

A letter to the editor of the Lancet, with the explanatory statement of defendant, in Millett versus Edmonds.

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A LETTER TO THE EDITOR OF THE "LANCET,"

Bind in WITH THE 2

EXPLANATORY STATEMENT

OF DEFENDANT,

IN

MILLETT VERSUS EDMONDS.

"Perhaps there is not on record another trial similar to this."

—*Lancet*, 26th March, 1864.

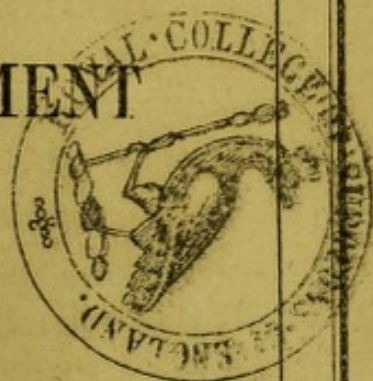
"NECESSITY FOR A PUBLIC PROSECUTOR."

—*Lancet*, 17th Feb., 1866.

LONDON:

T. F. A. DAY, 13, CAREY STREET, LINCOLN'S INN,
1866.

PRICE ONE SHILLING.







TO THE EDITOR OF THE "LANCET."

6, Tamworth Villas, Croydon,
30th December, 1865.

Sir,

Millett v. Edmonds.

On the 26th of March, 1864, you devoted the most prominent editorial columns of your journal to the insertion of very severe comments on my conduct in the above action, which had been tried a few days previously at the Bodmin Assizes in Cornwall.

In the course of your remarks you state, "A trial, which is happily of an exceptional character, has recently been concluded on the Western Circuit. It was an action for libel." . .

"Family differences had for some time existed, and litigation had been commenced by the Defendant." . . .

"Mr. Edmonds," meaning myself, "did not adopt the course which would have suggested itself to an honest gentleman of ordinary prudence, or to a Christian man with a proper notion of what reparation was due to another for so terrible a wrong. He pursued a course which appears to place beyond doubt the animus that had influenced his conduct in the whole affair by writing a long letter to the *Western Daily Mercury*, headed 'The Millett Poisoning Case. Dr. Taylor on himself;' in which exception is taken to the analysis and report received by the coroner." (Magistrates?)

"This letter, signed 'Investigator,' formed the basis of the action for libel, the particulars of which have been

"already noticed" . . . See *Lancet* of the 27th February, 1864.*

"Perhaps there is not on record another trial similar to this. It is no part of our desire to aggravate the feeling of self-degradation which the defendant must now feel. His conduct has entailed upon him deserved penalties, for there is no doubt the amount of damages will form but a small proportion of the costs he has incurred. His own unhappy personal position is a very trifling matter, and will give concern to but few honourable men in comparison with the disgrace it reflects on that profession of which he is a member. Of the many cases on which it has been our duty to comment we know of none so entirely without excuse as this. Rash men have said spiteful things and been made to suffer for the injury they have occasioned. Foolish men have used silly expressions and have been taught to calculate their cost. Ignorant men have pronounced unwarrantable opinions, and have paid for the additional knowledge they thereby acquired. Credulous men have readily adopted idle tales and found, too late, the danger of their repetition. The Defendant in his person has combined these several objectionable qualities with a determined premeditation which caused him (to use the expressions of Mr. Coleridge, Q.C.) 'to prefer against the Plaintiff, with inveterate and deliberate malice, a charge of the most infernal wickedness that the heart of man ever conceived or the hand of man ever perpetrated.' We mistake much the feelings of the profession if the Defendant do not find his pecuniary loss the least portion of his penalty."

