

‘TRENCHING THE GROUND OF MEDICAL MEN’:  
CRIMINALITY, RESPECTABILITY AND JUSTICE IN  
THE ‘WEST MALLING POISONING CASE’, 1882-1883

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On the morning of the 14 December 1882, 69 year-old Reverend John Henry Timins, for forty years the vicar of West Malling, visited the home of one of the poor labouring families of his parish with the intention of treating what he had diagnosed as the ‘nettle rash’ of 16 year-old servant girl, Sarah Ann Wright.<sup>1</sup> Like George Eliot’s contemporary fictional creation Amos Barton, who, to the consternation of local and formally registered doctors, was a frequent ‘dabbler in drugs’ with a penchant for ‘putting his finger in every pie’, Timins was accustomed to ministering medically as well as spiritually to his flock.<sup>2</sup> Doubtless he regarded the former as part of a commendably expansive response to the bishop of London’s injunction to clergy ‘to clothe the naked and visit the sick’. Exhorted also by the bishop to ‘inspect the homes of the poor, teach them cleanliness, and improve the most miserable of their dwellings’, it had been in ‘benevolent discharge of his duty as the head of that valuable institution, the Malling Nurses Institution’ that Timins visited the Wright family home on 11 December to oversee its disinfection following a case of scarlatina.<sup>3</sup>

Timins knew the Wright family well, and according to Sarah’s mother, Harriet, during the preceding fortnight ‘had taken a great deal of interest’ in Sarah, who by all accounts had been in poor health – and consequently in and out of service – for some time.<sup>4</sup> Neither treatment by a London doctor during one period of service in the Capital nor a spell as an out-patient at Maidstone infirmary had improved Sarah’s condition, so Harriet had, she later claimed, been contemplating ‘going to speak to a medical gentleman’ in West Malling about her daughter. That she had not done so by 14 December may be explained partly by fear of the cost of engaging a doctor and partly by the attentions of Reverend Timins, who had taken to ‘calling at her house’, at first just ‘to read and pray’ with Sarah. However, on visiting on 11 December and learning that Sarah was particularly ill, Timins was permitted to examine her, after which he

prescribed some medicine to reduce the goitre he found and pronounced himself optimistic that with care and good nourishment Sarah would make a full recovery. Timins examined Sarah again on 13 December and discovered the swelling much reduced, but that day he also noticed 'nettle rash' on her chest. The next morning the vicar returned to treat his poor patient, and by early afternoon Sarah had died.<sup>5</sup>

Born 10 October 1813 in Aldenham, Hertfordshire, John Timins, the third son of a wealthy East India Company shipowner, was educated at Eton and Trinity College Cambridge, where he gained a degree in Mathematics in 1836. Having married in 1839, Timins beat the path of many a younger son of the gentry into the church, and after a stint as chaplain of Grosvenor Chapel in Hanover Square, he was gifted the living of West Malling in 1842 by dint of the patronage of the London merchant George Anderson and the approval of West Malling's principal family, the Nevills. Worth £240 per annum, the living was modest, but since he inherited £6,000 on his father's death in 1843 Timins had not only the right social connections but also the wherewithal quickly to cement a position within the upper echelons of West Malling society.<sup>6</sup>

In many ways, Timins was temperamentally ideally suited to answer the Church of England's mid-century call to its clergy to respond energetically to the social dimensions of the challenge of 'Christian stewardship'. From the first, Timins' evident social paternalism was reinforced by a prodigious interest in schemes to promote public health. By 1843, he was directing a parochial committee charged with investigating unsanitary living conditions and 'certain nuisances complained of as existing in Back Street', and in 1856, in the immediate wake of the Nuisances Removal Act for England, the West Malling parish vestry, under Timins' chairmanship, set up a local committee to oversee its enforcement, on which the vicar himself was to take the lead. Innumerable references in vestry minutes, the local press and the minutes of Malling Rural Sanitary Authority testify to Timins' pivotal role in directing parochial initiatives aimed at the provision of satisfactory drainage, sewage disposal, clean water supply, improved general sanitation and the control of infectious diseases within the town.<sup>7</sup> Anxiety over the spread of infectious diseases and a recognition of the urgent need for improved medical provision doubtless prompted Timins and Lady Caroline Nevill, in 1875, to set up the Kent Nursing Institution, which provided free nursing care to the needy and which during the year ending in March 1883 sent nurses into 73 different parishes in Kent and other counties, as well as to France and Spain.<sup>8</sup>

Matching if not exceeding his desire to promote general public health was Timins' determination to see to it that poorer parishioners suffering from particular ailments received individual medical attention. This



Fig. 1 Revd John Timins and four of his daughters outside the parsonage: the photograph, probably taken in the early 1880s, is enclosed in West Malling Women's Institute 1954-5 scrapbook. Original reference: CH10621. Courtesy Kent History and Library Centre.

would have been an entirely laudable objective had it not been allied to a conviction that the best dispenser of such attention was Timins himself. For his legal counsel in 1883, it was a matter of commendation that Timins 'had been known for years as one who was ever ready to

add to the duties of his clerical calling the duties of giving medical advice to his poorer parishioners'.<sup>9</sup> However, notwithstanding Timins' assertion in 1882 that 'he was brought up to the medical profession' and the claims in 1883 of Mr John Syer Bristowe, a 'fellow student', that between 1845 and 1849 Timins 'attended a course of instruction in medicine at St Thomas's Hospital' and acquired 'sufficient knowledge to have passed for a diploma', the probability is that – often busy about his clerical duties – West Malling's vicar was at most an occasional student at the Hospital during the later 1840s and that his acquaintance with best clinical practice was never more than partial. Certainly, given the rapid advances in medical science made after the 1840s, his medical knowledge may in many respects have been dangerously outdated by the 1880s. The problem was compounded by the mutual hostility between Timins and registered local doctors, particularly Dr Horatio Pope, who as it happens also had occasion to visit the Wright family household on the morning of 14 December 1882 to treat Sarah Wright's younger brother George, who had contracted Scarlatina.<sup>10</sup>

