

## **Millett v. Edmonds : explanatory statement of the defendant.**

### **Contributors**

Edmonds, Frederic.  
Royal College of Surgeons of England

### **Publication/Creation**

London : T.F.A. Day, 1865.

### **Persistent URL**

<https://wellcomecollection.org/works/nwvjg3q7>

### **Provider**

Royal College of Surgeons

### **License and attribution**

This material has been provided by This material has been provided by The Royal College of Surgeons of England. The original may be consulted at The Royal College of Surgeons of England. where the originals may be consulted. This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.



Wellcome Collection  
183 Euston Road  
London NW1 2BE UK  
T +44 (0)20 7611 8722  
E [library@wellcomecollection.org](mailto:library@wellcomecollection.org)  
<https://wellcomecollection.org>

2A

# MILLET V. EDMONDS.

---

Explanatory Statement of the Defendant.

---

LONDON:

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

---

1865.

WILLIAM A. BROWN

Explains the Statement of the Defendant

LONDON:  
T. M. A. DAY, 12, GARY STREET, LINCOLN'S INN, W.C.

1885.



## CONTENTS.

---

Introductory remarks—The object of Defendant's statement solely to vindicate his character—The delay in making it explained—His failure to obtain copies of official correspondence between Mr. Cornish, the magistrates' clerk, the magistrates, the Secretary of State, and Dr. Taylor ... ..	} 1 to 6
Copy extract from an editorial article in the <i>Lancet</i> about Millett v. Edmonds, and the Defendant's "unhappy personal position" reflecting disgrace on the profession of which he is a member ... ..	} 6 & 7
Events relating to the family of the late Rev. John Curnow Millett, of Penpol, prior to the death of Jacob Curnow Millett on the 31st December, 1863 ... ..	} 7 to 10
Inquest on the body of Jacob C. Millett, 1st January, 1864—Reasons which induced the Defendant to go to Cornwall for the sole object of endeavouring to obtain the exhumation of the body of Jacob Curnow Millett and a post-mortem examination ... ..	} 11 to 20
Post-mortem examination of the body on the 20th January, 1864, when important organs, with the contents of the stomach, were set aside for future examination by direction of the magistrates' clerk—Joint certificate of Dr. Montgomery and Mr. Vincent as to the result of their post-mortem examination ... ..	} 21 to 24
The Defendant after the post-mortem examination is recalled twice at the request of the magistrates' clerk, on the first occasion to pay the expenses of the policeman to London with the organs of the deceased for examination, on the second occasion to go to the magistrate at Lelant ... ..	} 25 to 26
On the 22nd January, 1864, the Defendant swears to the information at Mr. Cornish's office—Dr. Millett is arrested by the magistrates on that day—Defendant's reasons for swearing to the information and for his conclusion that he has been made a scapegoat of ... ..	} 27 to 32



On 23rd January, 1864, the bench meet to hear the case for the first time, and Dr. Taylor received orders from the Secretary of State to make an analysis—A consultation on the 26th January, 1864, in London, between Mr. Cornish and Dr. Taylor—Materials for Dr. Taylor's "Suggestions" supplied by Mr. Cornish—Questions afterwards raised as to who was liable to Dr. Taylor for his fees for the analysis and suggestions, or for any portion thereof—On the 28th, and on the 30th January, 1864, the magistrates meet again to hear the case—Extracts from Mr. Vincent's and Dr. Montgo- mery's evidence... ..	} 33 to 39
On the 3rd of February, 1864, the magistrates meet again to hear the case—The Rev. Thomas Pascoe's comments from the bench—Ex- tracts from Mr. Cornish's evidence, taken at the trial at Bodmin of Millett v. Edmonds, on the 16th March—On the 3rd of February, 1864, evidence for the so-called prosecution closed—Dialogue relating to its closure, and remarks thereon ... ..	} 39 to 43
On the 5th February, 1864, the magistrates meet again to hear the case— Dr. Taylor's report and "Suggestions" of the 3rd February, 1864, read to the public—Dr. Millett discharged ... ..	} 44 to 46
Remarks as to Dr. Taylor's reports and suggestions, and as to his ex- planatory letter of the 3rd February, to Mr. Cornish, which was not read to the public ... ..	} 46 to 49
Comments of the Cornish press as to the pending action of Millett v. Edmonds, which was heard on the 16th and 17th days of March, 1864 ... ..	} 50 to 51
Remarks on the evils resulting to the public from the non-existence of a public prosecutor ... ..	} 52 to 53
Appendix of copies of some letters in reference to the Defendant's statement ... ..	} i. to viii.



# MILLETT v. EDMONDS.

---

## EXPLANATORY STATEMENT OF THE DEFENDANT

---

THE above mentioned action, the damages in which were laid at £10,000, was heard at Bodmin, Cornwall, before Mr. Baron Bramwell, on the 16th and 17th days of March, 1864, when the Plaintiff Dr. Richard Oke Millett, obtained a verdict against me, the undersigned Frederic Edmonds, the Defendant, for £400. This amount was nearly quadrupled by the costs I had to pay.

To a man whose health had been so injured by long residence in tropical climates as to compel him to relinquish the practice of his profession, and whose savings barely sufficed for the maintenance and education of his family, so great a loss was, of necessity, severely felt.

But what I regretted, far more than my pecuniary loss, was that my good name should have been sullied by groundless imputations of foul and base motives.

Many of the facts of this case have never yet been made known, and I write this statement in explanation of past events solely for the purpose of endeavouring to clear my own character from the terrible imputations published against me. I have no desire to cast blame or aspersions upon any one, but if I should, in stating facts, occasion pain to any person, it will be done most reluctantly, and from pure necessity in self-vindication.



I have not the slightest intention of questioning the before-named verdict, in so far as it operated, as it did, as an entire exculpation of Dr. Millett from the suspicion of having been in any manner instrumental in occasioning the death of any member of his family. At the same time I wish it also to be clearly to be understood that I do dispute the justice of the same verdict, in so far as it may be considered to have confirmed the allegation made against me in the declaration in the action, of having made a false and malicious statement before a magistrate without any reasonable or probable cause for so doing. I admit that having lived all my adult life out of England I may have acted without due caution, and with a greater degree of ignorance in legal matters and forms than is usual in a person of my age and in my profession, but I utterly deny that I was actuated by malicious motives towards Dr. Millett, or, indeed, by any motives which were not prompted by a sense of public duty. There is no doubt that Dr. Millett has suffered great and grievous wrongs, and I entertain the most profound regret that I should in any way have been instrumental in adding to the wrongs and sufferings of an innocent man.

Rightly or wrongly, I am of opinion that the employment at a distance, under the circumstances after mentioned, of Dr. Alfred S. Taylor, professor of chemistry, and medical jurisprudence at Guy's Hospital, in addition and subsequent to, the employment of Mr. Vincent and Dr. J. B. Montgomery, the two local medical men who made the post-mortem examination of the body of the deceased, Jacob C. Millett, and on whose joint report of it the proceedings before the magistrates were founded, was the chief cause of Dr. Millett's and my own subsequent misfortunes. I attach no blame to Dr. Alfred S. Taylor, who evidently considered the first error in the case was committed by the coroner, Mr. Hichens, who held the inquest on the 1st January, 1864; for Dr. Taylor, in his letter of the 3rd February, 1864, addressed to Mr. Cornish, the magistrates' clerk at Penzance, accompanying and explaining his two separate medico-legal reports on the case of the same date, writes as follows: "It is greatly to be



“regretted that an inspection and analysis were not made at  
“the inquest.”

Believing it of importance to my character that I should be enabled to prove that I never employed, or even suggested, the employment of Dr. Taylor, and that he was never my witness, I petitioned, on the 6th December, 1864, the Secretary of State to inform me on what grounds, and at whose solicitation, he gave orders to Dr. Taylor to make scientific examinations in the case, but he declined to give me the information required. On the 31st of last January and 7th February I applied to the magistrates clerk, Mr. Cornish, for the same information, and also for copies of documents, especially of the correspondence between himself and the magistrates and Dr. Taylor, the chairman of the bench having publicly stated that he had received an answer from Dr. Taylor.

Mr. Cornish, on the 8th February last, furnished me with copies of some papers—including a few letters from Dr. Taylor to himself, but none from himself to Dr. Taylor or to the Secretary of State—and he afterwards informed me that he could not furnish me with more, as he held the papers for the bench and for “no one else.”

On the 20th of last June I applied to the bench of magistrates in Cornwall for copies of documents not furnished to me by their clerk, which I petitioned for in order that I might be enabled, as I explained, to vindicate my character, and reply to the attacks published against me, but the bench, on the 4th of last August, through their clerk, declined to order the copies to be furnished to me.

I then petitioned the Secretary of State for copies of documents by which I could vindicate my character, but on the 25th of last August he caused me to be informed that he could not accede to my petition.

Until December, 1864, and January, 1865, I did not receive the documents and papers relating to these proceedings which were necessary to enable me to understand my own case, and even now I have not received all the accounts and papers to which I consider myself entitled, in addition to those for which I applied to the Secretary of State.



I complain that while I have been called the prosecutor in this case, and made to answer in heavy damages and costs for what I have done, and Dr. Taylor has been falsely held out to the world as my witness, I have never yet been able to obtain documentary evidence to show on what grounds, and at whose solicitation, Dr. Taylor was appointed, although such evidence must be in existence.

The inquiry into the circumstances attending the death of Mr. Jacob Curnow Millett took place in January and February, 1864, and the action against me by Dr. Millett was tried in the next month, as before stated.

Since that time I have not ceased in my endeavours to obtain various information not in my possession at the trial to enable me to clear my character, and this is the cause for my delay in making this statement. How my character, subsequently to the action, was assailed must be known to any one acquainted with the Cornish local press; and the following extract from the *Lancet* will show what terrible imputations rest upon me, and how necessary it is for me to endeavour to regain the esteem and support of my friends and acquaintances.

The following is a continuous extract from a long editorial article in the *Lancet* of the 26th day of March, 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 in-  
 “curred. His own unhappy personal position is a very trifling  
 “matter, and will give concern to but few honourable men, in com-  
 “parison 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 ex-  
 “pressions, 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.”

This article was copied into the papers in the West of England.

For the better comprehension of my case I must commence by stating that from my childhood I was well acquainted with the family of the late Reverend John Curnow Millett, of Penpol House, Hayle, Cornwall, my late father, Mr. Richard Edmonds, of Penzance, having been for a great number of years employed professionally as the solicitor of the Reverend J. C. Millett, and of his father.

On the 21st October, 1846, after having staid a few days at Penpol House, by the invitation of her parents, I married with their full consent my wife Elizabeth Mary, second daughter of the Reverend John C. Millett, by his second wife.

Immediately after the marriage my wife and I left Penpol for Mexico, and were absent from England nine years.

At that date the members of the family living at Penpol House were my wife's father and mother, her three brothers—Leonard Millett, Jacob Curnow Millett, and Dr. Millett—and her two sisters—one, elder, named Caroline Jane, and the other, younger, named Jane. The remaining members of my wife's family were her brother, Mr. William Millett, who lived in the Farm House of Penpol; her brother, Mr. Hannibal C. Millett, solicitor, who lived in London; and her brother, Mr. Honey Millett, of Liverpool, who died in 1847. Her half-brother, Mr. John Thomas Millett, surgeon (the eldest son of my wife's father), resided at Penzance; and her half-sister, Mrs. William Millett, resided at Liverpool with her nephew, Mr. George Millett-Davis, surgeon, who both now reside at or near Penzance. My wife's uncle, Mr. Hannibal Curnow Millett, resided at Okehampton, and died there last May.



My wife's sister, Miss Caroline Jane Millett, married in September, 1848, Mr. James Willyams Grylls, of Camborne, now deceased, and afterwards married, in 1863, the Reverend William Haworth, of Camborne.

My wife's father, the Reverend John C. Millett, after two or three days suffering from indigestion, was found dead in his bed at Penpol House, on the morning of the 13th January, 1848.

An inquest was held on him by the above mentioned Mr. Hichens, at which the sole witness examined was Dr. Millett, and the verdict was, "Died from natural causes."

Miss Jane Millett, who had been suffering some months from consumption, was also found dead in her bed at Penpol House, on the morning of the 18th June, 1848. Her letters to my wife show that she had lived dissatisfied with her sister Caroline and Dr. Millett.

Miss Jane Millett died intestate. No inquest was held on her body.

Miss Caroline J. Millett, after her marriage, in 1848, with Mr. Grylls, quarrelled with her brother Dr. Millett, and directed litigation to be instituted about family property, of which her uncle, Mr. Hannibal C. Millett, of Okehampton, was the surviving executor in trust under the will of her father.

Whilst in Mexico my wife received letters from Mrs. Grylls, giving her to understand in very strong terms that the circumstances attending her father's death were very suspicious, and that he did not die a natural death.

My wife's mother, Mrs. Mary Millett, the widow of the Reverend John C. Millett, died, after a long lingering illness, at Penpol House, in January, 1859.

The next death in the family was that of Captain Leonard Millett (aged about fifty), who died in lodgings, in a small cottage on Penpol estate, in March, 1860, at about three o'clock in the morning, from dropsy and liver complaint.

Captain Leonard Millett made a short will, dated the day of his death, written in the handwriting of Dr. Millett, solely in favour of the latter.



After Leonard's death the deceased Jacob C. Millett and Dr. Millett continued to reside at Penpol House.

Jacob died on the 31st day of December, 1863. He left a will, written in the handwriting of Dr. Millett, and in his sole favour; the property being believed to be worth about £2,200. The will was very short, and was similar in form to that of Leonard's.

My wife and I returned from Mexico to Cornwall in the Autumn of 1855. My wife received unsatisfactory replies in answer to her inquiries in the family, and among old servants, about the information she had received by letters in Mexico from her sister, Mrs. Grylls, concerning suspicions as to the death of her father not having been natural. I applied verbally in the beginning of 1856 for information to Mr. John Thomas Millett, surgeon, as to the cause of his father's death, and I also received unsatisfactory replies from him. In the witness-box at the assizes I informed the jury that I had conversations with Mr. John T. Millett about his father's death and inquest, but Mr. John T. Millett in the witness-box afterwards denied that he had had any conversations with me on my return from Mexico in 1856 about the circumstances of his father's death. I subsequently wrote to him for an explanation about his statement in the witness-box, and in his reply of the 20th May, 1864, he states that he had misunderstood the question of my counsel.

In consequence of Mrs. Gryll's letters, and the unsatisfactory information I received from Mr. J. T. Millett, I applied to the above-mentioned Mr. Hichens for a report of the evidence taken before him at my father-in-law's inquest, on the 15th January, 1848, and after some correspondence with Mr. Hichens I obtained from him a report of the evidence in a letter of the 8th March, 1856.

In 1856 I suffered from a severe illness, and was obliged to go to the south of Spain, for change of climate, and I did not return to England until June, 1860, and I have resided in Croydon ever since.

In June and July, 1861, the deceased Mr. Jacob C. Millett,



came to London about a law suit which he had with his brother Mr. H. C. Millett, of London, and spent a week with us at Croydon..

We found that Jacob had never heard or read the evidence and verdict given at the inquest on his father in January, 1848. I then read the report to him given to me by Mr. Hichens, in his letter of the 8th March, 1856.

In the course of 1863 I wrote to Dr. Millett himself, and to all the immediate members of my wife's family (excepting Mr. H. C. Millett, Jun., of London), about the information my wife and I had derived from some members of the family and from the coroner concerning the events which had taken place in the family during our absence from England.

I wrote these letters to relieve my conscience from the load of family secrets and suspicions with which my wife and I had become acquainted.

I wished to limit all family quarrels about property and mysterious events to those persons with whom they originated, and I thought it my duty to communicate all my wife and I had been informed of to the persons most concerned, so that they might have an opportunity of acting as they might think fit.

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.

This is a subject, indeed, to which I have now no desire to enter further. It is sufficient for me to say, that any letters I wrote were written openly to the immediate members of the family, that no secret accusations or imputations were ever made by me against the person upon whom the suspicions were supposed to rest, but that I wrote to him directly as to what was said about him, and that many a man under the circumstances might have acted as I did, who was as little capable of base and malicious motives as I believe myself to have been.

I now come to the circumstances connected with Mr. Jacob



Curnow Millett's death, which I am necessarily obliged to treat of more at length.

The deceased Jacob Curnow Millett, aged fifty, being almost blind and partially crippled from malformation of bones, but otherwise perfectly healthy, resided at Penpol House with his younger brother, Dr. Richard Oke Millett, the only other inmates sleeping in the house being a maid servant (Jane Teague), and a young man servant (William Bryant). A young lady (Miss Elizabeth Ann Davey), with her nephew, dined with Dr. Millett at Penpol on Wednesday, the 30th December, 1863, about two o'clock, and remained with him until ten o'clock of the same night, when she went home.

The deceased on that day breakfasted, lunched, went out twice to take his usual walks, ate a good dinner between two and three o'clock, retired to his bed-room as usual for an hour, and re-appeared about half-past three, was soon after taken ill with pain in his stomach. At half-past four or a quarter to five he became insensible, and died in that state.

Most unfortunately no medical man, relative, or friend, was called in to see him during his illness, and Miss Davey and Wm. Bryant never saw him after dinner.

No remedy was applied or administered to him except some brandy and some whisky, given by Dr. Millett and by Jane Teague at different times, to relieve a severe pain and sinking of the stomach which deceased first complained of. Insensibility and vomiting took place, and, according to the evidence of Jane Teague, deceased was dead at half-past six the next morning, Thursday, 31st December.

The body was cleaned and laid out by Dr. Millett and Jane Teague, and the undertaker (Francis Hocking), arrived at about eight o'clock (one hour and a half after death), and found the forehead still warm, as he stated in his evidence to the magistrates at Hayle, and to the jury at the Bodmin assizes.

Before the undertaker arrived Dr. Millett wrote a letter to the coroner, Mr. Hichens, of St. Ives (four or five miles off), of which the following is a copy, asking for an inquest.



“ Penpol Hayle, 31st Dec., 1863.

“ Dear Sir,

“ My brother Jacob, who has been in a declining state of health for about eighteen months, and has suffered from an attack of influenza for the past three weeks, died in our presence this morning at half-past six o'clock from effusion of the brain, after an attack of fifteen hours' duration. I will thank you, if, under the circumstances, you will hold an inquest.

“ Yours faithfully,

“ Wm. Hichens, Esq.,

“ RD. O. MILLETT.

“ St. Ives.”

On Thursday evening, the 31st December, 1863, my wife received in Croydon an electric telegram from her brother, William Millett, of Hayle, which merely stated that their brother Jacob “had been found that morning dead in his bed at Penpol.”

On the same 31st December Mr. William Millett verbally requested the rector of the parish to write Mr. Hichens, the coroner, to hold a strict investigation into the circumstances of his brother Jacob's death, and not to have a “packed jury.”

The coroner, on Friday, the 1st January, 1864, held the inquest, and took the evidence only of Jane Teague and Dr. Millett.

Jane Teague, in the course of her depositions, stated that the deceased had “had an attack of influenza for the last three weeks, and he had not recovered it, his cough being very bad;” that deceased, after dinner, retired to his bedroom for one hour, and came down stairs about half-past three; that deponent afterwards found him standing in the drawing-room before the fire, and he said he had pain in his stomach; that soon after he expressed repeated wishes to go out, but that deponent did her utmost to prevail on him not to go out; that cold water, brandy, and whisky were given him at different times; that he “threw up” or vomited three times, and became insensible, and died at half-past six on Thursday morning, the 31st December.

Dr. Millett, before the coroner's jury, deposed as follows:—

“ I am a Doctor of Medicine, residing at Hayle. The deceased “ is my brother, and is fifty years of age. He has resided with me



“ since my mother’s death, about six years ago, and before that we  
 “ both resided with her. He was very helpless in his person, and  
 “ otherwise afflicted, having a chronic hydrocephalus, or water on  
 “ the brain. His health otherwise was generally good. He had  
 “ been labouring under an attack of influenza for the last three weeks  
 “ or a month, but he always persisted in going out, and he was in  
 “ fact out on the Wednesday preceding his death, which took place  
 “ on the following morning. We dined together on Wednesday last  
 “ about two o’clock. The dinner consisted of roasted beef, of which  
 “ he partook heartily and hastily—unusually so for him. After  
 “ dinner he ate some dressed apples, and afterwards some undressed  
 “ but did not take any spirit and water, assigning as a reason that he  
 “ wanted to make haste to Copper House to arrange for some singing.  
 “ He left the dining-room to retire to his bedroom, and I did not see  
 “ him again till called to him from my garden about half-past three  
 “ o’clock. He was then in the drawing-room, with his overcoat and  
 “ hat on to go out, and he was walking up and down before the fire-  
 “ place. He looked pale, but not anxious, and I asked him what was  
 “ the matter. He replied he did not know what was the matter, but  
 “ he wanted to be off to Copper House. I said you had better remain  
 “ at home, and asked him if he had any pain. He said, ‘No; but a  
 “ ‘drawing and sinking in my stomach.’ ‘Well,’ I said, ‘that is  
 “ ‘pain; do you feel griped?’ He said, ‘No.’ I asked him if he  
 “ would have some brandy. He said he did not know; and I  
 “ pressed him to decide, as I wanted to go to the garden again before  
 “ it became dark, and he then said he would. The servant, at my re-  
 “ quest, brought me a wine glass into the dining room, and I filled it  
 “ two-thirds full of best brandy, and told her to give it him, and  
 “ I then left to go to the garden, without seeing him again at that  
 “ time. About a quarter of an hour after that I was called again  
 “ by Jane Teague, who said that Mr. Jacob (meaning the deceased)  
 “ was no better, and I had better come in and see him. I went in,  
 “ and found him standing before the drawing-room fire. I said to  
 “ him, ‘are you no better, Jacob?’ He said, ‘No,’ and ‘what a  
 “ ‘thing it is that I can’t go to Copper House’ ‘Well,’ I said, ‘no one  
 “ ‘can help that. Are you in any pain?’ He said, ‘Yes, pain in my  
 “ ‘stomach.’ ‘Well,’ I said, ‘you will perhaps be purged soon, and  
 “ ‘then you will be better.’ I said, ‘Sit on the sofa, and remain  
 “ ‘where you are.’ I then left to go to the garden again, telling the



“ ‘servant if he was not better after a while to call me again. Soon  
 “ after I was called again, saying he was worse, and on going in I  
 “ found him seated on the sofa, supported by the servant Teague. I  
 “ felt his pulse, and, on speaking to him, found he could not articu-  
 “ late ; and, on letting go his hand, it fell on his knee; and, on looking  
 “ at his mouth, I saw it was drawn a little on one side on the right,  
 “ and I then knew that it was an effusion of the brain. I took means  
 “ of having him removed to his bedroom, and after removing his  
 “ outer garments he was put in the bed, where, after a short time, he  
 “ became sick, and vomited three or four times. He remained in  
 “ that state till he died about half-past six the following morning. I  
 “ was with him and my servant Teague from the time he was taken to  
 “ his bedroom till he died.”

I must here observe that I wrote to the coroner on the 15th January, requesting him to give me certain information about the inquest, and to inform me what reasons Dr. Millett gave for requesting him to hold an inquest. In reply, the coroner wrote to me as follows :—

“ Sir,

“ Inquest on Jacob C. Millett.

“ Having, in compliance with an order from the Secretary  
 “ of State, forwarded to him my report in this case, and furnished  
 “ him with copies of informations, &c., including copy of Dr. R. O.  
 “ Millett’s letter requesting the inquest, I must beg you to excuse my  
 “ declining to continue our correspondence, as, if any further inves-  
 “ tigation of the matter is to take place, it must be by order of the  
 “ Secretary of State.

“ I am, Sir,

“ St. Ives, 16th Jan., 1864.

“ Yours obediently,

“ Frederic Edmonds, Esq.,

“ WM. HICHENS.

“ Penzance.”

From this letter, I supposed the proper authorities had taken up the matter as one requiring further investigation. I did not see copies of the depositions taken before the coroner until some time after.

Dr. Millett requested the coroner to hold an inquest, with the object, it must be assumed, of verifying the alleged cause of death, which could only be done by a post-mortem examination. Unfortunately, the coroner did not order one.

On Thursday, the 31st December, Dr. Millett also wrote to



his relations in London, and by the evening post of that day to Mr. George Millett-Davis and Mr. John Thos. Millett, of Penzance, informing them of the death of the deceased. Penzance is eight miles from Hayle, with railway communication. On Saturday, the 2nd January, 1864, I received a letter, of which the following is a copy, from Mr. John T. Millett, containing copy of a letter to him from Dr. R. O. Millett :—

“ Penzance, 1st January, 1864.

“ My dear Doctor,

“ I herewith forward a copy of a letter I received per  
“ last night’s mail from Richard.”

“ Penpol Hayle, Dec. 31st, 1863.

“ My dear Brother John,

“ It is my sorrowful duty to inform you that Jacob  
“ died this morning at half-past six, of effusion of the brain, of fifteen  
“ hours’ duration. For the past three weeks he has been suffering  
“ from an attack of influenza, with harassing cough, and would not  
“ be nursed. Please to acquaint the members of your immediate  
“ family of it. I have written to Mr. Hichens to hold an inquest.

“ Yours affectionately,

“ J. T. Millett, Esq.”

R. O. MILLETT.

“ Poor Jacob was here on the 2nd December, since which I have  
“ not seen or heard anything of him, and was much surprised to  
“ receive Richard’s letter. I intend going over to Penpol this after-  
“ noon. Mary and the baby are with us. Baby is a remarkably fine  
“ boy, now nearly six months old. I have written in great haste, and  
“ must conclude with our kind love to Elizabeth, yourself, and family.  
“ Wishing you all the compliments of the season,

“ Believe me, yours affectionately,

“ Dr. Edmonds,

“ JOHN THOMAS MILLETT.

“ 6, Tamworth Villas, Croydon.

“ I believe Caroline is in Leicestershire, but what she is doing  
“ there I don’t know.”

On the 2nd January, 1864, I received a letter dated 1st January, 1864, 13, Ampton Place, London, from Mrs. Charles Dewen Millett, at the request of her husband, to inform me that his uncle, Mr. Hannibal C. Millett, of London, had written to him saying that Jacob died on the 31st ult. of “an attack of



“effusion on the brain, of fifteen hours’ duration. For the last three weeks he suffered from influenza and harassing cough.”

On Monday, the 4th January, 1864, I received in Croydon a letter already published, of which the following is a copy, from the Rector of Phillack:—

“Phillack Rectory, Hayle,

“2nd January, 1863.

“Dear Sir,—On Thursday afternoon I met Mr. William Millett on his way hither to inform me that his brother Jacob had been found dead in his bed that morning, and requesting me to write Mrs. Edmonds. It was then too late for that day’s post, so I sent a telegraph message to you in his name. He also requested me to write to the coroner, to beg that there might be a respectable, or, as he expressed it, ‘no packed jury.’ I wrote the coroner accordingly at once, with a request on the part of Mr. William Millett that a jury might be summoned, who, from their *position* and *intelligence*, would duly investigate the circumstances connected with his brother’s death. I am rather surprised to learn this morning that the coroner did not order a post-mortem examination. I have not heard that any other witnesses were examined at the inquest beside Dr. Millett and his servant. I have seen people who saw the deceased out of doors on the Wednesday, to all appearance in his usual health. He had been arranging for a Christmas treat to some singers on that day, according to his usual custom. It is said he was taken ill shortly after dinner on the Wednesday, that after that he expressed his intention to go out and see about the above-mentioned singing feast, but that his illness increased, that he was taken to his bed, and died between five and six on the following morning.

“I understand that the coroner’s jury brought in a verdict of ‘died from natural causes,’ and notice has been given to me of the funeral, to take place on Monday morning, between ten and eleven. I do not know what your view of the matter may be, but the coroner having given his warrant for the interment of the body, I am not aware that any course is open to you, in case you consider it a subject requiring further investigation, but to apply to the Secretary of State.

“I am, dear Sir, yours sincerely,

“FREDERICK HOCKIN.

“F. Edmonds, Esq.,

“6, Tamworth Villas, Croydon.”



My wife being very anxious to know the true cause of her brother Jacob's death I, on the same day, 4th January, 1864, after I received this letter from the Rector of the parish of Phillack, called at the Home Office, Whitehall, and was informed by a gentleman in the Secretary of State's office that no post-mortem examination could be obtained except through the local magistrates.

On Wednesday, the 6th January, Mr. John T. Millett wrote me a letter, of which the following is a copy :—

“ Penzance, 6th January, 1864.

“ My dear Doctor,

“ I have received Elizabeth's letter of the 2nd instant, and yours of the 4th instant. I went to Penpol last Friday afternoon. The inquest was over, and the jury decided that Jacob had died from 'natural causes.' There was no post-mortem. Mr. Crotch was the foreman.

“ I did not observe that any particular change had taken place in Jacob's body, except that the abdomen was distended.

“ The servant Jane told me that Jacob had taken a very hearty dinner on Thursday. Soon afterwards he was seized with violent and continued pain in the stomach. He had a glass of brandy, soon followed by a glass of whisky. He vomited, and was in GREAT AGONY till about four o'clock, when he was carried to bed by Richard and a man called William Michell, and never spoke afterwards. They thought he would have died at ten, but lingered till half-past six Thursday morning. No medical man was called to see him.

“ The funeral took place Monday. Richard, Mr. G. M. Millett-Davis, my son Edward, and myself were in the first carriage, and William, your brother Edwin, and Stevens, the farmer of Penpol, were in the second carriage. The following conversation took place on the way to and from church :—

“ J. T. M. to Richard : 'Has Jacob left a will ?'

“ R. O. M. replied 'Yes.'

“ J. T. M. : 'When was it made ?'

“ R. O. M. : 'Last February, or end of January.'

“ J. T. M. : 'Who made it ?'

“ R. O. M. : 'I did.'



" J. T. M. : ' Is the will to be read after the funeral ? ' .

" R. O. M. : ' No ; it does not concern any one here . '

" J. T. M. : ' Where is the will ? ' .

" R. O. M. : ' In the hands of my attorney . '

" G. Millett-Davis : ' Who are the witnesses ? ' .

" R. O. M. : ' Persons of the neighbourhood, chosen by Jacob . '

" J. T. M. : ' Is there any legacy to William ? ' .

" R. O. M. : ' No ; there is nothing given to any one. I will send

" ' you a copy of the will. Who ought to have the property

" ' but the one who housed, fed, and took care of Jacob ? and

" ' put up with great trouble and disagreeable conduct, and

" ' had lent him money, that he was still in his debt, &c.,

" ' &c., &c. ' .

" We did not return to Penpol House after the funeral. Richard  
" got out of the carriage at the gate. He invited us to dine. We  
" then drove to Crotch's Hotel, and stopped about an hour, and re-  
" turned home.

" Honor (late cook at Penpol) called here a few days ago, and said  
" that Jacob told her that he had not made a will last August.

" Mr. Crotch told us on Monday that Mr. Samuel Pick, innkeeper  
" (Hayle Hotel), told him that Jacob had not made a will *three or four*  
*weeks ago ! ! ! ! ! (sic in original).*

" I have written in *great haste* as a *private letter*, and I decline ap-  
" plying to a magistrate to institute further investigation in the  
" matter.

" I saw your brother Richard yesterday. He will write to you  
" very soon. What an *awful* state of things !

" Tell Elizabeth that I made a mistake in my last letter to you, by  
" ' saying John was very weak . ' I alluded to John Davis.

" Ann, Mary, and Edward join me in kind regards to you, Eliza-  
" beth, and children. Believe me,

" Yours affectionately,

" F. Edmonds, Esq., M.D.,

JOHN T. MILLETT.

" Croydon."

" P.S. I wrote to Richard on my return from the funeral, asking  
" him to send me a copy of the will as soon as possible.

" After Jacob had made a hearty dinner on Wednesday (corrected  
" thus in original), he intended going to Copper House to make ar-  
" rangements for the singers' feast, but was prevented by Richard and  
" the servant ; soon afterwards he was taken very ill.



“ Jacob was at the Wesleyan Chapel the Sunday evening (previous  
 “ to his illness on the Wednesday after), and was brought home by  
 “ William Oliver, as usual. Your brother intends going to Trenere  
 “ this morning.”

Dr. R. O. Millett wrote to his nephew, Mr. Henry Michell  
 Millett, of London, as follows :

“ Penpol, Hayle, Cornwall,

“ 7th January, 1864.

“ . . . I apprehend that ere this you have heard of the death  
 “ of your uncle Jacob, which took place here on the morning of the  
 “ 31st of last December, from effusion on the brain, commonly called  
 “ a seisure. He was taken at half-past three p.m. on the 30th, and  
 “ died at half-past six on the 31st, not having moved nor spoke after  
 “ the moment of attack. I had an inquest held immediately. Death  
 “ is making sad havoc amongst us.”

On the 9th January Mr. William Millett, of Hayle, attended  
 before a magistrate, the Reverend Uriah Tonkin, of Lelant,  
 and offered to lay an information against his brother, Dr.  
 Millett, but Mr. Cornish, the clerk to the magistrates, advised  
 Mr. Tonkin not to accept the deposition of Mr. William Millett  
 alone, alleging that he was not sufficiently “ responsible.”

I could not comprehend why Mr. William Millett was not  
 considered sufficiently “ responsible” until the 19th January,  
 when Mr. Cornish, the magistrates clerk, informed me that he  
 would not act on the Secretary of State’s order for exhumation  
 unless some person would be “ responsible” for the expense  
 thereof.

On the 11th January, 1864, I received a second letter,  
 already published, from the rector of the parish, of which the  
 following is a copy :—

“ Phillack Rectory, Hayle,

“ Saturday, 9th January, 1864.

“ My dear Sir,

“ Mr. Tonkin, our nearest magistrate, having informed  
 “ me that he would be from home all day on Friday, I appointed this  
 “ morning for Mr. William Millett to go to him. Yesterday after-  
 “ noon Mr. Richard Edmonds called, and I put your letters into his



“ hands. We agreed that he should see Mr. Tonkin’s attorney  
 “ (Mr. Cornish, of Penzance) last night, and that as soon as Mr.  
 “ William Millett had started for Lelant this morning I should  
 “ telegraph to him to come out with Mr. Cornish. On consulting Mr.  
 “ Cornish, however, he said that he should hardly like to advise  
 “ Mr. Tonkin to act merely upon Mr. William Millett’s information,  
 “ and that he should advise your coming down. After waiting for  
 “ some time at Lelant (your brother and Mr. Cornish not having  
 “ made their appearance), Mr. Tonkin, Mr. William Millett, and  
 “ myself all went to Penzance. After seeing Mr. Cornish, I agree  
 “ with him that it is most desirable for you to come down; in fact,  
 “ I do not see how else this matter (about which there is but one  
 “ opinion in the parish) can be investigated.

“ Mr. William Millett is very decided, and I believe from what I  
 “ hear that Mr. John Thomas Millett, *if summonsed*, will speak out.

“ I am, dear Sir, in haste,

“ Yours sincerely,

“ F. Edmonds, Esq.,

“ F HOCKIN.

“ 6, Tamworth Villas, Croydon.”

On the same day I also received a letter from Messrs. Rodd and Cornish, dated the 9th January, 1864, in which, after referring to the serious nature of an information, they stated that I should probably agree with them that, under the very peculiar circumstances of the case, the magistrates called on to act ought to receive the information of more responsible persons than offered themselves in that neighbourhood; in short, that they thought that I myself ought to attend and lay the information.

Dr. Millett had stated that the deceased had suffered from influenza, and died of effusion on the brain, and had thought proper to call an inquest. From the mere inspection of the body, without a post-mortem examination, no conclusion could have been come to as to the cause of death, which was internal; and it appeared to me that an inquest under such circumstances, without a post-mortem examination, was valueless.

My desire was only to remedy what I supposed to have been a neglect of the coroner, viz., the omission to order a post



mortem examination at the inquest, and as this omission could alone be remedied through the medium of a local magistrate, I considered it to be my duty to the public, and to members of my wife's family, to accede to what I thought to be the general wish that I should go into Cornwall. I went thither with the sole object of getting a post-mortem examination, and I had no intention of prosecuting Dr. Millett.

On my way to Penzance I called to see my brother, Mr. Richard Edmonds, solicitor, at Plymouth. I told him that I knew no one at Penzance, and asked him if I should get some solicitor from Plymouth to go with me who would undertake to get the body of deceased exhumed and examined. My brother said it was not necessary, that he was very well acquainted with Mr. Rowland Davies, solicitor, of Penzance, and that I could not employ better solicitors than the firm of "Roscorla and Davies," of Penzance. I therefore gave him all the letters I had received on the subject, and all the information collected, and he went with me to Penzance on the 13th January. My brother was accidentally at Hayle at the time, or shortly after, the deceased had died, and knowing all the friends and relatives of deceased, had collected various rumours and information about the death.

According to my instructions to my brother I supposed that he had engaged for me the services of the firm of Messrs. Roscorla and Davies to get the order for exhumation only.

On the 13th January Mr. Roscorla, at my request, laid all the information collected before Mr. Cornish, the magistrates' clerk, who, from the materials given, drew out a long draft, or statement, which he said the magistrates would require to have sworn to, in the shape of an information, before they would apply to the Secretary of State for an order for exhumation. This draft was afterwards slightly altered by Mr. Roscorla and myself at my lodgings in Penzance, and was copied by Mr. Roscorla himself, and immediately after was sworn to by Mr. William Millett and myself, and was sent off the same day to the Secretary of State.

This information was sworn to on the 15th January, 1864,



by Mr. William Millett and myself, for the sole object of getting an order from the Secretary of State for the exhumation of the body. No person was accused in it of any crime.

It was a mere formal document considered by the magistrate's clerk, and framed by him for the use of Messrs. Roscorla and Davies, as the only legal means of procuring the exhumation of the body after interment had taken place under a coroner's order.

Before Mr. William Millett and I swore to the document we were both closely questioned by three magistrates who were present (Rev. Uriah Tonkin, Rev. Thomas Pascoe, and Mr. D. le Grice). The magistrates were aware that I knew nothing of the case personally, and that all the contents of the "information" were mere hearsay evidence, the truth of which at that time both Mr. William Millett and I believed, and had no reason to doubt. The most important part of the "information" was founded on the letter above-mentioned of the 6th January, written to me by Mr. John Thomas Millett.

On the 19th January the magistrates' clerk received at Penzance the Secretary of State's order to exhume the body, and requested Mr. Roscorla and me to meet him at his house, which we did on the evening of that day.

At this interview the magistrates' clerk informed me that he had no funds at his disposal from which he could order payment of the expenses of the exhumation and post-mortem examination, of the witnesses, and of the preliminary investigation ; that if, after an inquiry, the magistrates should consider the evidence sufficient to commit any accused person for trial, then, but not before, he should have power to order payment of all the preliminary expenses incurred. He then informed me that he had received the order for exhumation and post-mortem examination, but would not act on it unless some person would be "responsible" to him for the expenses thereof. I replied that I would be "responsible" for them. He then proposed to have an analysis as well as a post-mortem. I said I would (for reasons I then gave) have nothing to do with any analysis, and that I would be "responsible" for nothing more than the expense of



the exhumation and post-mortem examination. He said he would appoint Dr. James B. Montgomery, of Penzance, and Mr. Philip Vincent, of Camborne, two well-educated medical men, in good practice, and perfect strangers to me, to perform the post-mortem, and fixed for it the next day at noon, in Phillack churchyard. I asked him if I might witness the post-mortem examination. He said, "Yes," but that I was not to do anything in it. Having thus obtained the order for exhumation for the post-mortem, I had no further occasion for the services of Messrs. Roscorla and Davies, but, on rising to take leave of Mr. Cornish, I heard Mr. Roscorla make an offer to go with him to Phillack the next day, because he said "he should like to see the dead body opened."

The next day, 20th January, 1864, I found Mr. Roscorla at Phillack churchyard, with Mr. Cornish, when I arrived.

Mr. Roscorla did not attend at Phillack at my request, nor did I consider that he was attending there on my behalf, as I had no object in requiring his attendance at the post-mortem examination.

Mr. Roscorla may have considered that he was rendering me a service in attending, and I should not have mentioned the circumstance if I had not been led to attribute some share of the subsequent troubles of Dr. Millett and myself to Mr. Roscorla's accidental presence, on the 20th day of January, at the post-mortem examination.

On Wednesday, the 20th January, from what I saw arranged and done, it was quite evident to me that orders had been given by Mr. Cornish to Dr. Montgomery and Mr. Vincent, before they commenced their post-mortem examination, to lay aside unexamined, some important organs, which of course were destined for examination on a future occasion. My surmise turned out to be correct, for important organs, together with the contents of the stomach, were afterwards in my absence, and without any instructions or authority from me, properly secured and sealed up in bottles and jars, under the personal superintendence of Mr. Cornish. The only possible object in view in making these preparations must have been to have a chemical or other scientific examination, which would of necessity occupy



many days, and I hence naturally concluded that it had been predetermined, quite independently of me, to institute a further investigation of the case.

Mr. Cornish officially, as the magistrates' clerk, saw the vault opened and the body exhumed on the 20th January, and under his superintendence the stomach, small and large intestines, spleen, kidneys, and portion of the liver, and contents of the stomach were secured in bottles and jars. All these remains were excluded from re-interment, but the rest of the body was re-interred.

Soon after the post-mortem examination, when I was not present, Messrs. Montgomery and Vincent wrote out their joint report or certificate of the result of their examination, and delivered it to the magistrates' clerk, and I subsequently heard him read it. The following is a copy of their certificate:—

“ We hereby certify that we have this day carefully examined the  
“ body of Jacob Millett, recently exhumed. We find all the organs  
“ and viscera of the body healthy, excepting the brain, which exhibits  
“ signs of congenital hydrocephalus. We can assign no appearance  
“ of disease as a cause of death; our attention having been specially  
“ drawn to the brain, we find there no signs of acute effusion.

(Signed) “ JAMES BARCLAY MONTGOMERY, M.D.

“ Phillack,

“ PHILIP VINCENT, Surgeon.

“ 20th Jan., 1864.”

As these gentlemen could not find any appearance of disease as a cause of death in the organs of the body which they examined, the manifest conclusion appeared to me to be that the cause of death remained unexplained.

Soon after I had heard the magistrates' clerk read the joint medical certificate, I bade him and Mr. Roscorla, who were together, “good morning,” intending to return to Penzance and take the train to London, as I had accomplished the object for which I went into Cornwall, viz., to remedy the omission made by the coroner at the inquest, in not ordering a post-mortem examination. In my ignorance of law procedure I considered, from the measures I had seen taken by the magistrates' clerk, that he, as the proper local authority, had taken on himself all further investigation, if any, of the case.



The magistrates' clerk, however, sent Mr. Roscorla after me, to request I would return with him to the churchyard; for what object Mr. Roscorla could not then tell me. I went back, however, to the churchyard. I was walking at the time with Dr. Montgomery towards the carriage waiting to take us both back to Penzance, and Dr. Montgomery expressed to me his great annoyance at my being called back and at his being obliged to wait for me. The magistrates' clerk there made some observations to me about not having funds at his disposal to send away the bottles and jars to London. Dr. Montgomery informed the clerk that if he wished to have a satisfactory analysis, he must send off the remains to London without loss of time. I did not know what to do. The coffin had been re-interred and the vault closed up. I considered myself, after what had passed, bound to dispose of the remains, and to aid the magistrates' clerk in sending the bottles and jars to London. I asked if £5 would be sufficient to pay for the policeman's journey; the policeman said it would, and I paid the £5, which was afterwards repaid by the Secretary of State, as well as the expense of the post-mortem examination, but not the expenses of exhumation and re-interment.

I never ordered, or in any manner ever made myself liable for any analysis.

I never had anything to do with Dr. Taylor. I never proposed to employ him. I never mentioned his name or that of any other analyst.

Mr. Cornish, the magistrates' clerk, in the witness-box at the assizes, informed the jury that he did not know who proposed to employ Dr. Taylor, but that "Dr. Edmonds suggested no one else." Mr. Vincent informed the magistrates and the jury, that he during the post-mortem examination knew that certain important organs were to be sent for examination to Dr. Taylor, and therefore he left them unexamined. The policeman received the jars and bottles on Wednesday, the 20th January, and handed them over to Dr. Taylor, on the Saturday afternoon, the 23rd January.

I have asked for the correspondence between the magistrates' clerk and the Secretary of State and Dr. Taylor, but it has



been refused, and in the face of Dr. Taylor's own statement in the witness-box, that he received the order for the analysis from the Secretary of State on the same date on which he saw the policeman, can there be any doubt but what Dr. Taylor was employed by the Secretary of State, and not by me?

After the bottles and jars with the policeman were disposed of, I again took leave of Mr. Cornish and Mr. Roscorla, and was again walking away with Dr. Montgomery when Mr. Cornish again sent Mr. Roscorla with a message to me, begging me to accompany him to the house of the magistrate, the Rev. Uriah Tonkin, at Lelant, two miles off. I at first objected to go, because Mr. Roscorla could not tell me for what object Mr. Cornish wanted me to go. I at last consented to go, and did so solely because Mr. Roscorla, my own solicitor, had been used as messenger. I must repeat that I consider his presence to have been unfortunate, since, had any one else than my own legal adviser, whom I employed to get the order for the exhumation, requested me to go to Lelant, I should not have gone. Dr. Montgomery returned to Penzance without me.

Although Mr. Roscorla attended that day at the post-mortem examination, and at Lelant before the magistrate, I remained without any legal adviser, for Mr. Roscorla offered me no advice.

In August last year I begged Mr. Roscorla to inform me why and for what object Mr. Cornish wanted me to go before the magistrate at Lelant. He wrote me in reply, stating that Mr. Cornish wanted me to report the result of the post-mortem examination (see Appendix). Had this been explained to me at the time I should never have dreamed of going before a magistrate to report, as a mere witness, the result of a post-mortem examination which had been performed by two well known and established medical men, appointed by the proper local authority. Mr. Cornish could scarcely have required me to attend at Lelant for the object of reporting the result of the post-mortem examination, because he carried thither in his own pocket the proper official report of it, and upon which the whole of the subsequent proceedings were entirely founded. It was supposed that I actively and knowingly instituted the prosecution



against Dr. Millett, by going immediately after the post-mortem examination before a magistrate, and voluntarily taking upon myself to report the results of it, as if I had, as a medical man, performed the operation, and as if I had written my report and opinion on it. Messrs. Montgomery and Vincent were the persons, and not myself, whom Mr. Cornish should have requested to attend with him before the magistrates at Lelant.

The magistrates' clerk, immediately after our arrival at Lelant, in the presence of Mr. Roscorla and myself, read aloud to Mr. Tonkin the joint certificate of Messrs. Montgomery and Vincent, and then stated in strong terms that it was plain that the cause of the death of deceased was not water on the brain, as alleged. I was then questioned, and I then stated that I had the same opinion as that just expressed by Mr. Cornish, and on being further questioned I expressed a belief which I had at that time, viz., that there was no apparent cause of death yet discovered, and that if death were caused by poison I believed it must have been administered by some one in Penpol House, who could have been no one else than Dr. Millett, and that it did not follow that because poison was administered it should be found in the body. I was then asked if I could swear to that belief. I said I could.

I was then invited to go to Mr. Cornish's office in two days (on the 22nd January), and swear to the truth of my belief, and I promised to go, and I went accordingly, because I had promised to do so. Neither Mr. Roscorla nor his partner, Mr. Davies, went with me to advise me or to explain the nature of the proceedings, or the responsibility I was assuming in swearing to such belief.

When I promised to swear to such belief I was not aware that the expression of a mere belief or opinion, founded on the report of Messrs. Montgomery and Vincent's post-mortem examination, and obtained from me by close questioning, and afterwards sworn to by me, would make me a prosecutor. From the conversation I had with Mr. Cornish the previous evening I thought it was a mere legal formality, but absolutely necessary to bring the suspected party, by means of an arrest,



before the magistrates, so as to enable them to examine two or three witnesses (the only ones of any importance) belonging to, or frequenting Penpol House; and that the whole business could be, and would be, disposed of in a few hours, at a preliminary examination, to decide whether there should be or should not be instituted a regular prosecution. In my ignorance of the forms of criminal law procedure, I thought I was only assisting the magistrates' clerk, who I saw had taken and directed measures for the full investigation of the case, prior to the post-mortem examination, and subsequently, as it appeared to me, by acting on the report of the result of the post-mortem officially made to him by the medical men he himself had appointed—stating that they could assign no appearance of disease as the cause of death.

I never intended to prosecute, and therefore neither took, nor sought, nor received from Messrs. Roscorla & Davies, or any one else, any legal opinion as to whether the hearsay evidence on which the order for exhumation was granted, together with the certificate of Messrs. Montgomery & Vincent, was or was not sufficient to found a prosecution on. No such opinion was ever given or asked for by the magistrates, or by their legal adviser, Mr. Cornish. I gave no instructions to institute the so called prosecution. Dr. Millett's solicitor gave notice for the production of the instructions I had handed to Mr. Cornish, by virtue of which he drew out the "information of the 22nd January," by which the prosecution was really instituted. I gave no such instructions, and none, of course, could be produced at the trial.

I never had any legal question placed before me which required at my hands any solution. I never had any questions put before me to consider except those of expense—such as the expense of exhumation and post-mortem; the expense of sending, on behalf of the magistrates' clerk, a policeman to London; and the contemplated expense, after the arrest, of examining a few witnesses belonging to Penpol House, which I supposed would be trifling. Mr. Roscorla attended me about witnesses, and it was understood that he should examine the



witnesses. But Mr. Roscorla did not any more than I know what the witnesses could or would say when produced. It was a mere accident that I in terms requested Mr. Roscorla "to appear" for me at all before the magistrates. The fact of the matter was that neither Mr. Cornish, Mr. Roscorla, or I had a particle of known evidence to produce when the so-called prosecution was instituted beyond the rumours and hearsays, on the strength of which the order for the exhumation of the body was applied for, always excepting the certificate or report of the post-mortem by Messrs. Montgomery & Vincent. When Mr. Roscorla came to me about the witnesses I supposed that he had arranged with Mr. Cornish all about the proceedings, and that he would assist Mr. Cornish in the inquiry the latter gentleman had undertaken.

I was utterly ignorant of the nature of the proceedings adopted. I considered myself a mere witness, giving my opinion only when asked, and imparting the information written to me by others. It seems to me now that whether a prosecution should or should not have been instituted against Dr. Millett really turned on my knowledge of criminal law procedure and of the validity of the (supposed) evidence which could or might be produced.

After the meeting at the house of the Rev. Uriah Tonkin (the 20th January). I separated from the magistrates' clerk and Mr. Roscorla, who together went back to Hayle, where they ordered rooms, or caused rooms to be ordered, for the use of the magistrates, at the White Hart hotel, kept by Mr. Crotch, who sent in his bill for the same, with carriage hire, to Lelant, £4 17s., against Messrs. "Cornish and Roscorla," to both of whom Mr. Crotch informs me that he applied for payment of his bill (see Appendix).

These rooms for the use of the magistrates must have been so ordered on the 20th January by Messrs. Cornish and Roscorla, after they had decided a prosecution would be, or should be, instituted, and that the rooms would be actually required. These rooms were ordered without my knowledge or authority, and the expense afterwards charged against me. I did not learn until eight or nine months after that they had been ordered on the 20th January.



Had I been aware that Mr. Cornish or Mr. Roscorla had on the 20th January ordered these rooms on my behalf, on the supposition that I should afterwards become the prosecutor, I should, no doubt, have been led to consider the position I was unconsciously assuming, and I should not without taking legal advice on the point have gone to Mr. Cornish's office to swear to the truth of a belief expressed by me after questioning before the magistrate at Lelant.

On the 21st January Mr. Roscorla called on me about witnesses, at which time he knew that I was going the next morning to the office of the magistrates' clerk to swear to the truth of the belief I expressed after the questioning at Lelant, but he said he could not attend. I therefore was confirmed in my idea that the swearing to the truth of my "belief" was a mere formality of no importance in itself, but required for the purpose of enabling the magistrates to examine the few witnesses of Penpol House, and that the evidence of these witnesses would in a few hours enable the magistrates to finish the case at once, or order it to be carried on further.

I gave no kind of instructions to Mr. Cornish, who spontaneously wrote out the expression of the belief which I had given on being questioned by him and by the magistrate at Lelant; he appeared to me, however, to put it in much stronger terms than I had used—he read it over to me before the ink was dry. I said I could swear to the truth of it, and did so, and signed it. The swearing to the truth of my belief constituted in legal phraseology an "information." After he had read it over he added the names of witnesses. Neither Mr. Roscorla nor I applied to the magistrate for a summons to arrest Dr. Millett. Mr. Roscorla, I believe, did not see the magistrate on the day I swore to the information. Mr. Cornish, I believe, settled and directed everything that day, and the following morning the bench met, and heard evidence. Dr. Millett was arrested in the evening of the 22nd January, 1864.

In the information no mention was made of the joint medical report of Messrs. Montgomery and Vincent of the 20th January,



but I am made to appear as a medical man spontaneously presenting myself in order to report the results of the post-mortem examination, and induce the magistrate to act.

I am led to state in the information, 1st, that on the 20th day of January, 1864, I was present at the post-mortem examination of Jacob Curnow Millett, and that there appeared in the corpse no cause to which the death could possibly be assigned, and especially that there was no effusion of the brain; and 2ndly, that it was my decided and solemn belief that the deceased died from the effects of some vegetable or other poison, and that the same was administered to the deceased wilfully and maliciously, and with intent to cause death, by Richard Oke Millett, of Penpol, in Phillack, on the 30th day of December then last.

The names of a number of witnesses are then mentioned as being able to give material evidence, but as to who the majority of these witnesses were, or what evidence they could give, I was unaware.

That the medical circumstances attending the death of Jacob C. Millett were unusual is apparent from the evidence of Dr. A. S Taylor himself, who was Dr. Millett's chief medical witness at the trial at Bodmin, and who stated to the jury as follows:—

“Such cases of death as the present of chronic hydrocephalus, terminating with apoplexy, are very rare, but serous apoplexy is common enough. Chronic hydrocephalus is very rare, because nearly all who suffer from water on the brain die early. Out of fifteen or sixteen cases not more than one reaches the age of twenty.”

Dr. Samuel Wilks, lecturer on Pathology at Guy's Hospital, appeared at the trial on behalf of Dr. Millett, and in the course of his evidence stated that he had made records of upwards of 4,000 post-mortem examinations, that he had opened a great many heads where chronic hydrocephalus had existed, and that he did not think he had met with men having this disease who had lived longer than the deceased. What confirmed me most in my opinion, that the death was unaccounted for, was the joint



report of Dr. Vincent and of Dr. Montgomery, before copied, and the appearance of the brain, as witnessed by myself.

The question for the jury at the trial at Bodmin was whether I had reasonable and probable cause for believing the statement I made to be true, and not whether it was true.

Granting, however, that I had sufficient grounds to justify me in making the statement I did, as to what I then believed to be the cause of death, the second part of the information, as to the person I believed who caused the death would, under the circumstances, almost follow as a matter of course, as the judge pointed out at the trial.

If the deceased did not die from disease on the brain, and no appearances of disease were found in any other part of the body, the inevitable conclusion to my mind at that time was that death having taken place under the circumstances mentioned in Mr. J. T. Millett's letter to me of the 6th January, could only have been the result of a vegetable or other poison.

It was most unfortunate for Dr. Millett and myself that I was ever asked to swear to the information. No information ought to have been sworn whilst the result of Dr. Taylor's investigations was unknown.

Mr. Cornish had arduous and responsible, and, I have no doubt, most disagreeable, duties to discharge, and it is evident, from what the judge himself said at the trial about the "general opinion of the foolish people at Phillack," that there was a good deal of public excitement upon the subject of these inquiries.

I find it, however, impossible to avoid coming to the conclusion that I have been made a "scapegoat" of in the whole matter. This is the term, indeed, used by my former solicitors, Messrs. Roscorla and Davies, as applicable to myself, in a letter they wrote to me shortly after the trial (see Appendix).

The inquiry before the magistrates lasted from the 23rd January to the 5th February, Dr. Millett being kept incarcerated all this time.

On Saturday, the 23rd January, the bench met to hear the case.



A few minutes only before the sitting commenced Mr. John T. Millett said to me that he wished Mr. Roscorla to "appear" for him, as well as for me. I went with Mr. John T. Millett to Mr. Roscorla, and told him this. I gave no other specific instructions to Mr. Roscorla to conduct the prosecution. I, at this time, thought the magistrates' clerk was conducting the whole inquiry, and that the responsibility rested with the magistrates. When I asked Mr. Roscorla "to appear," I of course thought that I (and also Mr. John T. Millett) should have to pay for his attendance and trouble in asking questions of the witnesses, and in assisting the magistrates' clerk.

On the 23rd January, Mr. Downing, solicitor, of Redruth appeared for Dr. Millett, and the three most important witnesses, viz., Miss Elizabeth A. Davey, Jane Teague, and William Mitchell, were examined on that day. Nothing was elicited from their examination likely to inculcate Dr. Millett. Notwithstanding this, however, the magistrates remanded and re-incarcerated Dr. Millett until the 28th, declining to accept bail, although no opposition was offered by me.

On the 23rd January Dr. A. S. Taylor, received direct and special orders from the Secretary of State to examine certain remains of the body of deceased, and also to make an analysis of the contents of the stomach, &c. This Dr. Taylor stated in the witness-box.

On the 26th January, 1864, during the first remand of Dr. Millett for five days, Mr. Cornish, the magistrates' clerk, had, unknown to me, a consultation in London with Dr. Taylor, but for what object I have never been informed; for this consultation I was charged £1. 1s. 0d. by the magistrates' clerk, which charge was ultimately paid by the Secretary of State's order; for the same consultation Dr. Taylor charged the Home Office £2. 2s. 0d., which the Home Office paid him in March following.

Mr. Cornish, after his consultation with Dr. Taylor, returned to Cornwall on or before the 28th January, and then, unknown to me, obtained from the person in charge of Penpol House two samples of horseradish, one of which was fresh drawn from Dr.



Millett's garden at Penpol, and the other was a portion of the horseradish which was drawn from the same garden on the 30th December, 1863, and used at the dinner at Penpol House on that day, both which samples Mr. Cornish forwarded to London to Dr Taylor. Mr. Cornish also, after his return to Cornwall, maintained, unknown to me and my solicitors, communications with Dr. Taylor, and forwarded him from time to time printed papers and copies of depositions of the witnesses, medical and non-medical, with the exception of Dr. Montgomery's, he having only been examined on the 3rd February. By means of these communications Dr. Taylor, on the 3rd February, was enabled to frame and write his after mentioned medico-legal report, called by him "suggestions," which he sent to Mr. Cornish, who, on the 5th February, read them to the public at Hayle by order of the magistrates. Dr. Taylor subsequently informed me by letter (see Appendix) that, if he had not written these "suggestions," he must have attended to give evidence before the magistrates.

There is ample evidence to prove these facts, and it is therefore only necessary for me to refer to them. Under such circumstances it was not fair to call Dr. Taylor my witness.

In the various accounts and amended statements of accounts and charges officially made against me (the so-called) prosecutor in the case), and delivered to my solicitors by Mr. Cornish, as magistrates' clerk, no charges can be found relating to visits to Penpol House, about the horseradish and its transmission to London; or relating to the correspondence which took place between Mr. Cornish and Dr. Taylor during the magisterial inquiry at Hayle.

Mr. Cornish charged me with the sum of £20 7s. 6d., a portion of Dr. Taylor's charges relating to the analysis and "suggestions." Knowing that neither I nor my solicitors had ever given any orders for an analysis or "suggestions," I protested against being charged with any portion of the expense relating to them, but being pressed for payment by Mr. Cornish, I sent, on the 1st March, 1864, to my solicitors, under protest, a cheque for the £20 7s. 6d., which was subsequently returned to me by my solicitors.



The trial at Bodmin was fixed for the 16th of March. The objects in endeavouring to obtain payment of this £20. 7s. 6d. from me before the trial appear to me to have been to show that Dr. Taylor was my witness, and to fix upon me the responsibility of all the consequences so injurious to Dr. Millett, which I believe to have resulted from the employment of Dr. Taylor.

As I consider it of the utmost importance, for the object of clearing my character, so unjustly assailed, to prove that Dr. Taylor was never my witness, and was never employed by me, I have felt it necessary to copy in the Appendix a few out of many letters relating to this question. These letters speak for themselves. Comment on my part as to them is unnecessary, and would be contrary to the object I have in view in making this statement, which is solely to show, that however mistaken I may have been in my views, I was not actuated by malice; and that I had reasonable and probable cause for my conduct, according to the information furnished to me at the time.

The magistrates sat again on the hearing of the case on the 28th January, when several fresh witnesses were examined as to matters of fact.

On the 30th the magistrates met again, and on this occasion Mr. Vincent was examined very much at length as to the results of the post-mortem examination, and the causes which led to the death of the deceased. I shall now make a few extracts from the evidence of Mr. Vincent, and from the subsequent evidence of Dr. Montgomery, for the sole purpose of showing that if the independent medical men, who were officially employed to make an examination as to the cause of death were mistaken in their views, mistake on my part might be considered pardonable and unaccompanied by malice. Mr. Vincent, in the course of his examination, made the following statements, as reported in the *Cornish Telegraph*:—

Copy Extracts from Mr. Vincent's Evidence.

“ On Wednesday, the 20th of January, I, with Dr. Montgomery,  
 “ medically examined the body of Jacob Curnow Millett, having been  
 “ instructed to attend by Mr. Cornish, the magistrates' clerk. We  
 “ most carefully examined the body.....We found the body  
 “ very fresh; all the contents of the abdomen were perfectly healthy.



“ .....We found the surface of the lungs was a little more  
 “ purple than is usually the case, but otherwise perfectly healthy.  
 “ We cut them, and examined the substance, and found it was  
 “ healthy.....We examined the valves of the heart, and found  
 “ them perfectly healthy and natural.....We examined the mem-  
 “ branes of the brain, and found them perfectly natural.....On  
 “ lifting the lobes of the brain about a pint of fluid escaped. We  
 “ found he had suffered from congenital hydrocephalus, or water on  
 “ the brain. We looked to see if we could discover any clots.....  
 “ We then examined the substance of the brain, and found it healthy.  
 “ .....We examined the windpipe, which we found apparently  
 “ healthy—in fact, it was healthy.....I could find nothing to ac-  
 “ count for death.....The fluid discovered in the brain came from  
 “ the ventricles of the brain. I should say this fluid would not cause  
 “ death, because it had been there so long, and had been gradually  
 “ increasing from the time of his birth. Of course, when the brain  
 “ ceases to grow the water would gradually fill those ventricles.....  
 “ The water we saw in this case need not have caused death. If  
 “ deceased had suffered from influenza for three weeks before his  
 “ death, and a harassing cough, we should have expected to find the  
 “ windpipe inflamed. There was nothing more in the appearance of  
 “ the windpipe than was natural.....This water would press more  
 “ or less, of course, on the structure of the brain, but was confined  
 “ to the ventricles, and would not affect the healthiness of the brain.  
 “ .....Having heard the depositions of Jane Teague and other  
 “ witnesses read I should say the symptoms therein detailed are not  
 “ consistent with effusion on the brain. They certainly indicate, or  
 “ assimilate to, indigestion or a disordered stomach. From the ex-  
 “ amination of the stomach I should not have discovered whether or  
 “ not the symptoms arose from a disordered stomach.—Question:  
 “ Do you know any natural disease which could produce these  
 “ symptoms? Answer: A person suffering from gastritis might  
 “ have these symptoms enumerated. Allow me to correct myself.  
 “ Some of the symptoms, but not all—the sickness and pain in the  
 “ stomach, for instance—very much resemble those attendant on gas-  
 “ tritis.—Question: Taking all the symptoms together, do you under-  
 “ take to say that Mr. Jacob Millett died from natural causes?  
 “ Answer: I cannot say. I cannot say that he did or did not die  
 “ from natural causes. I am unable to account for this death.—  
 “ Question (suggested by Mr. F. Edmonds): Do some of the symp-



“toms resemble a case of poisoning? Answer: According to Dr. Taylor’s work they do. I have seen some cases of poisoning at the hospitals, but not since I have been in practice myself.

“*Cross-examined by Mr. DOWNING:* I am a member of the Royal College of Surgeons and licentiate of the Apothecaries’ Society, my dates of membership being 1851 and 1853.....The body was not decomposed; it was very fresh indeed.....The muscles were firm and red, and very fresh. I am clear of that, as I noted them with great care.....When we cut round the membranes of the brain serum escaped into a dish held for it, as we expected such a fluid. As we lifted the lobes of the brain, after reflecting the membranes to examine them, we expected some fluid in a case of chronic hydrocephalus, and this fluid rushed out. The brain was healthy until we came to this point, at least, healthy with the exception of the hydrocephalus. There is always some fluid in the ventricles of the brain, but the fluid in this case was greater than that which would escape from an ordinarily healthy brain.....When we handled the brain it did not soften very rapidly, or rapidly on exposure. It was as healthy a brain as ever I saw in my life. He had not a much larger head than I have myself.....There was no sign of softening of the brain at all. We cut the brain and pinched it, so as to test it. That is the usual test. One test is to run a small stream of water over it, but if we had found any softening at all we might have tested it in that way. There was no extravasation of blood. The two lateral ventricles were of enormous size, but symmetrical and similar. I never saw such large ones before, but I never saw a post-mortem after hydrocephalus until this.....The fluid was a light straw colour. The intestines we did not examine, because we thought Dr. Taylor ought to see these as they were found. We removed the whole of the gut down to the rectum, and found no ulceration, consequently no extravasation of faecal matter. It was as healthy a body as ever I saw in my life. We examined the mucous membrane everywhere, and it was healthy.....Aconite would I believe, not leave any trace of its presence three weeks after death, but I give no positive opinion in cases of poisoning.”

The following are a few extracts from the evidence of Dr. Montgomery, who was examined on 3rd February:—

“I have recently, with Mr. Vincent, examined the body of Jacob Curnow Millett, at the request of the magistrates’ clerk. This was



" on the 20th of January. I made such an examination as I con-  
 " sidered necessary. I produce copy of a report I made to Mr.  
 " Cornish on the subject. We found all the organs and viscera  
 " of the body healthy except the brain. Our attention having been  
 " especially directed to the brain, we found there no signs of acute  
 " hydrocephalus. I found no evidence to consider it acute. All the  
 " parts of the body were healthy except for the signs of congenital  
 " hydrocephalus. That report was drawn up and signed at once.  
 " We found five or six ounces of fluid in the brain, clear and un-  
 " coloured. I judged from the enormous size of the ventricles and  
 " cells that this fluid had been there during the lifetime of the indi-  
 " vidual. I should say there were no signs of that water being the  
 " the cause of death. I cannot say it might not have produced death,  
 " but there was no evidence of the fact. All the parts of the body  
 " except the brain were perfectly healthy. We found not the slightest  
 " morbid effusion on the surface of the brain; we found no clot  
 " between the brain and the bones covering it, nor any effusion of  
 " blood. I saw no visible cause of death except always this congenital  
 " hydrocephalus. The bones of the head were perfectly united; in  
 " my judgment you could not get any proof of the increase of this  
 " fluid after the bones of the head (fontanel) united.....The body  
 " was remarkably fresh, and was very little decomposed.....Any  
 " one who had known the deceased in life could have identified him.  
 " The tissues were only very slightly decomposed, indeed. We first  
 " opened the abdomen, and proceeded upwards to the chest.....I  
 " particularly examined the heart, and found it healthy.....The  
 " head was large,  $24\frac{3}{4}$  inches in circumference, but Mr. Vincent's is  
 " larger.....Any one who knows a healthy brain can test it by  
 " its feel and by slicing, and I was satisfied there was no softening.  
 " The substance of the brain was in very fair condition considering  
 " the length of time that had elapsed since death.....I presume  
 " the disease was congenital, the water gradually increasing up to  
 " a certain period in childhood, and had not then increased after-  
 " wards. The water's increase could not be stated unless you knew  
 " the history of the individual and the symptoms. I do not believe  
 " it had increased during the last five years, because the cranium  
 " being closed there was no mark or evidence of pressure or of  
 " flattened convolutions. There might have been an increase of a  
 " globule or two, but I saw there was no evidence of it. It is so  
 " rare to meet with a post-mortem examination of a hydrocephalic



“ person at that age that I am not prepared to give an opinion  
 “ positively that a minute increased quantity of fluid would give a  
 “ morbid sign after death; and I speak now of post-mortem evidence,  
 “ and not of a diagnosis when alive. I am not prepared to say  
 “ that a very small increase of fluid would cause death, or that a  
 “ minute increase of fluid would not cause death. I never assisted  
 “ at a post-mortem of a person at that age and at that period after  
 “ death in a case of hydrocephalus; never assisted at a post-mortem  
 “ of a person who had died from hydrocephalus at all.....I saw  
 “ no morbid symptoms or signs indicating poison. I may say no  
 “ signs at all.....I have never seen a case of death from effusion  
 “ on the brain without leaving some sign in the brain, but the  
 “ authorities say it may be so. I have heard the symptoms described  
 “ by Jane Teague and Miss Davy, and I cannot take them as  
 “ symptoms of one disease only. I cannot connect them all as  
 “ symptoms of effusion on the brain.

“ By Mr. DOWNING: Supposing the patient had eaten a hearty  
 “ dinner, and I take into consideration the brain disease, I should  
 “ not understand the excessive cold the deceased complained of, and  
 “ cannot see a connection between the symptoms.”

The medical evidence of Messrs. Montgomery and Vincent  
 went to prove that there was no disease apparent in the wind-  
 pipe, as there would have been if the deceased had suffered  
 from influenza and harrassing cough for three weeks; that the  
 brain was healthy, with the exception of the water found in the  
 ventricles, and that that water was insufficient to account for  
 death.

On the 3rd of February the magistrates met again, when one of  
 them, the Rev. Thos. Pascoe, after commenting upon an unpleasant  
 altercation which had taken place between a member of the bench  
 and a friend of Dr. Millett's, stated that the inquiry then being  
 made was only secondary to a prior one demanded by Dr. Millett  
 himself,—“that he, Mr. Pascoe, did regret—very much regret  
 “ — that the coroner in the discharge of his duty did not order  
 “ a post-mortem examination, for then the result of such an  
 “ examination would have been known without Mr. Millett  
 “ being deprived of liberty, and it was only such an examina-  
 “ tion that could to every unprejudiced mind have cleared him  
 “ from the suspicions of which he himself had complained.”



The coroner in this case was the same coroner who held an inquest on Dr. Millett's father.

Immediately after the altercation above referred to, which took place on the 30th January, Mr. Roscorla informed me that civil actions would follow the prosecution. This was the first time I understood the responsibility of my position, and this was the first time I had any idea that I was considered the real or technical and responsible prosecutor. I went on Tuesday, the 2nd February, to Mr. Roscorla's partner, Mr. Rowland Davies, and stated to him that I was surprised to find that I was considered the prosecutor, and I requested him to give me his personal advice and assistance, and attend the next day before the adjourned hearing of the magistrates. Mr. Davies said he regretted the position I was in, but that he could not give me his assistance, because he was the mayor of Penzance, and would not, and could not, on that account act in any criminal case in the town or neighbourhood.

It may, perhaps, not be out of place to copy here some extracts from the evidence of Mr. Cornish taken at the trial at Bodmin on the 16th March, 1864.—

“*Examination* by Plaintiff's counsel: I have the warrant for  
 “exhumation. I communicated that answer of Sir George  
 “Grey to Mr. Roscorla. On the same evening Mr. Roscorla  
 “and Mr. Frederic Edmonds called, and I told them I could  
 “not go unless some one would pay. He agreed to pay the  
 “expense of the exhumation, and I made some remark about the  
 “exhumation being followed by an analysis. I did not see how  
 “the magistrates would act without there was an analysis. Mr.  
 “Edmonds said he did not put the issue upon there being poison  
 “found in the body. If there was no cause shown for the death, the  
 “inference would be that he died of poison. I named Dr. Montgo-  
 “mery, of Penzance, and Mr. Vincent, of Camborne, to carry out  
 “the post-mortem. I wrote also to the Rector of Phillack, I went  
 “the next day and attended the exhumation, and saw the body placed  
 “in the room. I then went away. I also saw it replaced. Dr.  
 “Montgomery and Mr. Vincent, the superintendent of police, and  
 “two or three of the police, the carpenter, Mr. Frederic Edmonds,  
 “and Mr. Roscorla were also present. After the coffin was put into



“ the grave again I saw the jars sealed up. I asked Dr. Montgomery if it would injure the analysis to wait until I could hear from the Secretary of State. He said it would. It was then agreed that Mr. Frederic Edmonds should pay the expenses. I instructed Mr. Miller, the superintendent, to go to London, and Mr. Edmonds gave him a £5 note. I directed him to go to Dr. Taylor, but who suggested him I cannot tell. Dr. Edmonds suggested no one else. Before Mr. Tonkin I asked if Mr. Edmonds was prepared to make a direct charge. He came forward and said, ‘I can state that there is no apparent cause of death in the body, and therefore death must have been caused by poison, and that poison must have been administered by some one in Penpol House.’ There were five hearings, and Dr. Millett was fourteen days in custody, Bail was offered and refused. Dr. Taylor’s report and depositions (suggestions?) were sent to me. I read them both, and the magistrates dismissed the case at once.” [The suggestions and the report of Dr. Taylor were then put in, but Dr. Taylor’s letter of the 3rd February, 1864, afterwards copied, was not put in.]

“ *Cross-examined by Mr. KARSLAKE:* I never knew the Defendant until he called upon me in reference to this case. I first drafted the information from the particulars supplied to me by Mr. Roscorla and the Defendant. I read the certificate given by the medical men aloud. I don’t recollect the Defendant saying that the certificate showed that death was not consistent with effusion on the brain. I believe I said after reading it that it was plain that death was not the result of water on the brain. Mr. Edmonds said that a man might be poisoned although no poison might be found in the body. At the time of the exhumation the Defendant asked if he might remain, and I told him that he might do so, but that he was to take no part in the proceedings. Mr. Roscorla, every day of the examination, said that he was willing that Dr. Millett should be bailed. I sent to Dr. Taylor the printed reports of the inquiry, according to his request. Mr. Frederic Edmonds appeared throughout thoughtful and calm and earnest in what he was doing. Mr. Richard Edmonds first asked if the warrant could be delayed after the information. The Defendant also asked if it could be delayed until the result of the post-mortem examination. I told him it could not be done.”

At the end of the examination of witnesses on the 3rd February, all the witnesses having been examined, the following dia-



logue took place between the bench, Mr. Roscorla, and Mr. Downing:—

“Mr. Roscorla said these were all the witnesses the prosecution had at present.

“The bench then consulted for several minutes, and left the room for a further and more private conversation.

“On the return the chairman (the Rev. U. Tonkin) said the magistrates did hope to have been able to finish the depositions this evening, but they understood Dr. Taylor’s report could not reach them before to-morrow at the earliest, and this was not a certainty; so they thought it better to adjourn this meeting until Friday at twelve o’clock, when the bench trusted to conclude their investigation.

“Mr. DOWNING: Will your worships grant a remand at all upon the evidence laid before you?

“The CHAIRMAN: I think we must until after we have received some information from the principal witness.

“Mr. DOWNING: You see, sir, the prosecution says the case is closed, and they intend to call no more witnesses. I would respectfully ask your worships upon what ground you remand?

“The CHAIRMAN: The principal ground on which we now remand is that the report of Dr. Taylor has not been received, and we do not know but that he may be a material witness.

“Mr. DOWNING: In the entire absence of any evidence whatever to justify such a step I venture to suggest humbly that my client should no longer be incarcerated.

“The CHAIRMAN: Mr. DOWNING must be aware that much depends on the evidence and the report of Dr. Taylor, and that without such report this inquiry could not end.

“Mr. DOWNING: I again make an application for bail if the bench are determined to remand.

“The magistrates again consulted, and said consistently with their duty they could not grant this request, sorry though they were for it.

“Dr. Millett was then formally remanded until noon on Friday.”

I heard the above dialogue, and then, for the first time, I comprehended why Dr. Millett’s case had been adjourned from time to time, with long intervals between.

It evidently was because the magistrates were waiting for the



evidence of their witness, Dr. Taylor. I was particularly struck with the first remand for five days, when I, in my ignorance, thought a few hours would have been sufficient to decide whether or no a prosecution should be instituted.

From the above dialogue it is apparent, as the fact was, that the case for the prosecution was closed; so far therefore as I was concerned, and could in any manner be considered the prosecutor, the case was at an end, and it was for the magistrates at once to determine whether Dr. Millett should be discharged or committed for trial. They preferred, however, to re-incarcerate Dr. Millett until Dr. Taylor's report should have been received. Now, Dr. Taylor could only have been a witness for the defence, for the magistrates themselves, or for myself, as so-called prosecutor. There is no evidence that I am aware of to support the first of these suppositions.

And with regard to the last of them, I have the word of my solicitors that they never employed Dr. Taylor, and that he was not my witness, and I have given already abundant evidence to show that I never employed him or considered him my witness; but the fact of my solicitor having closed the case for the prosecution as he did, without waiting for Dr. Taylor's evidence, is sufficient of itself to prove that Dr. Taylor was not a witness for the prosecution. The remaining supposition alone, therefore, can be the right one, viz., that Dr. Taylor was the magistrates' or government witness, for whose satisfaction his evidence was required.

It would therefore seem that after the examination of many witnesses, medical and non-medical, the magistrates, who most carefully had listened to all this evidence during four long days, were unable themselves to come to a conclusion whether Dr. Millett was guilty or innocent without the evidence of their own witness, and that they actually remanded and re-incarcerated Dr. Millett, on the grounds, that Dr. Taylor was the principal witness; that he might be a material witness; that much depended on his evidence and report; and that without such report the inquiry could not end. The magistrates had infinitely more knowledge of the case than



was possessed by me when the information of the 22nd Jan. was signed, and yet they found it inconsistent with their duty to discharge the prisoner until they had received the further evidence of their own scientific witness to settle the question of guilt or innocence which they appear to have been unable to determine themselves on the sworn evidence. After the magistrates' own uncertainties, can it be alleged that I was censurable for thinking that there was probable and reasonable cause for an inquiry into the circumstances attending the death of the deceased? Considering my duties at an end, I took an early train from Penzance on the 4th February, and returned to London.

The magistrates met again on Friday, the 5th of February, but neither my solicitor, Mr. Roscorla, nor I was present.

I must here observe that Mr. Roscorla, throughout the proceedings before the magistrates, confined himself entirely to the examination of witnesses, without making any speech or comments, either at the opening or at the close of the evidence; the object being to institute an inquiry, and not a prosecution.

The *Cornish Telegraph* of the 10th of February contains a report of what took place on the 5th February. The magistrates are reported to have taken their places at a quarter before twelve, and immediately to have adjourned to a private room, as it was understood to consider Dr. Taylor's report, and the opinion the bench should give on the case, and they are also stated to have returned in ten minutes.

The Rev. U. Tonkin, the chairman, is then stated to have said,—“We have received the ANSWER from Dr. Taylor, and I think it but justice, both to the prosecutor and to the accused, to have it read, and you will hear what he says. We shall have to discharge the prisoner, as not the least symptom of poisoning has been found.”

Dr. Taylor's two medico-legal reports—that is to say, his scientific report dated the 3rd February, 1864, and the suggestions of the same date made by him in reference to the probable cause of death in the case of Mr. J. C. Millett, were then read aloud. But Dr. Taylor's important letter to the magistrates' clerk, accompanying and explaining the two reports, was not read.



I have already alluded to this letter, and shall have occasion to allude to it again. The chairman never explained what he meant by stating that the magistrates had received the "answer" of Dr. Taylor. (See Appendix in letter of Mr. Cornish of the 8th February, 1865.

Immediately after the two reports had been read the Rev. U. Tonkin said,—“Mr. Millett, we are exceedingly sorry we have “been obliged to keep you in custody so long, but it was the “magistrates’ duty so to do, as you were charged with a most “grievous offence—one of the most grievous offences human “nature can be guilty of. Regard for your position, as well for “that of the prosecutor, compels me to say that when the “prosecutor came to me he said, even if no poison was found in “the stomach he had proof enough to authorise him to apply “for a warrant, and that death was occasioned by poison, “and that he believed that such poison was administered by “you. Thereupon I granted my warrant. And now I am “happy to say, sir, you are released from all further custody. “The magistrates having investigated this case with much care “and thought, see no reason to detain you any longer, and “have only to say they are extremely happy you are released “from the charge, a charge if you could be guilty of which, “you would be guilty of the most heinous crime known to “human beings.” Dr. Millett was then released from custody.

I must refer to Mr. Cornish’s evidence, and to what I have already stated, for an account of what took place when I went before Mr. Tonkin.

I have very fully mentioned under what circumstances the information or charge was made, and also precisely what that charge was. The chairman of the magistrates stated publicly that I laid no stress upon the discovery or non-discovery of poison in the stomach, or, in other words, that I did not expect an analysis would be attended with any results, and yet, notwithstanding this, the magistrates, after they had heard the four days’ evidence, which related wholly to matters of fact, and a clear and minute statement of the medical men as to the post-mortem examination, determined to remand and re-



incarcerate Dr. Millett. Two days later they received the report of the analysis, stating that no poison could be discovered, and "suggestions" from a witness who was not present to be examined. Ten minutes after the consideration of the report and "suggestions" they discharged Dr. Millett.

In their own conduct do not the magistrates furnish a justification for the inquiry?

It will be observed that no reference or allusion was made by the bench to the sworn evidence, nor as to whether such evidence proved that there was no reason for making any inquiry into the case. Dr. Taylor's report and "suggestions," without his explanatory letter, appear simply to have been read, and the prisoner discharged.

Dr. Millett suffered an unnecessary and unjust incarceration for fourteen days, being kept waiting for a witness who never appeared. Had the bench decided the case on the sworn evidence, no excuse or cause could have been then shown for the wrongfully prolonged incarceration of Dr. Millett.

In the before-quoted number of the *Cornish Telegraph* hints were thrown out that Dr. Millett would soon explain his part as a witness. These hints were no doubt founded on my having been served on the 8th February, with a writ in an action against me by Dr. Millett for £10,000 damages, without any opportunity having been offered me of giving an explanation.

Dr. Taylor on the 3rd February, 1864, in London, wrote three important papers relating to this case.

The first was a scientific medico-legal report, as to matters of fact submitted to him by the direct order of the Secretary of State on the 23rd January, 1864, on which day he received certain organs and remains of the body of deceased for scientific examination. These were the stomach, the large and small intestines, the kidneys, the spleen, a portion of the liver; also the contents of the stomach, and a paper containing some substance for analysis.

Dr. Taylor, after examination, reported that the organs he received were in a good state of preservation, and that they "presented no morbid appearances which could, in any way, account for death;" that the contents of the stomach, "when



“mixed with water, deposited a quantity of greenish-looking vegetable matter, with portions of a substance resembling horseradish;” and that no poison nor effects of poison could be discovered by him in the said organs and matters subjected to his examination.

The simple result of this examination showed as a matter of fact that there was no appearance of disease, and no poison or effects of poison found in the organs examined which could account for death—that is, no apparent cause of death was discovered.

The report was full and scientific, with the exception of omitting to define or determine what was the name or nature of the substance “resembling horseradish,” which was, however, subsequently satisfactorily determined by Dr. Taylor to be horseradish.

The brain of deceased was not submitted to Dr. Taylor’s examination, which accounts for the absence of all mention of its condition in this report, which was limited to the facts he himself observed. This report was signed “Alfred Swaine Taylor, &c.”

The second paper, written by Dr. Taylor on the 3rd February was an elaborate medico-legal report, entitled by him “Suggestions in reference to the probable cause of death in the case of Mr. J. C. Millett.” These suggestions were founded on copies of depositions of various witnesses examined by the magistrates at Hayle, and other information sent to him from Cornwall by the magistrates’ clerk and Messrs. Montgomery and Vincent. From the information thus received by him, Dr. Taylor formed his private opinion as to the cause of death, which he expresses in the following words:—

“I am of opinion that these facts” (being the facts laid before him), “in conjunction with the results of analysis, are only consistent with death from an attack of apoplexy (serous apoplexy), and that he died from this disease, to which he was predisposed by the chronic hydrocephalus under which he was labouring.”

These “suggestions” were also signed by “Alfred S. Taylor.”

The third paper, dated also 3rd February, was a letter to the



magistrates' clerk, explaining and qualifying the nature and contents of the other two papers, which could not be otherwise comprehended by the public or by myself.

This important letter was not read to the public, and I was not aware of its existence for more than one year after it was written.

The following is a copy of this letter sent to me by Mr. Cornish on the 8th February, 1865 (see Appendix) :—

“ 15, St. James's Terrace,

“ Regent's Park, N.W.,

“ Feb. 3, 1864.

“ Dear Sir,

“ Re J. C. Millett.

“ There has been so much to work out in this case, as you  
“ will see by my report herewith sent, that I have only just com-  
“ pleted it for to-day's post. Out of probably a hundred cases which  
“ I have met with in reference to alleged narcotic poisoning, I have  
“ not met with one which has left less doubt in my mind as to the  
“ actual cause of death than this. It is greatly to be regretted that  
“ an inspection and analysis were not made at the inquest.

“ In addition to my report, which shows that there is no poison,  
“ and no strict evidence of poisoning, I send for the information of  
“ the magistrates my opinion of the cause of death from the facts  
“ furnished to me by yourself, Dr. Montgomery, and Mr. Vincent.

“ The root which you sent was decidedly horseradish, and not  
“ aconite.

“ If the magistrates really wish it, in order to quiet the excitement  
“ on the matter, I shall be happy to attend before them, and submit  
“ to an examination and cross-examination. In this case no doubt  
“ it would be better for you again to communicate with the Home  
“ Office, that I may have Sir G. Grey's sanction.

“ I shall be glad if you will continue to send me local papers  
“ with further information, as the case is one of considerable in-  
“ terest to the public and profession.

“ I was quite satisfied that the chemical results were correct  
“ because I intentionally poisoned the materials after testing them,  
“ and the poison was then readily found; but it struck me that the



"experiments on the dogs would make it more satisfactory to the public.

"I am, dear Sir,

"Yours very truly,

"T. Cornish, Esq."

"ALFRED S. TAYLOR.

On the 20th Feb. the *Western Daily Mercury* published a letter written by me, in which criticisms were made by me on Dr. Taylor's "suggestions," with an objectionable heading, with which I had nothing to do, as proved at the trial by the editor himself. About this time I was attacked very severely in many of the West of England papers for the part I had acted, and the letter in question was intended as a reply to attacks made against me on the eve of a trial.

The letter was written without the knowledge of my legal advisers, and it never would have been written at all had I known that, when Dr. Taylor on the 3rd February sent his "suggestions" for the information and use of the magistrates, he at the same time made an offer to submit himself to examination and cross-examination, but I did not learn until more than a year had elapsed for what object and for whose use Dr. Taylor wrote his "suggestions."

At the time I wrote the comments I did consider it strange that so much weight should be attributed to the "suggestions" of a medical man living in London, relating to circumstances which occurred in Cornwall, as to ignore testimony sworn to on the spot, and that the non-production of such a witness for examination and cross-examination was not only unfair to Dr. Millett, but was especially unjust to myself, against whom an action had been commenced to recover damages to the extent of £10,000 for the part I had acted, when I might have proved satisfactorily, by the examination and cross-examination of that witness, that even if mistaken in my views there was reasonable and probable cause for what I had done. Neither my solicitors, as they have informed me, nor I were aware that any "suggestions" had been written, or were to be read before the magistrates.

The action of Millett against myself was reported, al-



though not quite fully in the Cornish and Western papers. I have no desire to comment upon the mode in which the Plaintiff's case was managed or my defence conducted.

It is apparent, however, that the counsel for the prosecution was most virulent in his language towards me; that I was deliberately charged by him with having selected Dr. Taylor, on account of his skill and eminence, and afterwards with having attacked him from the basest of motives, because, like an honourable man, "he had flung to the four winds of heaven "the ridiculous accusation brought against Dr. Millett;" and that, on the part of the Plaintiff, Dr. Taylor and other eminent medical men were called, so as throughout the proceedings to keep before the minds of the jury the question as to the innocence or guilt of the Plaintiff, and thus to ignore the real questions at issue set forth in the Plaintiff's declaration against me, which alleged that I had falsely and maliciously, and without any reasonable and probable cause, commenced a prosecution against him, and caused him to be kept imprisoned from the 22nd of January to the 5th February, 1864.

It is also apparent that a great deal of what I have above stated was not, and, as I have shown, could not have been urged in my defence, as I had not at the trial the information I have subsequently obtained.

Prior to the trial, which took place at Bodmin on the 16th and 17th March, the feeling in Cornwall, backed by the press, was very strong against me, and, notwithstanding it was known that an action was pending, the public were led to prejudge the case against me. Out of many, let the following examples suffice. In a Cornish paper of the 26th February is contained a paragraph, of which the following is a copy:—

"THE ALLEGED POISONING CASE AT HAYLE.—A correspondent writes as follows: 'It is thought by many persons that some public "expression should declare what the feelings of the profession and "others are relative to the late alleged poisoning case at Hayle. "What has happened to Dr. Millet may happen to any of your "readers, and all Cornwall is interested in the matter. I would "suggest that a public meeting be held on the subject at Hayle



“ ‘Hotel, at Truro or Camborne. Dr. Millett surely deserves the  
 “ ‘sympathy of all his professional friends in Cornwall. The family  
 “ ‘of Millett has been long and honourably known for ages. Let us  
 “ ‘rally around him like the Cornish “one and all” in olden times  
 “ ‘rallied round Trelawny, and thus show to all England that Cornish  
 “ ‘blood still runs high to vindicate the honour of the injured and the  
 “ ‘persecuted. I am, Sir, your obedient Servant, AMICUS, REDRUTH.’ ”

The next paragraph in the same paper is as follows :—

“ THE CASE OF MILLETT *v.* EDMONDS.—In this case, which will  
 “ present many features of interest, the damages have been laid  
 “ at £10,000. We are not quite sure of the fact, but there is a  
 “ strong probability that Dr. Taylor will be examined at the ap-  
 “ proaching assizes. We believe, also, that Mr. Coleridge and  
 “ Mr. Cole are retained for the prosecution, Mr. Karlake and Mr.  
 “ Kingdon for the defence.”—*Cornish Telegraph*.

What was stated about Dr. Millett's family was perfectly correct. He had, also, the advantage of being connected with some of the wealthiest and most influential people in the county. I had none of these advantages, being personally unknown, and a stranger to the county, having left it as a place of residence thirty-five years previously.

Articles in the *Western Press* were written against me personally, and “language” sufficiently strong could scarcely “be found to stigmatize my conduct.” The articles generally wound up with the information that an action for damages for a large amount would be brought against me at the ensuing Cornwall assizes.

Under such circumstances I might reasonably have expected not to obtain a fair trial in Cornwall. The London agents of my solicitors endeavoured of their own motion to have the place of trial removed from Bodmin to Taunton, but were unsuccessful.

At the trial nine special jurymen only could be found to hear the case.

I do not wish to suggest that these gentlemen acted otherwise than impartially and fairly according to the mode in which the case was placed before them.



In spite of the sneers and vituperation of the counsel for the Plaintiff, I assert that what I did I believed was for the good of the public, and that I was in no wise actuated by any desire to gratify private malice.

My object in making this statement, and the motives which induced me to leave my home and take an active part in the before-mentioned inquiries, have been already stated fully, and it is therefore unnecessary for me to recapitulate them.

In conclusion, I may refer to a case materially differing from my own, but which, like my own, exhibits in a striking degree the evils resulting from the non-existence of a public prosecutor, most especially in the very difficult and delicate cases of suspected poisoning in a medical man's family.

In a very recent case at Glasgow it will be recollected that Dr. Patterson's conduct was subjected to severe criticisms because he was silent, although he knew or had reason to believe that a murder by poisoning was actually being committed. This is scarcely to be wondered at after the result of the action against me had been made known through nearly every medical and non-medical journal in the kingdom. If Dr. Patterson had acted on his suspicions, and Dr. Pritchard had been arrested, through the non-continuance of the administration of the poison Dr. Pritchard's victim would have recovered, the case for the prosecution would have broken down, and Dr. Patterson's character and professional reputation and property would have been left to the verdict of a non-medical jury in Scotland, who might have shown as little leniency towards him as I experienced from a similar jury in Cornwall.

Had a public prosecutor existed Dr. Patterson would have mentioned his suspicions to him, and thus the life of an innocent person might have been saved, and a great public scandal prevented.

In Dr. Millett's case, had a public prosecutor existed, the matter would have been properly investigated and disposed of at once. There would have been no necessity for the magistrates to have singled out a private individual, resident nearly 300 miles off, to assist them in their duties. Great pain and



mortification would have been spared to Dr. Millett himself, whilst I should have been saved heavy pecuniary loss, nearly two years of discomfort, and great mental suffering, and, worse than all, serious injury to my private character.

Who, after hearing of the treatment I have received, will ever come forward to assist the authorities as I did, after being requested to do so by them, in investigating a case of suspected poisoning, unless he saw the poison actually administered, or unless he had legal and convincing proof of poisoning not admitting of a shadow of a doubt?

FREDERIC EDMONDS, M.D.,

F.R.C.S., L.S.A.

30th Dec., 1865.

6, Tamworth Villas, Croydon.



...which I should have been nearly  
two years of incessant and great mental suffering, and worse  
than all, serious injury to my private character.

Who, after hearing of the treatment I have received, will  
ever come forward to assist the authorities I did, after being  
requested to do so by them, in investigating a case of suspected  
poisoning, unless he saw the poison actually administered, or  
unless he had legal and convincing proof of poisoning not  
admitting of a shadow of a doubt?

FREDERICK EDMONDS, M.D.

1865, 1866, 1867.

30th Dec, 1865.

St. Thomas's, White, London.



## A P P E N D I X .

---

Messrs. Cornish & Roscorla.

To Wm. Crotch, Hayle.

1864. For rooms, &c., for Magistrates' Investigation.

Edmonds v. Millett.

January 20. Horse and Carriage to Phillack and

Lelant, day ... ..	0	12	0
1 By. 6d., 1 Negus, 6d. ... ..	0	1	0
Rooms 4 days ... ..	4	4	0

---

£4 17 0

---

Chemical Laboratory,  
Guy's Hospital, S.E.,  
February 4, 1864.

Dear Sir,

Re Millett.

I omitted to mention in my note of yesterday that it is always customary to send to the Home Office fair copies of my reports on cases in which an order is given for analysis. Will you therefore be so good as to have copies of my two reports, or report and suggestions, made, and sent to Sec. Sir G. Grey.

I am,

Yours very truly,

ALFRED S. TAYLOR.

T. Cornish, Esq.

P.S. The two dogs which took the extracts from the viscera of J. C. Millett on Tuesday at one o'clock are now quite well, eat well, and sleep well.—Thursday, 4.30 p.m.



Chemical Laboratory, Guy's Hospital, S.E.,  
February 13, 1864.

Dear Sir,

Re J. C. Millett, deceased.

I have received your letter of the 12th, and I shall be glad to receive a printed or written report of the final proceedings at your convenience.

I have drawn up a memorandum of a portion of the fees, which I now enclose.

Many more analyses were made—namely, of the contents of the stomach, of the large and small intestines and their contents, of the liver, spleen, kidney, &c., &c. These will be charged to the Home Office. These fees will amount to about £40. I think I mentioned to you that it was customary on such occasions, when the Government authorises an analysis of this magnitude, that a portion of the fees should be paid by the coroner or magistrates, while the greater part would be paid by the Home Office, according to a scale allowed to me as a special analyst by Secy. Sir G. Grey.\* I have, therefore, in the enclosed account put down only those charges which are usually paid by magistrates and coroners on such occasions (£20 7s. 6d.). The analyses were made difficult, and occupied much time by reason of the number of poisons for which it was necessary to test in each organ or part examined.

I am, dear Sir, yours very truly,

T. Cornish, Esqre.

ALFRED S. TAYLOR.

P.S. In my account to the Home Office the costs of the whole analysis will be charged, but the amount remitted by you will, of course, be deducted.

---

Penzance, 18th February, 1864.

Dear Sirs,

J. C. Millett.

I enclose charges by Dr. Montgomery, stated at £21.

I cannot endorse them as reasonable. I consider that both he and Mr. Vincent would be properly paid by £12 12s. each. Dr. Taylor states his charges (beyond that which the Home Office allows) at £20 7s. 6d., of which he sends me particulars, and I shall be glad of your cheque to settle these charges at your convenience.

\* All this I learnt for the first time when I received a copy of this letter from Mr. Cornish on the 9th day of February, 1865.



I will communicate with the Home Office, and see if I can't get the Home Secretary to repay some portion of the amount, but Dr. Edmonds had better pay the amount first, and take what he can get back again. My charges as a magistrates' clerk I will send shortly.

Yours very truly,

THOS. CORNISH.

Messrs. Roscorla & Davies.

Penzance, 27th February, 1864.

Dear Sirs,

J. C. Millett.

I shall be glad to receive cheque for Dr. Taylor's fees at your convenience. I ought not to keep him waiting.\*

Have you a copy of Dr. Taylor's "observations?" They were published in extenso in the papers, with his report. I ask, because I find that we furnished you with a copy of the "report," but not of the "observations."

Yours very truly,

THO. CORNISH.

Messrs. Roscorla & Davies.

The following is a copy of the portion of Dr. Taylor's fees, charged to me by Mr. Cornish:—

Chemical Laboratory,  
Guy's Hospital, S.E.

Re J. C. Millett, deceased.

Memorandum of fees for part of the analysis:—

1864.—Jan. 23 to

Feb. 3. Analysis of the stomach	...	...	£10	10	0
Analysis of a paper packet containing vomited matter	...	...	3	3	0
Jan. 26. Consultation with Mr. Cornish	...		2	2	0
Two long reports on the case	...		2	2	0
Expenses connected with the analysis			2	10	6
			<u>£20 7 6</u>		

\* See the postscript to Dr. Taylor's letter of the 13th February, 1864.



Penzance, April 28th, 1864.

Dear Sir,

Yourself ats Millett

We do not know why Plaintiff delays to tax costs. He will probably do so very soon.

We will make out the charges respecting the inquiry before the magistrates, as you suggest.

We believe that most of those who know the entire history of this transaction feel that you have been made the scapegoat for others, who were ready enough to circulate suspicions, but declined to take their share in responsibility. We think all the facts to which people were inclined to speak were before the jury, and the judge certainly summed up in your favour. The verdict, therefore, must be submitted to as an inevitable circumstance, which there are no means of altering.

We are, Dear Sir,

Yours very truly,

Frederic Edmonds, Esq.

ROSCORLA & DAVIES.

Penzance, July 23rd, 1864.

Dear Sir,

Millett, deceased.

We send copy letter from Messrs. Rodd & Cornish on their fees, in which they state their fees, according to the practice settled in November last, at £7 10s. 8d. We have examined the table of fees referred to, and believe the charges now made, assuming the counting to be correct, to be right. The only item\* open to question is the £1 2s. charged for copies furnished Dr. Taylor, and which, it may be said, should have been paid by the Secretary of State, as DR. TAYLOR WAS CERTAINLY NOT YOUR WITNESS. The £7 10s. 8d. must be taken to be in substitution of the two charges, £6 6s. and £2 15s., leaving the £3 3s. for information to be dealt with as you think right. All the sums received by us have been accounted for, and the only items to be disposed of are the charges in Messrs. Rodd & Cornish's account, now under consideration.

In reply to the query contained in your last letter, we believe it

\* This item of £1 2s. for copies of depositions of witnesses before the magistrates, furnished by Mr. Cornish to Dr. Taylor during the so-called prosecution, was, for the first time, charged to me by Mr. Cornish on the 22nd July, 1864. Of course I have never recognized this item.



was the fact that Mr. Cornish thought you ought to see Mr. Tonkin after the exhumation, and our Mr. Roscorla thought that, as you were most anxious that the whole matter should be thoroughly sifted, there was no reason why you should not see Mr. Tonkin.\*

Dear Sir, yours very truly,

F. Edmonds, Esq.

ROSCORLA & DAVIES.

Penzance, 18th August, 1864.

Dear Sir,

I am sorry your question of the 6th inst. should have remained so long unanswered, but my new office of county coroner has made unusually large demands on my time, and Mr. Davies has been absent for the last three weeks.

After the assizes were concluded he went on to Tintagel, intending to spend two or three days there, but by an act of imprudence (over exerting himself in walking) he knocked himself up, and cannot return sooner than Saturday or Monday next.

With respect to the question asked, I do not pretend to remember the exact words used by Mr. Cornish.

I believe they were to the following effect :—"Now *we*" (meaning, as I took it, he, you, and I), "must go over to Mr. Tonkin, and report the result of the examination; there seems, according to Montgomery and Vincent, to be no apparent cause for Millett's death."†

In a few days' time I hope you will have a letter from my partner on any other points requiring attention or explanation.

Believe me,

Yours faithfully,

Frederic Edmonds, Esq., M.D.,  
&c., &c.

JNO. ROSCORLA.

15, St. James' Terrace, Regent's Park,  
August 16, 1864.

Sir,

Re J. C. Millett.

In reply to your letter, I write to say that all the charges for chemical analyses and reports in the above case were

\* This refers to what took place immediately after the post-mortem examination on the 20th January, 1864.

† The same remark applies.



paid to me by the Home department last March. This includes the £20 7s. 6d. originally charged as part of the expenses to the Cornish magistrates.

I have given to no person an authority to apply to you for any payment connected with this case.

The "suggestions" to which you refer were, I believe, charged at only £2 2s. They were written simply to save expense to any who might be concerned in the case. Had I not written them I must have attended to give evidence before the magistrates at Hayle, and this would have created an additional expense of forty guineas.

I am Sir,

Yours faithfully,

F. Edmonds, Esq.

ALFRED S. TAYLOR.

---

15, St. James' Terrace,

August 17, 1864.

Sir,

I am quite unable to say who would have summoned me, but if I had not sent the "suggestions" I think it probable the magistrates would have required me to give oral evidence. I am,

Yours faithfully,

ALFRED S. TAYLOR.

F. Edmonds, Esq.

---

Penzance, 8th Feby. 1865.

Dear Sir,

J. C. Millett.

We enclose the copy papers for which you ask, viz., two letters from Dr. Taylor of 3rd and 4th Feby., which accompanied and followed his analysis, and which must be those referred to by you as the "answer."

Copy Dr. Taylor's letter to ourselves which accompanied the account of £20. 7s. 6d., and which is dated 13th and not 15th February.\*

Copy of the account delivered by us 29th April last to your solici-

\* Before Mr. Cornish favoured me with a copy of Dr. Taylor's letter of the 13th February to him I had been informed by the Secretary of State that there was such a letter sent on the 15th February.



tors, and which we afterwards settled with them, subject to some disallowances.\*

We cannot find that we wrote Messrs. Roscorla & Davies on 9th April last. We have not any copy of any such letter.

Our charges will be—

					s.	d.
Attendance looking up papers	...	...	...	...	6	8
Copies 15 folios	...	...	...	...	5	0
Letter to you	...	...	...	...	3	6
					<hr/>	
					15	2†
					<hr/>	

With reference to your letter of yesterday's date you must permit us to say that in furnishing any of these letters we are acting of our grace simply and not of our duty, and that it is exceedingly irksome to be continually called upon for letters on a past transaction, which, during its progress, we held at all times open to inspection by yourself and your solicitors.‡ We have every wish to give you every assistance towards any practical object in our power, but we have neither the time nor the inclination to gratify an IDLE CURIOSITY. If you will tell us once for all what you want, and why you want it, we will, so far as our duty permits us, furnish papers, but we cannot submit to be made constantly to refer to old files, and to make twenty searches when one would suffice, even though our charges were paid three times over.§

Yours truly,

RODD & CORNISH.

Dr. Edmonds.

---

Penzance, 23rd Feb., 1865.

Dear Sir,

Re J. C. Millett.

I had nothing whatever to do with Dr. Taylor or Mr. Cornish in making arrangements for conducting this analysis, nor have I seen any of the correspondence\* that passed between the magistrates' clerk and the Secretary of State or Dr. Taylor; neither

\* This account was not sent, but, instead, an amended account of the 14th June.

† These charges relate to the copies of letters, &c., referred to in the letter.

‡ See the next letter.

§ I have asked Mr. Cornish for copies of other letters, but he has refused to let me have them, although I should have been very willing to have paid his charges.



am I aware whether Mr. Cornish communicated at all with Dr. Taylor during the progress of the prosecution.

Yours very truly,

JOHN ROSCORLA.

Fred. Edmonds, Esq.

---

Penzance, 4th August, 1865.

Sir,

We are requested by the bench of magistrates, sitting for the East Division of Penwith, at Camborne, to say that they have taken your letters to Dr. Smith and to ourselves of the 20th June into their careful consideration. They see no reason why their correspondence or ours as their clerks, in any case, should be furnished to any person, and therefore decline to accede to your request.

We have to apologise for not earlier replying to your letter. The delay is owing to the absence from home of the writer.

We are, Sir,

Your obedient Servants,

Fredk. Edmonds, Esqre.

RODD & CORNISH,  
Clerks of the Bench.



## ADDITIONAL APPENDIX.

—o—

### DR. TAYLOR'S REPORT OF ANALYSIS IN THE CASE OF JACOB CURNOW MILLETT, DECEASED.

On Saturday, January 23rd, 1864, I received at the Chemical Laboratory, Guy's Hospital, from Superintendent Miller, of the Cornwall County Constabulary, the undermentioned articles for analysis. They were contained in three glazed earthenware jars, and in a glass bottle. They were sealed, properly secured and labelled respectively:—

No. 1. Contents of stomach.

No. 2. Spleen, portion of liver, and kidneys.

No. 3. Intestines, large and small.

No. 4. (A glass bottle) containing the stomach.

In addition to these, there was a small paper packet (No. 5) sealed, containing some suspected substance for analysis.

No. 4.—The STOMACH—was first examined. This organ had been opened and the contents removed. The coats were firm and entire: they were of a slight reddish colour externally. The inner, or lining membrane was covered with a dark thick substance, having the appearance of digested food—chiefly vegetable, partly decomposed. This substance was slightly acid. The surface of the lining membrane was examined by a magnifying glass: it presented no unusual appearance. There was no mineral or other suspicious matter deposited upon it: there was no mark of inflammation, ulceration, perforation, or of the action of any irritant poison. It had the characters of the stomach of a person dying in a state of health, and the digested food which remained upon its inner surface presented only the usual characters of food which has remained for some time in the dead body. There was no effusion of blood, and only the usual amount of mucus. A large portion of the coats of the stomach, from the greater end, with the dark-coloured contents adhering to the coats, was removed and reserved for special analysis.

No. 1.—CONTENTS OF THE STOMACH.—These had been removed and placed in a separate jar. They amounted to about eight ounces of a thick greenish-black substance, having the consistency of stiff paste. They were slightly acid, as if they had undergone



fermentation ; and, when mixed with water, deposited a quantity of greenish-looking vegetable matter, with portions of a substance resembling horseradish. There was no mineral, or other sediment of a suspicious nature ; and there was no appearance of blood or mucus, such as is usually seen in cases of irritant poisoning.

No. 3.—**INTESTINES.**—These presented externally a slight pinkish-red colour, which may have been the result of post-mortem changes. The small intestines were generally empty, and their inner, or lining membrane was covered with healthy mucus, and was free from any appearance of inflammation, ulceration, or other disease. The large intestines contained a quantity of healthy feculent matter, without any admixture of blood or mucus. They were not inflamed or in any way diseased. Their condition showed that deceased had not suffered from diarrhœa, or purging, shortly before death. In no part of the intestines—small or large—was any appearance met with, like that which is usually observed in cases of irritant poisoning.

No. 2.—The **PORTION OF LIVER** sent had the usual characters of healthy liver. The **KIDNEYS** were large, and the **SPLEEN** was small ; but these organs presented no appearance of disease.

It may be remarked, generally, that all the parts of the body sent to me for examination were in a good state of preservation, and presented no morbid appearances which could, in any way, account for death.

#### CHEMICAL ANALYSIS.

A large portion of the stomach, with a portion of the contents, was submitted to a microscopical and chemical analysis for the detection of such poisons (mineral and organic) as would be likely to occasion the sudden death of a healthy person. The poisons sought for were—arsenic, antimony, mercury, as well as their compounds ; morphia, strychnia, aconitina, colchicina, and other alkaloids, operating either as narcotics or narcotico-irritants. Prussic acid and the compound (sulphocyanide of ammonium) into which it is converted in the dead body, were also sought for by the usual chemical tests and processes ; but the result of the most minute research was that there was no trace of any kind of poison, detectable by chemical analysis in these parts.

THE **CONTENTS OF THE STOMACH** contained no mineral or organic substance of a poisonous nature. They consisted simply of partially digested animal and vegetable food—chiefly the latter ; the quantity present being unusually large. The alcoholic extract yielded only minute crystals of hydrochlorate of ammonia, and the ammonio-



phosphate of magnesia—salts which are usually found in the fluids of the healthy dead stomach.

Portions of the small and large intestines, taken from different parts of their course, were submitted to the same chemical tests and processes for the detection and extraction of mineral and organic poisons, with the result that no trace of any kind of poison could be detected in them.

The portion of the liver, the entire spleen, and one half of the kidney were examined for such poisons as are liable to be absorbed and deposited in the tissues; but there was no indication of the presence of any substance of a poisonous nature.

In the paper packet (No. 5) was a dried substance, adhering to the paper, of a dark-greenish colour, mixed with human hairs. It was tested for mineral and organic poisons, but none was present. It was described as being a portion of matter vomited by deceased. The substance consisted of partly-digested vegetable food, mixed with animal matter (mucus.) It was of the same nature as the contents of the stomach.

#### EXPERIMENTS ON ANIMALS.

In order to determine how far the negative chemical results would be borne out by experiments on animals, concentrated alcoholic extracts were made of the contents of the stomach, as well as the coats, and of the coats and contents of the intestines of the deceased. These were so prepared as to ensure the solution of any poisonous substance of an organic nature that might have been present in the stomach and intestines at the time of death. The extracts in sufficiently large quantity were given with bread to two healthy dogs. No symptom of poisoning (or even of uneasiness) followed in either case. The dogs remained perfectly well, and took their food as usual. The dogs had been kept fasting so as to ensure rapid absorption; and as the extracts were retained, and no symptom showed itself indicating disturbance of the brain, stomach, or bowels, it is obvious that the extracts contained nothing of a noxious nature—nothing to affect health or life.

In case any additional scientific evidence should be required at the hands of another analyst, I have reserved portions of the stomach and contents, as well as portions of the intestines and other organs in the state in which they were sent to me. These are now at the disposal of the magistrates.



From this investigation I draw the following conclusion, in reference to the parts of the deceased's body submitted to me:—

Considering

1. The entire absence of the usual *effects of poison* in the *lining membrane* of the stomach and intestines;
2. The absence of poison itself as a result of a minute chemical and microscopical analysis; and
3. The non-production in healthy animals of any *symptom of poisoning*, after they had swallowed concentrated extracts of the coats and contents of the stomach and intestines;

I am of opinion that there is nothing of a medical nature to show, or render it probable, that the death of the deceased was caused by poison. On the contrary, the healthy condition of all the parts examined, taken in connexion with the results of chemical analysis, is such as I should expect to find in the body of a healthy man dying from some sudden cause affecting the heart, lungs, or brain.

ALFRED SWAINE TAYLOR, M.D. F.R.S.,  
Fellow of the Royal College of  
Physicians, and Professor of Che-  
mistry and Medical Jurisprudence  
in Guy's Hospital.

15, St. James's Terrace,  
Regent's Park,  
February 3rd, 1864.

---

#### DR. TAYLOR'S SUGGESTIONS IN REFERENCE TO THE PROBABLE CAUSE OF DEATH IN THE CASE OF MR. J. C. MILLETT.

I have been favoured by Dr. Montgomery and Mr. Vincent with an account of the post-mortem appearances in those parts of the body of the deceased which were not forwarded to me.

1. The *heart* was healthy, firm, and muscular; both ventricles (cavities) contained some clots of blood. The valves were healthy, as well as the great blood vessels connected with the heart.

2. The *lungs* were perfectly healthy, rather darker in colour (probably as a result of cadaveric congestion.)

3. The *brain* was healthy, not congested or softened in structure—no congestion of membranes—no effusion of any kind on the surface—the convolutions perfect—no clot of blood effused in any part.



The lateral ventricles contained each about five or six ounces of clear serum (about a pint in the two ventricles.)

The head was large, the deceased having laboured under hydrocephalus from birth (chronic hydrocephalus, or water on the brain.) The head was  $24\frac{3}{4}$  inches in circumference.

The only unusual appearance here is the *very large quantity of serum* found in the ventricles of the brain. This is not an effect produced by poison, and, from the size of the head and well-known condition of deceased, may be regarded as a morbid condition commencing from birth.

The only morbid appearances produced by narcotic poisons are congestion of the blood-vessels of the brain and its membranes, with occasional effusion of blood or serum in or between the membranes. No such appearances were met with in the case of the deceased: hence, whether we regard the parts of the body sent to me or those which I have not seen, it may be taken that in no part of the body was there any appearance indicative of the action either of irritant or narcotic poison.

The only probable cause of death revealed by the post-mortem examination is pressure produced by the large amount of serum found in the ventricles of the brain. Such pressure would lead to an attack of apoplexy, so that if there were nothing but the state of the dead body from which to form an opinion, the only medical inference which could be drawn would be that deceased died of an attack of serous apoplexy, supervening on chronic hydrocephalus.

The history of the deceased, in his last fatal illness, confirms and corroborates this conclusion. I have read carefully the depositions of Jane Teague, Elizabeth Anne Davy, and William Mitchell, copies of which have been forwarded to me by Mr. Cornish. From these I find that deceased suffered, on the morning of the 30th, before dinner, from *pain in the head*—that he felt generally unwell—rested his head on his hand—and was seen applying it to his forehead, both before and after his dinner; that, at two o'clock, he made a very full dinner; that, about an hour afterwards, he complained of pain in his stomach (a probable result of the organ being excessively distended with food); that *two hours and a quarter* after he had taken his dinner he suddenly became insensible and lost his consciousness. (He dined at 2, completed his dinner at 2.30, and fell back insensible on a sofa, after uttering the word 'Jane,' at or about 4.45 p.m.) He then lost the use of his limbs; his breathing, from being loud, became stertorous or *snoring* (a strong indication of pressure on the



brain from some cause), and, after vomiting three times while insensible (a not unusual symptom attending apoplexy when the stomach is over-distended with food), he died at 6.30 a.m. of the following day, without recovering consciousness. It thus appears from these depositions—that from the time deceased sat down to dinner (two o'clock p.m. on the 30th December) he was quite conscious for two hours and three quarters, *i.e.*, until 4.45 p.m., and that he remained for thirteen hours and three quarters in a state of complete insensibility or coma, without convulsions or any other symptoms not observed in ordinary apoplexy.

The symptoms here described—taking them as a whole, and looking to the order of their occurrence, their progress, and termination—are not consistent with any form of narcotic poisoning with which I am acquainted. They are simply characteristic of apoplexy from natural causes. A powerful narcotic in a strong dose is required in order to produce *sudden* insensibility: and it must have been taken or administered shortly before the insensibility takes place. No narcotic poison (sufficient to destroy life under the circumstances) could have been taken by deceased at his dinner, or he would not have remained sensible and able to move about, and converse for *two hours* afterwards! The symptoms of powerful narcotics commence in from one to fifteen minutes, or within half-an-hour, after they are swallowed, and with some of them the dose proves fatal within this period. Those narcotic poisons which produce insensibility at once (prussic acid, nicotina, and conia) produce death at once; and a man taking these in a fatal dose would not have lived to finish his dinner. Morphia operates more slowly, but the symptoms here begin in from five to twenty minutes. I do not believe that the presence of food in the stomach would retard them for half-an-hour when the dose taken must have been such as to destroy life. My conclusion from the facts, therefore, is that it is perfectly inconsistent with all that we know of the operation of narcotic poisons to suppose that any of these agents could have been taken by, or administered to, deceased at his dinner, at two o'clock on the day of his seizure.

Again: It is the great distinguishing feature of apoplexy from disease, and the effects of narcotic poison, that complete insensibility, or coma, comes on at once; but in narcotic poisoning this symptom comes on slowly: it is preceded by giddiness, drowsiness—a disposition to sleep passing after a time into stupor and insensibility.

The facts of the case, as stated by these witnesses, are, therefore, in strict accordance with the absence of appearances of poisoning in



the body, with the non-detection of poison in the stomach and bowels, and with the innoxious nature of the substances extracted from these parts in which any poison would remain, as proved by their producing no injurious effects upon animals. They are, in fact, only consistent with disease; and, in my judgment, after thirty-four years' experience of the action of poisons, under all circumstances, they admit of no other reasonable explanation.

I can find no evidence, from symptoms, that poison had been administered to, or taken by, deceased, either before his dinner or subsequently; it is, therefore, unnecessary to deal with this speculation.

Considering, therefore :—

1. That deceased had suffered from pain in the head in the morning, and that there was a general feeling of illness—his hand being applied to his forehead both before and after his dinner (premonitory symptoms of apoplexy);
2. That he had eaten a very full meal at dinner—greatly distending his stomach with a large quantity of vegetable food (apples, &c.);
3. That he was labouring under chronic hydrocephalus (water on the brain), and that, after death, about a pint of serum was found in the ventricles of the brain;

I am of opinion that these facts, in conjunction with the results of analysis, are only consistent with death from an attack of apoplexy (serous apoplexy), and that he died from this disease, to which he was predisposed by the chronic hydrocephalus under which he was labouring. From the symptoms experienced in the morning, such an attack appeared imminent, and the disposition to it was greatly increased by the full and hearty dinner which the deceased ate.

There is nothing to forbid the supposition that the serum found in the ventricles might have increased in quantity latterly, and at the time of his seizure the quantity was sufficient to produce pressure beyond that which the brain had been accustomed to bear, and thus to cause a fatal attack of apoplexy. The pressure produced on the brain by an undue quantity of serum, either in the ventricles or on the surface, is just as efficient in producing apoplexy as if blood were effused. I may further remark, under this head, that a person may die of apoplexy and yet no alteration may be detected in the substance or structure of the brain.

Whether these views be adopted or not, the symptoms and death,



under the circumstances, are not consistent with any form of poisoning with which I am acquainted.

ALFRED SWAINE TAYLOR, M.D., F.R.S.,  
Professor of Chemistry and Medical  
Jurisprudence in Guy's  
Hospital.

15, St. James's Terrace,  
Regent's Park, Feb. 3, 1864.

---

Before the Magistrates at Hayle, 28th January, 1864.

Mr. John Thomas Millett (sworn)—The following are extracts from his evidence on medical points of the case (see the *Cornish Telegraph* of February 4th, 1864):—

I am a surgeon, and reside in Penzance. I am a half brother of Jacob Curnow Millett, the deceased. . . . I never saw him otherwise than very well. . . . I had a conversation with Dr. Richard Millett, in the presence of my son, in the drawing-room at Penpol, after he came from Penzance. [This conversation took place soon after the inquest, the same day the inquest was held, 1st January, 1864.] I enquired of Dr. Millett why an inquest was held. . . . He then related the symptoms, saying he (Jacob) was very well, and had eaten a hearty dinner; afterwards he went up stairs (as was his usual custom), and, when he came down stairs, he mentioned his intention of going to Copper House to give a supper to a choir of singers; he was afterwards taken ill *with violent pains in the stomach*, that he continued so until about half-past four, that he had some brandy given him and some whiskey, became insensible, and was carried to bed, and that he continued insensible until his death, at about half-past six the following morning. The Doctor told me he vomited after he was carried to bed. . . . Jacob's sight was very impaired—this increased with his age. I never saw him attempt to read for some time. If he did so he held the book up close to one eye, a little on one side. . . . I never attended Jacob professionally, because he was always healthy. He would have sent for me if he could. I know it, as he has told me so. We have always lived on the best of terms.



THE EVIDENCE OF MR. VINCENT, DR. MONTGOMERY,  
AND DR. TAYLOR AND OTHERS, TAKEN FROM THE  
"WESTERN DAILY MERCURY" OF 19<sup>TH</sup> MARCH, 1864.

Mr. Vincent, surgeon, said: I assisted in the *post-mortem* examination. The body presented no peculiar external appearance. The heart was healthy, and so were the lungs. I examined the abdomen. There was no ulceration of the stomach. I saw nothing to cause death in the body. I proceeded to examine the head. We found that he had been suffering from water on the brain. The ventricles were enormously enlarged, and full of water. The ordinary quantity is about a tea-spoonful. In this case there was about a pint. Water on the brain produces serous apoplexy, and causes death. We knew that the intestines were to be sent to Dr. Taylor, and had heard of the suggestion about poison. The appearance of the brain would certainly have been sufficient to cause death.

Cross-examined by Mr. Karslake: I formed an opinion that the deceased died of water on the brain since I heard Dr. Taylor's report. We found no inflammation of the windpipe. I should have expected to have found it inflamed if the deceased had been suffering from influenza. I believe I did say that the symptoms described were not consistent with death from water on the brain. They assimilate with disorder of stomach or indigestion. I said that some of the symptoms, according to Dr. Taylor's works, resembled a case of poisoning. I said at the time that I did not think the fluid which escaped from the ventricles of the brain had caused death because it had been there so long. I said that although it had been there from the time of his birth, and gradually increasing, yet that it would not necessarily cause death. I had known the deceased for many years. I know that there are some vegetable poisons the presence of which cannot be detected by a *post-mortem* examination or by an analysis. Some alkaloids would do so. Whiskey and water taken shortly after the administration of the alkaloids would lead to that result.

Dr. Montgomery, of Penzance, said he agreed substantially with the evidence of Mr. Vincent. If he had been called upon to give a certificate upon a man of the same appearance who had died in a hospital, he should have given a certificate that he had died of chronic hydroce-



phalus, but he should have considered that there was no evidence why he should have died at that moment more than at any other.

Re-examined : It is very rare to meet with a case of that kind of death from that cause in a man of the age of the deceased.

Dr. Taylor said : Superintendent Miller came to the laboratory at Guy's Hospital with a viscera of the deceased. I examined it and sent the report of the result to Mr. Cornish, and I sent a copy to the Home Secretary. I have nothing to add to that report, and in no way to qualify it. I have heard the evidence given in court to-day, and have not altered my opinion in any respect. I am, on the contrary, confirmed in it. There are no kinds of poison of which I have ever heard or seen which are consistent with the symptoms as detailed in court to-day. I believe that deceased died of pressure on the brain from the serum found in the ventricle of the brain. I believe the pressure on the brain not only a possible but a probable cause. There might have been water on the brain of the deceased since his birth, but I believe that latterly it had increased in quantity. If it had done so it would have been impossible to detect the fact by means of a *post-mortem* examination. When the skull became ossified it would not expand as in infancy. In case of narcotic poisoning there was first of all a drowsiness and giddiness going on for twenty minutes or half-an-hour, then he became unable to stand, which is followed by a state of stupor and as the last of the symptoms comes a stertorous breathing. I believe the pain in the stomach is accounted for by the hearty meal that the deceased had made. A pain in the stomach is not a symptom of narcotic poisoning. Narcotic poisons frequently left congestion of the brain, and a congestion of the membranes of the brain. If we found no other cause of death there might be some inference of narcotic poisoning, but it frequently caused death without leaving any appearances at all. The character of aconite\* poisoning is rarely if ever met with in cases of aconite poisoning. Horseradish and aconite were so different in appearance that none but the most ignorant could mistake them. Mr. Cornish had sent me some of the root of the horseradish which was said to have been sprinkled on the beef of which the deceased dined. I compared what was sent me with what I found in the stomach, and the microscope showed them to be identical. There was no appearance in the stomach of anything like aconite root. Aconite root, scraped, looks a little like horseradish, but, under the microscope, the tissue is very different. With regard to

\* Narcotic ?



Dr. Geoghegan's case, the evidence of poisoning was very clear from other circumstances. A man who came in and ate some of the greens very nearly lost his life, but in the present case the circumstances were very different. I am not in the least aware of having adopted his views in the present case. I should never have undertaken the analysis at all but for an order that I received from the Secretary of State, calling upon me to do so, because all of the parties concerned were unknown to me. If death had been accelerated by chloroform, it would have produced congestion of the lungs. Defendant wrote me one or two letters, which I answered.

Cross-examined by Mr. Karslake : I received the order from the Secretary of State the same day as I saw Superintendent Miller. It was at my own suggestion that the depositions were sent to me. I had not before me the certificate given by the medical men, but I read it in the newspaper. I founded my opinion partly upon the newspapers and partly upon the depositions. I do not like making suggestions upon newspaper reports generally. Such case of death as the present of chronic hydrocephalus, terminating with apoplexy, are very rare, but serous apoplexy is common enough. Chronic hydrocephalus is very rare, because nearly all who suffer from water on the brain die early. Out of fifteen or sixteen cases not more than one reaches the age of twenty. A person with water on the brain is always in peril. In cases of apoplexy insensibility or unconsciousness is generally very rapid. I have known it to be immediate. I have had no evidence of giddiness—simply of headache. In cases of narcotic poisoning I have not found headache to be a substitute for giddiness. Headache would be the result of a small dose of narcotic poison administered medicinally. In larger doses it would produce drowsiness and numbness, and so would deaden pain. Then stupor intervened. I should say in this case it was coma at once. I have heard this day—and it has come upon me for the first time—that something like snoring began when the deceased fell back upon the sofa. That would be a clear indication of pressure on the brain. I should not give up the search for narcotic poison because I had not found congestion of the brain. If I were looking for the cause of death I should look at the brain before coming to a conclusion about narcotic poisoning. In some cases convictions have been obtained without any alkaloidal poisons being found in the body. The deceased went upstairs immediately after dinner, and was there for an hour as usual, and I can find



nothing in his case that I should call a symptom of poisoning until insensibility came on. The tottering gait was the result of weakness, and the headache the result of weakness of the brain. I cannot see any symptom of poisoning until a quarter to five, and even then the poison must have been administered immediately before. Giddiness comes on soon after the narcotic poison is taken. I have never known giddiness to come on an hour and a half or two hours afterwards, and I do not believe it would. If the deceased had taken anything of the kind at dinner I believe he would have been found in a stupor in his bedroom. Giddiness, in my judgment, would have occurred at an earlier stage. Giddiness is a very common precursor of narcotic poisoning. Staggering generally follows an attack of giddiness, and the stupor is almost always found in the earlier stages, and, if this had been a case of narcotic poisoning, all the stages would have been gone through before half-past three, the dinner having been over about half-past two. The deceased would have been in a fixed state of narcotism to have died within fifteen hours. I do not assume that he was awake all the time he was in his bedroom, but that he was not suffering from poison. Sleeping would not prevent poison from taking effect. Putrefaction gets rid of the traces of some poisons. In many cases vomiting and purging would have the same effect, but vomiting is not generally found in narcotic poisoning. Aconite is a narcotico-irritant poison, and would produce vomiting. I saw Mr. Cornish after I began the analysis, and he narrated to me some of the circumstances of the case, and I then said it was unlike any case of poisoning I had ever met with. Mr. Cornish did not ask me in any way to send my suggestions down. It was my own idea, and adopted to save the expense of a journey into Cornwall.

Re-examined by Mr. Coleridge: I was persuaded that the case had none of the characteristics of true narcotic poisoning. What Mr Vincent and Dr. Montgomery have said of the case to-day confirms my opinion as I have stated it. I can of course agree with the view that a person labouring under disease of the brain may be poisoned; but when we find persons suffering in the way that the deceased had suffered without any other cause of death being discoverable, it is natural and professional to refer to the pressure on the brain as a cause of death. I believe that if the case had occurred in any hospital in England, and that no suggestion of poison had been made, there would not have been the slightest doubt about it.



The first fact that strikes me regarding the attack of apoplexy is the general feeling of illness and headache in the morning before dinner. The stertorous breathing was noticed a minute or two after insensibility came on, and all the symptoms of the case are inconsistent with narcotic poisoning, and consistent only with apoplexy. One of the specific symptoms of aconite poison is tingling and a numbness, and vomiting while conscious; but in the present case the deceased's vomiting took place while he was insensible.

By his Lordship: I think there had been a gradual increase in the quantity of water in the ventricles of the brain for a day or two before the death of the deceased. A person suffering from congenital or chronic hydrocephalus was more liable to a serous effusion on the brain than an ordinary person.

Dr. Albert Bernays, examined: Was Professor of Chemistry at St. Thomas's, and had also written on chemistry. Had heard Dr. Taylor's evidence in this case, and read his report, and had also seen the notes of his analysis. Had also heard the evidence given in the court to-day. He concurred entirely as a chemist, believing that the analysis was the best that could be adopted, and that it was the best possible in its results.

Cross-examined: He gave an opinion on the chemistry. He had a very decided opinion on the other matters, but he was not qualified to give an opinion. Dr. Taylor adopted the proper course in analysing the contents that were sent to him—such a course as witness would himself have adopted.

Re-examined: There were no symptoms of aconite. The deceased would have complained long before he did if the symptoms were those of aconite. Tingling and burning in the throat and gullet are symptoms.

Dr. George Barlow: Was a Master of Arts and Doctor of Medicine, Fellow of the College of Physicians, and Senior Physician at Guy's Hospital. Had written a book on the practice of medicine. Had heard Dr. Taylor's report, and seen the notes of his analysis. He concurred in his opinion as to the cause of death, and as far as, not being a very practised chemist, being a physician, he concurred in his analysis. He had heard the evidence given to-day, and he concurred in the opinion that it was chronic hydrocephalus.



Cross-examined : Independently of not finding the poison, having heard the symptoms previous to death, and having heard the *post-mortem* appearances, he should have no hesitation in giving it as a strong case of chronic hydrocephalus.

Re-examined : A man with water on the brain might be poisoned. But in this case, so far as he could judge, the man had chronic hydrocephalus. The symptoms were those of the termination of hydrocephalus, and would always terminate in this way, unless cut off by accident.

Dr. Samuel Wilks, M.D., Fellow of the College, and Assistant-Physician and Lecturer on Pathology at Guy's : Had made records of above 4,000 *post-mortem* examinations. In this case he had seen the report and analysis of Dr. Taylor, and concurred in the report and Suggestions he had made. He had heard the evidence given in court to-day, and he concurred with Dr. Taylor and Dr. Barlow as to the cause of death in this case completely.

Cross-examined : The case of a man living to the age of Millett was not at all common. Where they do exist people enjoy moderately good health. He did not think that he had met with men having this disease who had lived longer than Millett. He had opened a great many heads where chronic hydrocephalus had existed. When examined closely with a microscope he had found the brain unhealthy. There is a change in the brain when the stomach is full. There is a sympathy between the stomach and the brain. In these cases the influence is rapid, and that in a few hours after the meal is taken. In a chronic case the freshly effused serum would not be very different from the old serum, but in a healthy brain it would be different.

---

EXTRACT FROM "THE WEST BRITON AND CORNWALL  
ADVERTISER," OF 8TH APRIL, 1864.

CORNWALL EASTER SESSIONS.

The Chairman said that he had received a letter from Mr. Hichens, one of the coroners, which was addressed to the justices assembled at the Easter Sessions. Mr. Hichens was not present, and he would ask Mr. Hichens, jun., who appeared for him, whether he thought his father desired that it should be read.



Mr. Hichens, jun., replied in the affirmative.

The Chairman then read the letter as follows:—

“To the Worshipful the Justices of the Finance Committee.

“Jacob Curnow Millett, Deceased,

“Gentlemen,—I beg to forward you herewith for your perusal and serious consideration, a copy of a letter written by me to the Rev. Thomas Pascoe, relative to a charge which he was reported to have made against me of having failed in the discharge of my official duty as coroner in this case, by omitting to call for and require a *post-mortem* examination.

“It would, of course, be much more satisfactory to the coroners if their discretion were more restricted by an order for a more general resort to *post-mortems*, and my reason for sending you this letter is that the matter may have the consideration of the court, on account of the great extra expense which must in that case be incurred. Hitherto we have endeavoured to satisfy ourselves, where more cannot be ascertained without a *post-mortem*, that there is nothing suspicious in the appearance of the body, or in the circumstances connected with the death, or anything to lead to any other conclusion, than that it proceeded from natural causes; and with that result we are satisfied with a verdict accordingly, without in fact ascertaining the positive cause of death.

“I am, gentlemen, yours obediently,

“St. Ives, 1st April, 1864.”

“Wm. Hichens, Coroner.

Mr. Foster thought that the object aimed at by Mr. Hichens would be met if the Court would express an opinion as to the discretion of coroners to make *post-mortem* examinations.

Mr. Hichens, jun., believed that that was the object of his father. He sought for instruction in cases of this nature—whether he was to exercise his own discretion as to the necessity for holding *post-mortem* examinations, or the Court would restrict that discretion.

The Rev. T. Pascoe explained the circumstances under which he had made the statement, but his remarks were inaudible to the reporters. He deeply regretted that a *post-mortem* examination was not held on the body of the late Mr. Jacob Curnow Millett, as it would have prevented the lamentable proceedings which were afterwards required.

Sir Colman Rashleigh said that he objected decidedly to this ap-



plication, as he considered that it was an attempt on the part of Mr. Hichens to get that Court to lay down rules for the guidance of coroners. He thought the Court should not lay down any such rules, and that those who undertook the duties of coroners must also take upon themselves the responsibility of acting according to their own judgment in the cases as they arose.

Mr. Sawle said that if *post-mortem* examinations were held in every case that was not free from doubt, the bills of the coroners would be very largely increased; but while the Court would ask these gentlemen not to order *post-mortem* examinations in cases where there really was no reason or necessity for them, they could not, of course, undertake to lay down any rules on the subject.

The Chairman said that he fully agreed with what had been said by his two brother chairmen, that the Court could not lay down any rules for the guidance of the coroners. These gentlemen had extensive powers given them; and although magistrates might express an opinion on a particular case as it occurred, yet he did not think that it was their duty to lay down particular rules for the guidance of coroners; neither did he think that it would be right for the Court to take out of their hands the discretionary power which the law entrusted to them.