Together with this letter I beg to forward you a copy of a Statement or Explanation† I have made, and have ordered to be

* On the 27th February, 1864, the editor of the *Lancet*, in a notice to correspondents, stated that, "The coroner's verdict was perfectly satisfactory; the cause of death was unequivocally serous effusion in the brain. Dr. Taylor's report was very properly most decided on this point." I beg to refer to my Explanatory Statement and Appendix for what was really stated by Dr. Taylor in his report; and also for what was stated by the medical gentlemen in their evidence about the cause of death, as matter of fact and as matter of opinion.

† The Explanatory Statement which follows is the same as that sent to the editor of the *Lancet*.

printed in reference to the above action. In this Statement I have given sufficient reasons to account for my delay in making it.

I have to complain that while your comments on my conduct are inaccurate and unjust, and are not fairly deducible from the reported evidence taken at the trial, you never gave your readers the opportunity of judging for themselves, by publishing evidence on which you founded your comments.

No litigation had ever existed between Dr. Millett and myself prior to the proceedings in question.

The objectionable heading to the letter signed "Investigator," viz., "The Millett Poisoning Case—Dr. Taylor on himself," was proved at the trial not to have been written or even suggested by me. The reasons which I give in my Statement, and which induced me to write this letter, are very different from those you impute to me. The action of Millett *v.* myself was not an action of libel, as stated by you, but it was an action against me by Dr. Richard Oke Millett for the recovery of damages to the extent of £10,000 for my having, as alleged in his declaration, falsely and maliciously, and without any reasonable or probable cause, made charges against him by means of which he was arrested and imprisoned.

The writ was served on me on the 8th day of February, 1864, and the declaration is dated the 18th day of February, 1864, but the letter signed "Investigator," did not form the basis of the action for libel, as stated by you, nor, indeed, had it anything to do with the action against me by Dr. Millett, since it did not appear in the *Western Daily Mercury*, until the 20th day of February, 1864.

I make no comment as to your remarks about my conduct; they are simply unwarrantable. For my justification in making this assertion, which would occupy much space, I must refer you to my Statement.

Your leading article was copied into the papers in the West of England and has occasioned me more pain and annoyance than the loss of money or any other circumstance in connection with this unfortunate affair.

It is not my desire, in now bringing this matter under your

notice, to raise any discussion which could in any manner annoy or prejudicially affect the character of Dr. Millett, against whom I have no ill-feeling. My sole desire is simply to clear myself from the groundless aspersions which have been cast on me.

In conclusion, I hope that, in accordance with your well known character for justice and impartiality, you will, after having read my Statement, either withdraw the very injurious reflections you have made as to my conduct, or will publish my Statement in extenso in your columns.

I am, Sir,
Your obedt. Servt.

FREDERIC EDMONDS, M.D.,
F.R.C.S., L.S.A.

P.S.—Copies of my statement can be obtained of T. F. A. Day, 13, Carey Street, Lincoln's Inn.*

* A copy of the above letter was sent to the editor of the *Lancet*, but has not been inserted in its pages. An editorial article, however, appeared in the *Lancet* on the 17th inst., a copy of which follows.

NECESSITY FOR A PUBLIC PROSECUTOR.

(From the *Lancet*, 17th Feb., 1866.)

In this bad and rumorous world, it is not always easy to know when suspiciousness ceases to be a fault and begins to have the character almost of a virtue. It certainly often happens that what is called charity would be more rightly characterised as a want of judgment or perception, or at other times as a want of courage. There are no cases, indeed, in which the quality of a man's judgment is more severely tried than those in which he has to decide whether, in relations in which, normally speaking, all feeling should be trusting and kind, he will venture to be doubting and suspicious. We are constantly seeing illustrations of the greatness of this trial. Sometimes men continue to trust too long, and then we blame them for

