



THE RICHMOND POISONER

Peter Maggs

In the summer of 1859, during that period when Parliament had risen and frivolous pieces in the newspapers were giving rise to the term 'silly season', one story dominated the press. A retired doctor, Thomas Smethurst, was on trial at the Old Bailey charged with the murder of his bigamous, pregnant wife, Isabella.¹

Thomas Smethurst was born in Cheshire and trained as an apothecary in London. Later he acquired the degree of MD from the University of Erlangen in Germany.² In the early 1840s, he travelled to Gräfenberg in Austrian Silesia to study 'Hydropathy', the 'Water Cure', under Vincent Priessnitz, who had established his sanatorium there.³ Smethurst was so impressed with what he saw that when he returned home he wrote a book on Hydropathy, and set up his own Water Cure practice in Ramsgate.⁴ Later on, he leased Moor Park in Surrey and opened a Hydropathy sanatorium, advertising regularly in *The Times*.⁵ At the age of 49 or 50, having accumulated upwards of £3,500 in cash and property, Smethurst decided to retire and spend his time touring Europe with his wife Mary.⁶

In 1858 the Smethursts were back in England staying at a Bayswater boarding-house when they became acquainted with Isabella Bankes, a fellow boarder. Isabella, a single lady of 42 with an independent income, suffered from various ailments including biliousness and had a delicate constitution.⁷ It is likely that Smethurst treated her professionally, and she became infatuated with him. She suggested that they run away and marry in secret, even though Smethurst was already married. Isabella may have been encouraged in this idea by the fact that Smethurst's wife was considerably older than he was; he was 53, she was 74...

Isabella was given notice to quit by the landlady, who disapproved of the flirtation, and Smethurst departed a few days later, telling his wife that he was visiting friends and then 'making a tour'. He arranged, nevertheless, to continue paying for Mary's board and lodging.

On 9 December, 1858, Thomas Smethurst and Isabella Bankes were married by special licence at St Mary's, Battersea. After a honeymoon spent in Tunbridge Wells, Dorking and Surbiton, they went to live in Richmond upon Thames as man and wife.

In late March 1859, Isabella began to suffer from sickness and diarrhoea, and Smethurst called in the senior doctor in Richmond, Dr Frederick Gilder Julius, to treat her. His treatments failed to improve matters and Isabella got worse. Dr Julius called in his partner, Mr Bird, for a second opinion, and they decided to bring in an eminent London consultant, Dr Robert Bentley Todd. He saw Isabella for a few minutes by candlelight, and after discussions with Dr Julius, two samples of Isabella's evacuations were obtained and sent to Guy's Hospital for analysis. A few days later, on Sunday 1 May, Smethurst called out a local solicitor to make Isabella's will; she left all of her money to her 'sincere and beloved friend, Thomas Smethurst', and signed 'Isabella Bankes, spinster'.

Meanwhile, Dr Alfred Swaine Taylor at Guy's Hospital had detected arsenic in one of the samples. He contacted Dr Julius immediately, and Smethurst was arrested by Inspector McIntyre of the Richmond Police, who also confiscated all of his medicines. However, he managed to persuade the magistrates that his wife was dying and he should be with her. He was released and allowed to return home under police surveillance. The next day,

Tuesday 3 May 1859, Isabella did die, and Smethurst was immediately re-arrested and charged with murder.

The magistrates' court hearings and inquest generated intense public interest, particularly when Dr Taylor gave evidence. He had already found arsenic in excreta, and although none was found when he examined Isabella's body, he detected antimony in several organs. All of Smethurst's medicines were also analysed and arsenic was found in one of his bottles. The post-mortem established that Isabella had been pregnant for between five and seven weeks.