To treat Sarah Wright's 'nettle rash', Timins arrived that day armed with a bottle of bitter almond oil supplied by the local chemist Richard Stedman who, although perhaps entertaining doubts about the vicar's knowledge of drugs, was accustomed to making up Timins' prescriptions. Conscious that the oil contained prussic acid (cyanide) Stedman had 'labelled the bottle with a poison label'. Timins, however, viewed the contents of the bottle through the lens of his own recent experience. His adult son, Henry, had broken his arm in October and then developed severe 'nettle rash' as a result of the irritation of the bandages in which the arm was bound. To treat his son's rash, Timins placed an order with Stedman for 'an ounce of oil of bitter almonds' on 1 November. This prompted the chemist to send a note to Timins asking that 'it being very poisonous, will you be good enough to inform me if there is any error in the order?' To this, Timins had replied 'I require the oil of bitter almonds for external application, and will see to its proper use'. Timins applied the oil to his son's rash, and was delighted with the results; indeed it was 'very evident' to the vicar 'from the result of its application that it was not very seriously poisonous oil of almonds'.<sup>11</sup> This conviction, and perhaps familiarity with the view, published in an 1820 tract, that tiny amounts of prussic acid might be suitable for treating afflictions of the stomach, may explain why, on being informed when he arrived at the Wright household on the morning of 14 December that Sarah had vomited a quantity of blood during the night, it occurred to Timins that the oil 'would act as a demulcent' to settle the stomach.<sup>12</sup> With this in mind, he eventually persuaded a reluctant Sarah to take a spoonful of the oil, assuring her that 'it's like eating Wedding Cake'.

Timins subsequently maintained that during the three-quarters of an

hour that he stayed with Sarah after she had swallowed the oil her face remained 'natural' in colour and she appeared to suffer no ill-effects from the 'medicine'. However, according to her sister, Mary Wright, on taking the oil, immediately in pain, Sarah 'screamed "Mr Timins" three times' and 'turned black in her lips, her nose, and her right cheek'. Mary further averred that 'my sister appeared to get worse all the time Mr Timins was there', and Sarah vomited three times after he left. Called back to the house an hour later but unable to revive Sarah with brandy, Timins sent the disinfecting nurse to fetch medical assistance. By the time Dr Pope arrived Sarah had died, some two hours after taking the oil, but Pope appeared in time to hear Harriet Wright repeat the substance of the accusation she had some minutes earlier levelled at the vicar: 'Oh, Mr Timins, you have murdered my child'. By the account of the nurse, who had been present when Harriet first directly accused Timins, the vicar had offered nothing by way of reply. The post-mortem concluded that Sarah had died from 'nerve poisoning' due to the ingestion of the prussic acid in the almond oil.<sup>13</sup>

As Burney has shown, most nineteenth-century inquests into suspicious deaths were hastily conducted 'rough and ready' affairs, procedurally looser than other forms of judicial inquiry.<sup>14</sup> However, the inquest into Sarah Wright's death that opened at the *Bear Hotel* in West Malling on the morning of Saturday 16 December 1882 was unusual in many respects. Perhaps in shock, perhaps in denial of the consequences of what he had done, Timins chose to 'disobey' the 'coroner's request that the rev. gentleman should be in attendance on the first day of the sitting' and relied on his attorney to represent him.<sup>15</sup> This may have been a serious mistake, for Joseph Rogers, the coroner for mid Kent division, was plainly irritated by the snub and perhaps determined at once that he would make Mr Timins take his proceedings seriously. It was comparatively rare for interested parties to have *any* legal representation at an inquest, but John Timins' interests were represented by a local solicitor, Bradbury Norton, by the London firm of solicitors Messrs Macken, Taylor and Arnould, and (in the second session) by the leading London barrister Edward Clarke, QC, MP, who was later to defend Oscar Wilde (in 1895) and Leander Starr Jameson (in 1896). This, combined with the growing determination of the coroner not to be cowed, ensured not only that proceedings at the *Bear* were marked by an adversarial tone and attention to legal niceties untypical of coroners' inquests, but also that the investigation was unusually thorough.

From the first, the inquest attracted great local interest; the *Kent Messenger* reporting a crowded courtroom, with 'many influential residents of the vicinity being present'.<sup>16</sup> Poisoning cases captured the Victorian imagination, and the entanglement of West Malling's vicar, a

long-standing and prominent pillar of the local establishment, promised enthralled theatre. Sensing the public appetite, the *Kent Messenger* printed reports so thorough that they cannot have been much short of verbatim accounts of the more significant exchanges in the courtroom, while the *Maidstone and Kentish Journal* and the *Kent and Sussex Times* also published extensive reports of proceedings. By January 1883 *The Times* had picked up the story, publishing reports of the second and third session of the Inquest, which likewise drew the attention of *The Lancet*.<sup>17</sup>

Most of the first session was taken up with the testimony of Sarah's mother, Harriet Wright. Still distraught, but two days on from the awful climax of events she was called on to recount, Harriet inclined to take a generous view of Timins' motives. Reminded by the coroner that on the day of her daughter's death 'she made charges against Mr Timins', she replied that 'she was sorry if she did, and did not mean it', and under cross-examination by Mr Norton 'who appeared to watch the case on behalf of' Timins, she vouchsafed that 'she believed that what Mr Timins did was done out of kindness'. Also questioned on 16 December was Dr Thomas Pounds, who had undertaken the post-mortem at the request of the police, and who confirmed that 'on opening the body, he noticed a distinct smell of almonds'.<sup>18</sup> The coroner then adjourned the inquest until it could receive the results of expert chemical analysis of the 'stomach part of the intestines' and 'brain, blood and urine' taken from the body of Sarah Wright.<sup>19</sup>

The findings of Professor C. Heaton, examiner in chemistry to the Royal College of Physicians, and R. Tuson, Professor of Chemistry and Toxicology in the Royal Veterinary College, were reported to the second session of the inquest on 10 January 1883.<sup>20</sup> They were unequivocal. Prussic acid was 'present in unmistakeable quantities' in 'the vomit and contents of the stomach', and in the blood 'there was distinct evidence of the presence of essential oil of bitter almonds'. As Dr Pounds told the reconvened inquest, the findings of the London specialists reinforced the conclusions he had reached on conducting the post-mortem: that 'the death did not come from natural causes, but from a nerve poison ... that the nerve poison in this case was prussic acid' and 'that the prussic acid was given in the form of essential oil of bitter almonds'.<sup>21</sup>

On 10 January, Edward Clarke, QC, defending Timins, tried to suggest that had Sarah been poisoned by prussic acid she would have died within half an hour of swallowing it, and that in fact after a long record of ill-health Sarah had died 'of apoplexy'.<sup>22</sup> Answering questions under caution that anything he said 'may be used as evidence against you supposing an adverse verdict should be given', John Timins told the inquest that 'a good many years ago' he had gone 'through the regular course of instruction in medicine' at St Thomas' Hospital and had since then 'occasionally' used his medical knowledge 'for the advantage of certain parishioners'. He affirmed that he had reached the conclusion after treating his son

that the oil of almonds he had in his possession was ‘not very seriously poisonous’. If it had been, he asserted, ‘it would have been discovered directly. It is as dangerous as applied to the surface of the skin for a sore, as internally’. That a teaspoonful ‘would act as a demulcent’ and could safely be swallowed, the vicar continued, was further demonstrated by the fact that he had himself consumed a teaspoonful of the oil he gave to Sarah, because when she had been given it she had called out ‘Oh! Mr Timins’, and ‘I wanted to know what had hurt her’. Asked by his counsel whether he had ‘ever felt any ill effects from the dose’ he replied ‘none whatever. I did not feel any effect. I am perfectly conversant with all the poisonous effects of an overdose of prussic acid, and I have none of them’. Further claiming that when he left the house three-quarters of an hour later there was no indication that Sarah was suffering from ‘any poisonous dose’, he attributed her appearance when he was called back an hour later to ‘a fit of apoplexy’, for which reason he sent for medical assistance.<sup>23</sup>

Thus far, Timins’ story was at least consistent, though his claim to have taken a similar amount of the oil he had given Sarah and to have suffered no ill-effects was hard to reconcile with the findings of the post-mortem doctors and the London specialists as to the cause of her death. However, his testimony became inconsistent under examination from the coroner. Perhaps sensing that he could not rely on securing a verdict of death by natural causes and therefore needed a misadventure defence, Timins shifted his ground when asked what had prompted him to ‘use dangerous, poisonous oil on this particular occasion’. To this he replied ‘I mistook it for another oil which was not dangerous’, an answer that accommodated the findings of the post-mortem as to the cause of Sarah’s death but fundamentally undermined the claim he had made earlier in his testimony to have consumed the oil himself.<sup>24</sup> Conscious of the inconsistency in Timins’ evidence, the coroner then asked him to explain once more why he had swallowed some oil. ‘To see what caused her pain’ came the reply. ‘Rather a dangerous experiment I should think’, the coroner observed, to the accompaniment of laughter in the courtroom. ‘You swallowed it deliberately to ascertain whether it was poisonous?’ he continued. ‘No’ replied Timins: ‘I knew it was not poisonous, but I took it to ascertain what had caused her pain’. ‘You felt no ill effect? — ‘No; none at all’, said Timins, his testimony in disarray.<sup>25</sup>

At the third and final session of the inquest on 24 January Dr Pounds was recalled and affirmed that the possibility of death by apoplexy had been ‘fully considered’ at the post-mortem, but that the suggestion had not merited ‘serious consideration’. He and Dr Pope also took the opportunity to contradict Timins’ claim that the successful use of oil of almonds to allay irritation on unbroken skin (as in ‘nettle rash’) was any indication that it was not poisonous and thus suitable for internal consumption. The oil Timins gave to Sarah, they both insisted, could not have been harmless

'because of the prussic acid found in the girl's body after death had ensued'. For this reason, they were also keen to stress that they could not accept Timins's 'statement that he swallowed a teaspoonful of essential oil of almonds' since 'fatal results would have occurred' had he done so 'unless immediate remedies had been adopted'. It also emerged on 24 January that Timins had disposed of the remainder of the contents of the bottle containing the oil he had administered to Sarah Wright 'after two or three days' because, he said, he had concluded that 'it was not wanted' and he did not wish to keep it in the house.<sup>26</sup>

If it had not been obvious earlier in the proceedings that Joseph Rogers had become convinced that Timins was a hubristic amateur dabbler whose incompetence caused Sarah's death, his summing up can have left nobody in any doubt. The issues before them, the coroner told the jury as he began his remarks, were 'when, how and by what means did the deceased girl come to her death?' and, if they 'found that the death was not the result of natural causes, then who was the person directly responsible for such death?'. He reminded the jury that Mr Stedman, the chemist, had warned Timins as to the poisonous character of oil of bitter almonds, that Timins had assured him that it was intended for 'outward application' and would see to its proper use, but that nonetheless 'he seemed to have' administered a teaspoonful of the oil to Sarah Wright and that within two hours of taking it she was dead. 'They would also remember that Mr Timins said he took a similar dose of the oil ... and they had also heard the effect that the oil had upon himself'. However, investigation by 'two eminent London analysts ... showed that prussic acid and essential oil of bitter almonds' were in Sarah's 'vomit and stomach and ... the effects of this oil and acid were also found in other matters subjected to such analytical examination'. He therefore thought the jury would 'be of the opinion, notwithstanding the long and elaborate statement made by Mr Timins' that she had died of apoplexy, that in fact her 'death was caused by prussic acid poisoning'. Indeed, he went on, the jury 'must be guided entirely by the medical testimony', adding 'that death was caused by prussic acid poison contained in the oil of almonds was a fact beyond doubt'. This being the case, 'the only remaining and most important point to be considered was whether Mr Timins was or was not criminally responsible for his action in the case before them'.<sup>27</sup>

The coroners' direction to the jury as to cause of death was far from consistent with the guidance proffered in the bible of his profession, Jervis' *Treatise*, which urged that the weight given to medical testimony

as well as to every other kind of evidence is to be determined by the jury, who should form their own judgment on the matters before them, and are not concluded by that of any witness, however highly qualified or respectable.<sup>28</sup>

On the other hand, there was one passage in Jervis' *Treatise* that the coroner was more than happy to quote verbatim to the jury. This cited the 'rule of law laid down by Lord Lyndhurst' in *Rex v Webb*, in which a man was put on trial for 'administering a certain noxious drug which caused death'.<sup>29</sup>

In these cases there is no difference between a licensed physician and surgeon and a person acting as a physician or surgeon without a licence. In either case, if a party, having a competent degree of skill and knowledge, makes an accidental mistake in his treatment of a patient, through which mistake death ensues, he is not thereby guilty of manslaughter; but if, where proper medical treatment can be had, a person totally ignorant of the science of medicine takes upon himself to administer a violent and dangerous remedy to one labouring under a disease, and death ensues in consequence of that dangerous remedy having been so administered, then he is guilty of manslaughter.

Even in cases of emergency, Lyndhurst had ruled, only when no proper medical assistance could be had might a 'non-professional' man administer medicine.<sup>30</sup> In the case before them, the coroner continued, 'no one could properly say that there was any question of emergency; and there were two or three medical gentlemen resident in' Malling. So the jury had first to consider Timins' 'skill and knowledge'. However, even if they judged him medically competent, to return a verdict of death by misadventure the jury would also have to be satisfied that he had acted 'with due caution, and in a proper manner, and without any intention of bodily harm'.<sup>31</sup>

Timins, the coroner reminded the jury, had stated that he 'was originally a student of medicine and went through a course of instruction at St Thomas' Hospital some 36 years ago. He however, never qualified'. Moreover, 'the science of medicine had developed new theories and practices, and was now in a more enlightened state than formerly, so that what might have been thought proper and in general use by medical men some thirty years ago was now entirely obsolete'. Noting the 'discrepancies or inconsistencies' in Timins' evidence, the coroner then focused on three elements in it. First his claim that he 'was perfectly aware that oil of bitter almonds contained a certain quantity of prussic acid'; secondly his assertion that he 'mistook the oil' he took to the Wright household on 14 December 'for another oil of almonds which is said to be perfectly harmless'; thirdly his admission that he 'had never administered almond oil to anyone prior to testing its effects on the deceased'.<sup>32</sup> If, the coroner suggested, what had really happened was that on observing the girl's reaction after swallowing the oil Timins had realized his mistake, then 'there was no question that it was the duty of Mr Timins immediately to have summoned medical assistance, and it was fair to assume that the girl's life might then have been saved'. Yet Timins had not done so.

What, the coroner asked rhetorically, was the jury's opinion of 'such a proceeding?'

Was it the act of a man who might have assumed to have medical skill and knowledge or the act of a man showing gross ignorance and carelessness. He thought that rather they would be of the opinion that it was the act of a man who had no such skill and knowledge, and that gross carelessness should be the term used to express their opinion on the subject.

Finally, the coroner reflected, would it not be expected 'in a case of misadventure proper' that 'the implicated person would come to the front and state the circumstances of the case and express regret for the result? Had anything like this been done in this case?' Far from it. 'Indeed', the coroner reminded the jury, 'his request that the rev. gentleman should be in attendance on the first day of the sitting was disobeyed'.<sup>33</sup>

Any mid-Victorian coroner turning to Jervis' *Treatise* for guidance on summing up would have read that juries 'are neither to expect, nor should they be bound by, any specific or direct opinion of the coroner upon the whole of the case, except so far as regards the verdict which, in point of law, they ought to find as dependent and contingent upon their conclusions in point of fact'.<sup>34</sup> Plainly, however, Joseph Rogers was intent on securing a guilty verdict and, doubtless fearing that they were unlikely to find against a pillar of the community unless robustly persuaded to do so, he was happy to browbeat the jury in order to get it. Such fears were probably justified, for despite the coroner's closing tirade, the inquest jury took 85 minutes to return a unanimous verdict that Timins was guilty of manslaughter, to which they added 'we believe that when he gave the dose to the girl he had no evil intention'. Timins thanked the jury, many of whom, he added, 'are my friends and neighbours'.<sup>35</sup>

At law, the finding by an inquest upon the dead body that death had been occasioned by a named person operated as an indictment on which the accused could be arraigned for homicide. Accordingly, Timins was committed for trial at the next Kent assizes.<sup>36</sup> However, since coroners had no power to bind over witnesses for the defence to appear at trial, it was necessary for magistrates also to conduct a preliminary hearing to enquire into the facts and ensure that the accused was not deprived of such assistance as the law could provide, just as they were required to do in any case that warranted jury trial.<sup>37</sup>

The coroner's hostility to the medical pretensions of West Malling's vicar had been palpable, but Timins had friends among the seven magistrates who conducted the preliminary hearing on 12 February. The Hon. Ralph Nevill was on the bench that day, as was his nephew, L.E. Bligh, son of the Hon. E.V. Bligh, formerly vicar of Birling and old friend of Timins'. E.V. Bligh and his wife, Lady Isabel Nevill, were

patrons of the Kent Nursing Institution that had been set up by Timins and Lady Caroline Nevill, and E. V. Bligh was to be among those called to provide a character reference for Timins at his trial.<sup>38</sup> Also well disposed to Timins was Mr Brennan of Maidstone who, appearing for the county solicitor, reluctantly presented the case for the prosecution. He rehearsed the events that led to Sarah Wright's death, and explained that it was his duty 'to urge upon you ... that Mr Timins has shown an absence of medical skill because he administered the oil internally, which I think must be admitted was intended only for external application'. However, he continued, should the bench conclude that the vicar was 'possessed of competent medical skill' there remained the question of whether Timins had acted with 'gross carelessness'. Yet Brennan was at pains to stress that he 'did not want to press the case unduly against Mr Timins', for

The case is of very painful nature to all concerned. Mr Timins has been for forty years vicar of West Malling, and he is a gentleman who is justly respected, and is widely known for his benevolent efforts in relief of poor suffering humanity. We all regret that this charge has been brought against him, but I can only say, speaking for myself, that if you consider you are justified, consistent with your duty in dismissing the charge, I shall regard that conclusion of the case with personal satisfaction.<sup>39</sup>

In the interest of 'not pressing the case unduly', and by way of intimating that the coroner had done so, Brennan made clear that 'the negligence he relied on was in the administration of the oil, and not in failing to send for a doctor afterwards'. To reinforce the point he declined to call on evidence from Joseph Rogers, much to the coroner's consternation.<sup>40</sup>

Timins had a revised strategy for the magistrates' hearing. He abandoned the defence that Sarah's death had been from natural causes and 'in deference to the opinion of my counsel' let his barrister Mr Treeve Edgecome do all the talking. In view of his performance at the inquest that was wise of Timins. Sympathetic though they were to one of their own, there was an overwhelming *prima facie* case against Timins and the magistrates committed him to trial at the assizes. However, the preliminary hearing was far from disastrous for Timins. In the first place, although the magistrates were not obliged by dint of the verdict of the inquest jury to commit Timins for trial, their refusal to do so would not necessarily have prevented Timins being tried at the assizes; indeed according to Jervis there were instances not only of cases being tried but of convictions being obtained at assizes upon a coroner's inquisition despite magistrates refusing to commit for trial.<sup>41</sup> Secondly, Brennan's decision not to call the coroner in evidence for the prosecution meant that Timins' less than compelling performance at the inquest was not recounted in court and, perhaps more to the point, was not reprinted in the local press. What *did* get printed was the prosecuting attorney's fulsome

praise of Timins' 'benevolent efforts in relief of poor suffering humanity' and his declaration that he would view the *dismissal* of the charges as a matter for 'personal satisfaction'.<sup>42</sup> Also handsomely reported in the press was the testimony of a new witness for the defence, 'Mr John Syer Bristowe, M.D. of London University, F.R.S., Examiner in Medicine to the Royal College of Surgeons, Senior Physician of St Thomas' Hospital'. The *Kent Messenger* printed the good doctor's words as follows

Between 1845 and 1849 he was a fellow student with Mr Timins at St Thomas'. Mr Timins walked the hospital, and acquired sufficient knowledge to have passed for a diploma and he (witness) thought he had done so. He had recently renewed his acquaintance with Mr Timins. In the latter's occasional visits to London he had allowed him to visit the patients in the ward with witness's own class. As far as he could judge Mr Timins appeared to have a very good acquaintance with medicine.<sup>43</sup>

This was splendid propaganda for the defence. As the national *Daily Chronicle* noted, it 'places Mr Timins' conduct in a different light from that in which it was first regarded by many people'.<sup>44</sup>

Above all, though, Bristowe's deposition opened the way for prosecuting authorities intent on maximizing Timins' chances of acquittal to narrow yet further the scope of the case brought against him. Accordingly, presenting the case for the prosecution at Timins' trial at the Kent assizes on 17 July 1883, Mr Talfourd Salter, QC, told the court that the prosecution now accepted that Timins 'had acquired sufficient knowledge to enable him to deal with a drug of the description which he had administered to the girl'. This of course meant that Timins could only be convicted of manslaughter if the jury determined that he had acted with gross carelessness. Salter was, he told the jury, perplexed by Timins' behaviour. The 'defendant is much respected in his parish, and is well known for his attention and kindness to the poor there', he was 'perfectly aware that essential oil of bitter almonds contains from eight to fourteen per cent of prussic acid', yet he 'administered to the deceased a dose doubly sufficient to cause death'.

No one has ever suggested – nor do I suggest – that what the defendant did was not done with good motives. But why did he do such an extraordinary thing? It is difficult to understand what process of thought preceded his action. If he did, as an experiment, out of sheer rashness, do that which cost this poor girl her life, then the law will not be satisfied unless you convict him of the offence of which he is charged. I desire to say no more upon the case.

Unwilling to argue the case for Timins' medical incompetence, or to explore his behaviour after he poisoned Sarah, or to draw attention to the inconsistencies in his evidence to the coroner's inquest, the prosecution

went through the motions and then in summation told the jury that the ‘substantial question for them to consider was whether the defendant could have reasonably mistaken the nature of the almond oil he was giving the deceased?’.<sup>45</sup>

To persuade the jury that they might indeed conclude Timins had ‘reasonably mistaken’ the nature of the oil he administered to Sarah Wright, Edward Clarke QC, for the defence, set about discrediting the testimony of Mr Stedman, the chemist. Under cross-examination, Stedman agreed that there were four different types of almond oil, of which only essential oil of bitter almonds was poisonous, while Professor Heaton conceded ‘I cannot distinguish by the smell or appearance the oil of almonds which contains prussic acid from that which does not contain it’. Clarke then asked the professor, ‘if a person ordered an ounce of bitter almonds, what would a chemist send – an innocuous substance or a poisonous substance?’ ‘A prudent chemist would send the innocuous substance’, Heaton replied. Of course Stedman had always insisted and continued to insist that he had told Timins that what he was supplying was poisonous and that he had labelled the bottle with a poison label, but Clarke simply waved this aside in his summation. ‘He had no complaint against Mr Stedman. But ... he thought it would be unsafe for (the jury) to place full reliance in what Mr Stedman alleged took place’. Mr Timins, said Clarke, thought that he had been supplied with the innocuous oil; were the jury ‘going to say that because the defendant did not notice the difference between the two oils that this act amounted to manslaughter?’. As to the poison label on the bottle, ‘Mr Clarke argued that if Mr Stedman did put one upon it, it would have been noticed by Mrs Wright when the defendant administered the drug to her daughter’.<sup>46</sup>

But manufacturing doubt over the reliability of Stedman’s evidence was not Clarke’s main priority. Indeed the barrister’s principal line of defence had nothing to do with the facts surrounding Sarah Wright’s death. It was, quite simply, that John Timins was *respectable*. The jury, he said, ‘had before them a criminal charge’ conviction upon which ‘would be a blow – a terrible blow – to one who had filled his position’ with ‘honour’.

The defendant had been for forty years vicar of West Malling, in their county. The character he had borne in that capacity had been admitted by his learned friend, Mr Salter, when he opened the case. He admitted not only that Mr Timins had discharged the duties of his sacred calling, but that in pursuit of those opportunities of charitable work which were a little outside the limit of his own calling, but still within the scope of his benevolence, he had done what he could to help and nourish and sustain the bodies as well as to administer spiritually to those whom God had committed to his charge ... If (Clarke) had desired to call into the witness box all those who were anxious to testify to the work which the defendant had done ... friend after friend of all ranks, of all creeds, of all kinds of

political faith, would have spoken in undeviating terms of the character which he had borne ... He had been known for years as one who added to the duties of his sacred calling ... those of giving medical advice to his parishioners. He raised himself years ago for that work, not with a view to practising as a doctor ... but that he might be able to do some good physically to the poor amongst whom it should be his lot to work; and he had tried to do so ... The defendant was a personal friend of those poor and humble people amongst whom his life had been spent, who at times when their dear ones were suffering and they themselves had not the means with which to pay for a doctor, had always found him ready to help them.

Now Clarke came to the crux of the matter. 'In beginning his summing up to the jury, Mr Salter had said there was no moral imputation upon the defendant'. But he was

entirely at a loss to see how that could be suggested. There was no crime greater in the English law, unless there was a criminal mind, than that for which the defendant was being tried; and a man could only be convicted of that when there was negligence, and when that negligence was gross and palpable. When he had so evaded and disregarded his position the jury was bound to say that there was a moral imputation upon him, and he was not merely censorable, but punishable as a criminal. Therefore they could not return a verdict of guilty against the defendant without bringing moral imputation against him.

Clarke then called half a dozen witnesses – magistrates, councillors and clergy – 'each of whom gave the defendant an excellent character for his benevolence to the poor in his parish', two of them adding that he 'was one of the most kind-hearted gentlemen that could be found, and that he was respected by all who knew him'.

It took the jury just five minutes to deliberate before they acquitted John Timins, to the accompaniment of 'some applause'.<sup>47</sup>

Presiding over the inquest into Sarah Wright's death on 10 January 1883, Joseph Rogers, as he was bound to do, had cautioned John Timins that anything he said 'may be used as evidence against you'. Timins said a good deal that day that an enthusiastic prosecution could have exploited to try to secure his conviction for manslaughter at the Kent assizes. Yet he need not have worried; his words were not used against him. The evidence presented at the coroner's inquest may have made it hard to deny that there was a *prima facie* case against the clergyman, but the local custodians of the rule of law had no interest in prosecuting it. All agreed that the law should work *pro bono publico*, and saw no public good in impugning the character of a man long held up as a model of propriety simply because in a moment of carelessness, nay gross carelessness, he had killed a servant girl he meant to heal.

The extensive surviving newspaper coverage of the coroner's inquest and trial that followed Sarah Wright's death at the hands of West Malling's vicar offers an exceptional opportunity to examine the forces that shaped the administration of justice in Victorian Kent. What the press dubbed 'The West Malling Poisoning Case' also casts light on tensions around the provision of medical care at a time when the science of medicine was making rapid advances and a clearly licensed profession of medical doctors had emerged, but the state had not yet extended regulation over the practice of medicine by unregistered 'quacks'.<sup>48</sup>

The coroner's inquest sharply exposed the limits of Timins' medical competence. Indeed, its findings led *The Lancet* to comment that 'clerical brethren who are fond of trenching the ground of medical men' despite possessing only a 'smattering of knowledge' would be well advised to content themselves with ministering to the 'various lighter ailments of their parishioners'. Yet the verdict of the coroner's inquest that Timins was guilty of manslaughter – a verdict, the present authors would suggest, that was in accord with the evidence – was unacceptable to magisterial and popular opinion. As Conley's study of crime in Victorian Kent argues, while it was important to pay lip service to the notion that the law was impartial, 'for most JPs the very definition of justice depended on the persons involved'. To retain the cohesion of the established social order, the application of the law needed to accommodate the norms and expectations of public opinion and to preserve 'the rights and dignities of respectable locals'. The vicar of West Malling was and had long been the epitome of Victorian respectability, and the 'tenets of Victorian respectability were fundamentally incompatible with the notion of regularized and impartial justice'.<sup>49</sup> Even *The Lancet* did not wish to be 'too severe on Mr Timins', who 'seems to have been a useful and kindly vicar'; he was guilty merely of an 'indiscretion', which should 'serve as a warning' against combining two professions.<sup>50</sup>

Reverend Timins remained West Malling's vicar until his death in 1896. His memorial brass is inscribed 'blessed be the man who provideth for the sick and needy'. We should remember also that Sarah Ann Wright did not live long enough to see it.

#### ENDNOTES

<sup>1</sup> *Kent Messenger*, 23 December 1882.

<sup>2</sup> G. Eliot, *Scenes of Clerical Life* (Oxford, 1985), pp. 8-10.

<sup>3</sup> F.D. Roberts, *The Social Conscience of the Early Victorians* (Stanford, Calif., 2002), p. 54; *Kent Messenger*, 17 February 1883.

<sup>4</sup> Timins also employed Harriet Wright's son. *Kent Messenger*, 27 January 1883.

<sup>5</sup> *Kent Messenger*, 23 December 1882, 13 January 1883.

<sup>6</sup> Hertfordshire Archives and Local Studies (Hertford), D/P 3/1/ZO, Aldenham Baptisms 1814; The National Archives (hereafter TNA), DE/TM/24622a – 24626, Marriage settlement

between daughter (Elizabeth Anderson) of Robert Anderson of Walthamstow and his wife Anne, to Capt. J. F. Timins; *Crockfords Clerical Directory* (1879); TNA, DocumentsOnline I/04/00113467W, Will of John Fam Timins 1843. West Malling was a small market town of under 2,000 souls in the 1840s and experienced only a modest growth during the second half of the century at a time when many other urban areas in the County, such as nearby Maidstone, were expanding very rapidly. The religious census of 1851 reveals that St Mary's Parish Church had an active congregation of around 400 (M. Roake (ed.), 1999, *Religious Worship in Kent. The Census of 1851*, KAS, 112-13).

<sup>7</sup> Kent History and Library Centre (Maidstone), P243/8/1, 2 (West Malling Vestry Minutes 1838-84); RD/ML/A/M 1/1.

<sup>8</sup> A. Cronk, *A Short History of West Malling Kent* (Chatham, 1951), p. 37; interview with Canon B. Stevenson, formerly vicar of West Malling; *Kent Messenger*, 17 March 1883.

<sup>9</sup> *Kent and Sussex Times*, 21 July 1883.

<sup>10</sup> *Kent Messenger*, 13 January 1883, 27 January 1883, 17 February 1883; *Kent and Sussex Times*, 17 February 1883.

<sup>11</sup> *Kent Messenger*, 13 January 1883.

<sup>12</sup> J. Elliotson, Numerous cases Illustrative of the Efficacy of the Hydrocyanic in Prussic Acid in Infections of the Stomach with a Report upon its Powers in Pectoral and other Diseases in which it has been already Recommended and some facts Respecting the necessity of varying the Doses of Medicines according to Circumstances, and the use of Opium in Diabetes (London, 1820); *Maidstone and Kentish Journal*, 11 Jan 1883; *Kent Messenger*, 13 January 1883.

<sup>13</sup> *Kent Messenger*, 13 January 1883; *Maidstone and Kentish Journal*, 11 Jan 1883.

<sup>14</sup> I.A. Burney, *Bodies of evidence: medicine and the politics of the English inquest, 1830-1926* (London, 2000), p. 6.

<sup>15</sup> *Kent Messenger*, 27 January 1883.

<sup>16</sup> *Kent Messenger*, 13 January 1883.

<sup>17</sup> *The Times*, 11 January, 25 January 1883, 13 February 1883; *The Lancet* quoted in *Kent Messenger*, 10 February 1883. It had been held to be illegal to publish in a newspaper a statement of the evidence given before a coroner's jury since 'nothing is more important to the administration of justice than that jurymen should come to the trial of those persons on whose guilt or innocence they are to decide, with minds pure and unprejudiced'. However, although strictly illegal, such publications had, by the 1880s, come to be regarded as, on balance, a public good, since they 'had a tendency to protect innocent persons by communicating to their friends a knowledge of the accusation; they are calculated also, by exposure, to prevent the repetition of crime, and above all, to aid in the detection of guilt'. R.E. Melsheimer, *The Coroners Act, 1887, With Forms and Precedents. Being the Fifth Edition of the Treatise by Sir John Jervis on the Office and Duties of Coroners* (London, 1888), p. 25.

<sup>18</sup> *Kent Messenger*, 23 December 1882.

<sup>19</sup> *Kent Messenger*, 13 January 1883.

<sup>20</sup> Expert witnesses – defined as 'men of science within their own science' – were selected by the coroner in charge of the inquest. As Jervis' *Practical Treatise on the Office and Duties of Coroners* put it, like other medical men, they formed 'an exception to the general rule of law which confines witnesses to a statement of such facts only as are within their knowledge. Scientific witnesses are allowed to state their opinions upon a matter with which they are conversant, and thus the opinions of medical men may be admitted as to the cause of disease or death'. Melsheimer, *The Coroners Act*, pp. 37-9; I. A. Burney, *Bodies of evidence*, p. 4; K.D. Watson, 'Medical and Chemical Expertise in English Trials for Criminal Poisoning 1750 -1914', *Medical History*, 50 (3) (2006), pp. 373-90.

<sup>21</sup> *Kent Messenger*, 13 January 1883.

<sup>22</sup> Dr Pounds was unconvinced by the suggestion that Sarah's protracted death ruled out

prussic acid poisoning, pointing out that ‘the vomiting subsequent to taking the oil must be taken into consideration as a circumstance in accounting for the slow action of the poison’, *Kent Messenger*, 27 January 1883.

<sup>23</sup> *Kent Messenger*, 13 January 1883.

<sup>24</sup> Earlier on that day, Dr Pope had told the inquest that on 14 December Timins had told him ‘that he had given the girl the teaspoonful of the oil of almonds’ and that it was ‘not noxious’, and had offered to send Pope the bottle from which it had been taken ‘with the contents sealed by himself’, but had not done so. When the coroner taxed Timins with this testimony the vicar denied making any such promise, observing that Pope ‘is about the last man I should think of giving it to’. *Kent Messenger*, 13 January 1883.

<sup>25</sup> *Kent Messenger*, 13 January 1883; *Maidstone and Kentish Journal*, 11 January 1883.

<sup>26</sup> *Kent Messenger*, 27 January 1883; *Maidstone and Kentish Journal*, 25 January 1883.

<sup>27</sup> *Kent Messenger*, 27 January 1883; *Kent and Sussex Times*, 27 January 1883.

<sup>28</sup> Jervis went on to complain that ‘there can be no doubt that testimony is constantly received as scientific evidence to which it is almost profanation to apply the term, and, in truth, witnesses of this description are apt to presume largely on the ignorance of their hearers with respect to the subject of examination, and little dread prosecution for perjury, an offence of which it is extremely difficult, indeed, almost impossible, to convict a person who only swears to his belief, particularly when that belief relates to scientific matters’. By 1876, *The Times*, similarly, was voicing scepticism and some alarm about what it dubbed ‘the coming tyranny of expertise’. Melsheimer, *Coroners Act*, pp. 37-9; *The Times*, 20 March 1876, qu. in Burney, *Bodies of evidence*, p. 110; Watson, ‘Medical and Chemical Expertise’.

<sup>29</sup> *Kent Messenger*, 27 January 1883.

<sup>30</sup> In another ruling in a case of death resulting from medical treatment quoted by Jervis, Park, J., had opined ‘I call it acting wickedly when a man is grossly ignorant and yet affects to cure people; or when he is grossly inattentive to their safety. If you’ the jury ‘think there was gross ignorance, or scandalous inattention, you will find him guilty’, Melsheimer, *Coroners Act*, pp. 156-8; *Kent Messenger*, 27 January 1883. As Blackstone put it, ‘In general, when an involuntary killing happens in consequence of an unlawful act, it will either be murder or manslaughter, according to the nature of the act which occasioned it’, D.M. Aird, *Blackstone Economized. A Compendium of the Laws of England to the Present Time* (2nd edn, London, 1873), p. 310.

<sup>31</sup> *Kent Messenger*, 27 January 1883. Here the coroner was citing ‘the law as to misadventure proper as laid down in Jervis on Coroners – “Homicide *per inferuim* or in other words misadventure, is where a man doing an act without any intention to inflict an injury unfortunately kills another – when the act is lawful and is performed with due caution, and in a proper manner, and without any intention of bodily harm, and the effect is merely accidental”’. J. Jervis, *A Practical Treatise on the Office & Duties of Coroners. With an Appendix of Forms and Precedents* (London, 1854), p. 216. Melsheimer, *Coroners Act*, p. 210.

<sup>32</sup> As we have seen, Timins had also claimed that when Sarah was in pain after taking a spoonful he ‘took a like quantity of the oil’ himself ‘for the purpose of ascertaining what hurt the deceased’, yet the findings of the post-mortem and of the expert witnesses who had examined the contents of Sarah’s stomach both indicated that had he really done so he would also now be dead. *Kent Messenger*, 27 January 1883, *Maidstone and Kentish Journal*, 25 January 1883.

<sup>33</sup> *Kent Messenger*, 27 January 1883.

<sup>34</sup> Melsheimer, *Coroners Act*, pp. 39-40.

<sup>35</sup> *Kent Messenger*, 27 January 1883. It seems clear from the report of the preliminary hearing by magistrates carried in the *Kent and Sussex Times* on 17 February 1883 that

Timins may have at first intended to submit a complaint about what his barrister described as the coroner's 'very strong remarks as to Mr Timins' conduct'. On being told that he would not be required to give evidence at the preliminary hearing the coroner commented 'if there is any complaint to be made against me it can only be made through the Lord Chancellor'.

<sup>36</sup> J.H. Baker, 'Criminal Procedure at Common Law 1550-1800', in J. S. Cockburn (ed.), *Crime in England 1550-1800* (London, 1977), p. 19; Melsheimer, *Coroners Act*, pp. 82-3; *Kent Messenger*, 27 January 1883.

<sup>37</sup> Melsheimer, *Coroners Act*, p. 36. For an excellent discussion of the evolution of magistrates' preliminary hearings, see J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), pp. 268-81; and for Jervis' Act of 1848 which confirmed the purpose of preliminary hearings as a full enquiry into guilt or innocence see J. F. Stephen *A History of the Criminal Law of England, Vol. 1* (London, 1883), pp. 220-21.

<sup>38</sup> Edward Vesey Bligh served 20 years on the Kent County Bench. E. Wingfield-Stratford, *This Was a Man: The Biography of the Hon. Edward Vesey Bligh, Diplomat, Parson and Squire* (London, 1949), p. 246; *The Times*, 25 January 1883.

<sup>39</sup> *Kent Messenger*, 17 February 1883.

<sup>40</sup> *Kent and Sussex Times*, 17 February 1883.

<sup>41</sup> Melsheimer, *Coroners Act*, pp. 82-3. If a grand jury at assizes refused to endorse a bill of indictment arising from a magistrates' committal it was 'not usual' to offer any evidence upon an inquisition, but by the mid nineteenth century 'the brief and more partial enquiry the grand jury could mount as the court session was beginning was bound to appear flimsy' by comparison with those of police and magistrates and grand juries found it 'difficult ... not to relent' when magistrates committed someone to trial'. *Ibid.*, p. 50; Beattie, *Crime and the Courts*, p. 319.

<sup>42</sup> *Kent and Sussex Times*, 17 February 1883, reported Brennan remarking also that Timins had acted 'no doubt with the best intentions but in a manner that rendered him liable to a serious charge'.

<sup>43</sup> *Kent Messenger*, 17 February 1883.

<sup>44</sup> *Daily Chronicle*, reprinted in *Kent and Sussex Times*, 17 February 1883. On 19 February the *Maidstone and Kentish Journal* printed an update on its report of the magistrates' hearing specifically to detail Dr Bristowe's testimony.

<sup>45</sup> *Kent Messenger*, 27 July 1883; the coroner was not of course called to give evidence at the trial.

<sup>46</sup> *Kent Messenger*, 27 July 1883.

<sup>47</sup> *Kent Messenger*, 27 July 1883; *Kent and Sussex Times*, 21 July 1883.

<sup>48</sup> *Kentish Gazette*, 30 January 1883; *Kent and Sussex Times*, 17 February 1883; M. J. D. Roberts, 'The Politics of Professionalization: MPs, Medical Men, and the 1858 Medical Act', *Medical History*, 53 (1) (2009), p. 37.

<sup>49</sup> C.A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford, 1991), pp. 21, 41, 188, 202-4.

<sup>50</sup> *The Lancet*, quoted in *Kent Messenger*, 10 February 1883.