being either obtuse or timid. Sometimes they venture on an expression of their doubts too soon, or on insufficient grounds, and then we condemn them for being suspicious and uncharitable. The justification of a man for being suspicious in regard to any given person or circumstances must generally be a nice point in casuistry—too nice a point for most people to judge of, who must be either too little interested or too little informed to have anything but a very rough judgment upon it. This is a matter in which a man must be satisfied with the *mens conscia recti*. He must be his own judge. And his self-complacency should turn very much upon two points. He should be able to satisfy himself that it was within the province of his duty to have an opinion at all upon the conduct of persons implicated in his suspicions; that the formation of such an opinion was a positive duty to which he was called. And then he should further be able to show that the particular opinion at which he arrived was the right one. He would be a hopelessly Quixotic man who should aim at having opinions on men and things out of his immediate sphere of relationship and responsibility. And he would be a “friend” from whom we should wished to be “saved” who, with a right to an opinion on delicate family matters, should always contrive to arrive at a wrong opinion.

We have been led into these reflections by the perusal of a pamphlet, entitled “*MILLETT v. EDMONDS*. Explanatory Statement of “the Defendant.” Our readers may have forgotten the circumstances, which were briefly as follows:—Dr. Millett is the brother-in-law of Dr. Edmonds, Dr. Millett and Mrs. Edmonds being brother and sister. There were several other brothers and sisters. Amongst these was Jacob Curnow Millett, who in 1863 lived in the house of Dr. Millett, and who, after a short illness, died, leaving his property to the Doctor. It is no part of our intention to repeat the particulars of this unfortunate case. We only desire to do an act of justice to Dr. Edmonds. The affairs of most families are a mystery, and properly so, to strangers. And it is a huge pity when anything happens to violate their privacy. Rarely ever can anything be gained by submitting the quarrels of them to the judgment of the public. We need only say that Dr. Edmonds was not satisfied with the circumstances under which Jacob Millett had died, and was so far suspicious as to procure the exhumation of the body and an examination of it, after a coroner’s inquest had been held and a verdict had been returned, “Died from natural causes.” The post-mortem and negative results of the examination by Dr. Taylor of various organs

of the body went to confirm the verdict of the jury. Dr. Edmonds does not dispute its entire justness, and admits the complete exculpation of Dr. Millett in regard to the death of his brother or any other member of the family. In regard to his suspicions he says,—

“It is with regret that I have now felt myself compelled to allude even to these “suspicions, *which I believe to have been ENTIRELY UNFOUNDED, and the results simply of “exaggerated family feeling*, arising from disagreements which took place whilst my “wife and I were absent from England. I allude to the suspicions solely with the “object of showing that they did not originate with myself.”

Dr. Edmonds' object in the pamphlet is to show that the suspicions originated with others, and that, in so far as he acquiesced in them, he was not actuated by malice, and was not unreasonable. We freely admit all this. Of course, the great justification of suspicion—the demonstration of its good foundation—is entirely wanting. But Dr. Edmonds enters into many particulars of the deaths in the family, and of this one especially, which, in connexion with other domestic facts, he is very anxious to have considered as sufficient justification of his expression of suspicion. He argues from a recently notorious case in which the medical attendant of a person being poisoned kept all his suspicions to himself, and was much criticised for doing so. There is for Dr. Edmonds an awkward difference in these cases. In the Pritchard case the suspicions had a foundation. In this they had none. This difference, however, it may be argued, was only demonstrated by the expression of Dr. Edmonds' suspicions, which led to an examination of the facts. We can only end as we began, by remarking on the difficulty of knowing when to be suspicious. Every man must judge for himself, And the right-minded man will have more pleasure in discovering that his suspicions were groundless than that they were well founded, even if he have to pay £400 for expressing them. We believe that Dr. Edmonds has and appreciates this pleasure.

There is one other lesson to be extracted from this case, and that is in the illustration which it affords of the inconvenience of the want of a public prosecutor. Had there been a public prosecutor, to whom the facts of this case could have been submitted, he would have viewed them apart from all those family feelings which gave such a false colouring to them, and in all probability would have ascertained the simple truth of them at a far less cost to the happiness and the purse of persons interested than has resulted from the operation of the present law, which entrusts private individuals with the power of bringing crime to punishment.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST