally showed she was “quite equal to her solemn duties.”(Based on Halifax Evening Courier 20 Jan 1877)

## The Inquest

The Coroner's Inquest was held in the upstairs lounge at The Albion Inn, at the junction of Halifax Road and Waterloo Road. (For an image see <https://alanburnett.com/2020/04/26/the-lost-pubs-of-brighthouse-no-4-the-albion-inn/> .) Built in 1853, directly opposite the old Toll House, and Methodist Chapel, this may well have been the Kershaw's 'local'. Perhaps the scene of family celebrations and happy evenings. The inquest, held over more than one occasion must have been a spine-chilling and gruesome experience for all involved.



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Yorkshire CCXXXI.15 Surveyed:1888-1892 Published:1893



## Witnesses

**James Kershaw, Betty's brother**, spoke about Betty's early life, enabling the above scenario to be created. He said she had "been of weak mind, and never followed any employment. She had lived at his house for the last 11 months." He recounted how Betty died at half-past nine on Sunday night, 7th January. She had not been well for some time, and was confined to bed since the previous Thursday. He described how he had seen her have many thousand fits and fall many hundred times. He told the court "She was able to say only a very few words. She would not eat flesh meat, as she could not chew it." (Halifax Courier - Saturday 13 January 1877)

Hannah and Joseph Allen were present along with James and Maria Kershaw (Maria being the accused) in the house when Betty died. Hannah Kershaw (wife of Samuel Kershaw, Betty's uncle), Eliza Allen (Betty's maternal Aunt) and Hannah Allen (Betty's sister in law) washed and laid Betty out. They were shocked by the state of Betty and asked Maria Kershaw (Betty's sister-in-law, later accused of manslaughter) a number of questions. Her answers were not entirely re-assuring. One or all of them, or another witness must have alerted the police.

**"Eli Haigh, police inspector** at Brighthouse, went to the house the day after the death. He was so horrified by the nature of the wounds about the head that he ordered the body to be undressed. He then asked prisoner" (*Maria*) "how she accounted for the wounds on the deceased's head, and she replied that she had not known of the wounds, deceased always wore a handkerchief. She thought they were the result of a fall

down the cellar steps. He carefully examined the cellar steps, but found no trace of blood upon them,”

“**Emily Allan**, a little girl, said that the Thursday before Christmas, when she was nursing the prisoner's children, the prisoner asked the deceased to bring her some coals. The deceased let the shovel fall, upon which the prisoner struck her on the arm with a piece of wood. The deceased went for the coals, and brought up "small," for which the prisoner again struck her with a piece of wood.” Emily was 12 or 13 years old.

**Margaret Ellen Shaw** daughter of Joseph Shaw, aged 8 said she had nursed Mrs. Kershaw\*s child the Saturday before New Year’s Day. Betty was washing pots, when Mrs. Kershaw struck her a blow the face. Betty raised her hands to her eyes, and Mrs. Kershaw pulled them down again and struck her another blow, knocking her against the table. She then told Betty to sit her down, and she did so. The girl then came away, and told her mother of the circumstance as soon as she got home.

“**Ann Shaw**, wife of Joseph Shaw, delver. recollected her daughter visiting Mrs. Kershaw\*s house the Saturday before New Year\*s Day. She was only in the house a few minutes, and when she returned she said "Mother, Mrs. Kershaw has been slapping Betty in the face for not putting the bowl in the proper place.” Ann Shaw had also witnessed Maria injure Betty in September herself, and noted on occasion she had had black eyes.

**Hannah Kershaw** (Aunt) when cross-examined said she had sent word expressing her concerns about ill-treatment to Betty's brother Jesse. (Halifax Courier - Saturday 27 January 1877).

**Harriet Schofield**, wife of Joseph Schofield, quarryman, a neighbour in Slead Syke, had seen Mrs. Kershaw strike Betty on the face with her open hand. She last saw deceased alive on Thursday, the 4th when she was in bed, and entirely covered with the bed clothes. On uncovering her face deceased's eyes were red and swollen. Betty had said to her "I am blind, I can't see, and I am going to die."

**Mr Barstow** "The coroner, in summing up, said much depended upon the evidence of the medical men as to the state of the deceased's body, and after reviewing it said the important question for the jury to consider was to how the marks on the body of the deceased had been produced. There was no evidence to point to anyone but Maria Kershaw. It was hard to conceive that the numerous injuries could have been caused by half a dozen falls downstairs. The case was complicated and difficult to decide upon.

The jury retired, and deliberated for 25 minutes, ultimately returning a verdict of manslaughter against Maria Kershaw, who, being in the house the time, was at once taken into custody. The affair has caused quite a sensation in Brighthouse and district, and for some days has been the chief topic of conversation. For some time previous to the inquest ending a large number of persons had crowded round the front door, apparently anxious to have a view of the prisoner as she was being taken to the police-office." Most of those interested were women.

## **Maria Ruston, Mrs James Kershaw**

The Bradford Observer on 25th January reports that Maria Kershaw was brought before Captain Rothwell at the West Riding Court, Halifax, on the afternoon of 24th January, on remand accused of the manslaughter of Elizabeth Kershaw. Evidence, as above, was presented by Major Ormsby, Chief Constable. The report on 27th January states that the case occupied nearly 5 hours. Consequently, Maria was committed for trial at the Assizes.

The same evidence was largely repeated at the Leeds Assizes in March.

In addition **Mr Gane**, appearing for the defence, made an eloquent appeal on behalf of the prisoner. Several witnesses were called who spoke to the prisoner's previous good character.

**Samuel Kershaw**, brother of the deceased, gave evidence that the prisoner was a kind woman generally.

**Mr. J. W. Willans** said that the prisoner had been in his employment, and he had considered her a woman of good character and kind in demeanour.

**VERDICT AND SENTENCING at Leeds Assizes.** (Leeds Times - Saturday 17 March 1877. FATAL ILL-TREATMENT OF AN IMBECILE WOMAN)

On Tuesday 13th March “The jury found the prisoner Guilty, but strongly recommended her to mercy on the ground of her previous good character.

On Wednesday 14th March **Mr Justice Lopes**, “His Lordship, addressing the prisoner, said: It is perfectly impossible to imagine anything more heartrending than the details of the case which had been laid before the jury. You are charged with the crime of the manslaughter of your sister-in-law, Elizabeth Kershaw; and the jury have found you guilty, upon the most satisfactory evidence.

During the time of her mother's life, deceased, though of weak intellect, and subject to fits, according to the evidence, was stout and healthy. On her mother's death she lived with you. It was your duty to have protected her, but she gradually became thin, and her appearance gave evidence of cruel treatment.

A number of witnesses have been called who proved that you had inhumanly treated this poor, afflicted creature. There may be those that think poor, afflicted creatures like the deceased, to whom is denied the full power of reason, may be maltreated with impunity. If there are such persons it is quite time that they should know that the laws of England are made for all, and especially to protect the weak against the strong. The sanctity of human life must be vindicated; and, although I take into consideration the recommendation of the jury, it is impossible I should pass any other sentence than one of Ten Years' Penal Servitude.”

Maria Kershaw's prison records and license for release are actually where my research began. You can see the prison photograph of Maria

in her mid-twenties, some details of the work she did and occasional punishments, for example, for singing in her cell. (Subscription needed. [https://www.ancestry.co.uk/imageviewer/collections/1979/images/31790\\_A020441-00001](https://www.ancestry.co.uk/imageviewer/collections/1979/images/31790_A020441-00001) Images 5 - 17) She had very few visitors, but did have some letters especially from her sister Mary Jagger. (Note: It is possible, since Mary was much older that she could have been her mother, but Maria was always brought up as her sister). Two siblings died during her time in prison. She was denied portraits of her children, including her 5 month old infant.

Maria was initially held in Brighthouse. She was taken to Leeds Prison 13 March 1877 and transferred to Millbank Prison 12 March 1878. From there she went to Fulham on 12 September 1879 and was released on license to Russell House Refuge on 26 March 1883. Her final release was on 15 November of that year.

Maria Kerswell served less than 7 years in total.

## **Bibliography**

Information about the Turnpike Road and The Albion Inn

<https://alanburnett.com/2020/04/26/the-lost-pubs-of-brighthouse-no-4-the-albion-inn/> accessed December 2022

Maps from The National Library of Scotland <https://maps.nls.uk>  
accessed December 2022

Research relied on newspaper reports, details of key sources noted above, <https://BritishNewspaperArchive.co.uk> accessed December 2022

Maria Kershaw's prison records

[https://www.ancestry.co.uk/imageviewer/collections/1979/images/31790\\_A020441-00001](https://www.ancestry.co.uk/imageviewer/collections/1979/images/31790_A020441-00001) Images 5 - 17 (subscription needed). *UK, Licences of Parole for Female Convicts, 1853-1871, 1883-1887*. Original data: *Home Office and Prison Commission: Female Licences. PCOM4*. Kew, Surrey, England: The National Archives.

Details of family relationships are from my own research. Fictional interpretation of sources and opinions are my own. If anyone has different information please do let me know through the Few Forgotten Women website. Many thanks, Helen Shields.

***Helen Shields December 2022***