Smethurst's first trial at the Old Bailey was abandoned after a juryman was taken ill; a new trial commenced several weeks later on 15 August 1859, before the same judge, Sir Frederick Pollock, the Lord Chief Baron. Pollock, 76 years old, was described as 'indefatigable if sometimes sleepy', one of his shortcomings being a 'tendency to make his mind up early in a case...'⁸

The chief prosecution barrister, Serjeant William Ballantine, called Dr Julius, Mr Bird and Dr Todd to give evidence; they had seen Isabella while she was still alive.⁹ His main prosecution witness though, was Dr Taylor of Guy's hospital, who had done the toxicological tests on the evacuations, Isabella's body, and Smethurst's various medicines. Taylor had been Ballantine's star witness at the magistrates' hearing, when he had told the court that he found arsenic, together with a solution of potassium chlorate, in one of Smethurst's medicine bottles. The potassium chlorate had not only caused the test for arsenic, the Reinsch Test, to fail repeatedly, but, according to Serjeant Ballantine:

'...[The liquid] would be pleasant to the taste...but the effect would be to lodge the arsenic most certainly and fatally upon the coats of the stomach, and the poison would the more quickly become introduced into the system.'¹⁰

But now Dr Taylor had to admit to a major blunder; subsequent testing had revealed that the arsenic had not come from Smethurst's bottle, but was a contaminant in the copper gauze which

Taylor had used for the Reinsch test.¹¹ He insisted, nevertheless, that his detection of arsenic in the evacuation was correct, as was the finding of antimony in Isabella's body. Nothing daunted, Serjeant Ballantine called eight more expert medical witnesses, who declared that Isabella's symptoms in life and post-mortem appearance were consistent only with 'irritant' poisoning.¹² Ballantine also called a chemist, William Brande, a retired professor of chemistry at the Royal Institution. He claimed that the fact that the Reinsch test failed in the presence of potassium chlorate, the copper gauze being dissolved and liberating the arsenic contaminant, was a 'new finding in science'. It was claimed much later that Smethurst had deliberately added the potassium chlorate to make the Reinsch test fail.

The chief defence barrister, Serjeant John Humffries Parry, called seven medical experts, all of whom declared that Isabella's symptoms were entirely compatible with natural causes. Furthermore, she had displayed none of the symptoms specific to arsenic or antimony poisoning, no arsenic had been found in the body, and many cases were on record where women had died from the effects of excessive vomiting and diarrhoea in pregnancy. Tests performed on dogs, had shown that when arsenic or antimony, either separately or together, had been given to the animals, not only were the classic symptoms of the poisons displayed, but residues of the chemicals were always found in the liver. Analysis of Isabella Bankes' liver found no trace of arsenic or antimony.

Judge Pollock took eight hours to sum up, spending as much time on the circumstantial evidence, which had taken less than a day to hear, as the medical evidence, which had taken far longer. He said that Smethurst had duped Isabella into marrying him in order to get his hands on her money, telling her that he and Mary were not really married. He also stated that in the defence medical evidence, there was nothing 'so distinct and positive' as there was in the testimony offered by the medical experts for the prosecution, notwithstanding Dr Taylor's bungled analysis. The direction to the jury was quite clear, and on Friday 19 August, after just 40 minutes of

deliberation, they found Smethurst guilty. There was only one sentence possible, and he was taken to the Surrey County Prison at Horsemonger Lane to await his fate.

The Saturday newspapers were full of accounts of the trial, summing-up, verdict and sentence, but there was much criticism of the outcome in the *Daily Telegraph*, the *Standard* and the *Morning Star*.¹³ The judge was accused of extreme bias against the prisoner, Dr Taylor's blunder with the arsenic in the copper was said to have invalidated the toxicological tests, and the medical evidence was equivocal at best. The medical and legal press too were unanimous in condemning the verdict. It was pointed out that Charlotte Brontë had died under circumstances similar to those of Isabella Bankes.



Thomas Smethurst from a sketch made in court.

Smethurst was due to be hanged in public at Horsemonger Lane Gaol on Tuesday 6 September 1859, and the newspapers carried the story that for many years executions in Surrey had been carried out on Mondays. But since this meant that the gallows had to be erected on a Sunday, and 'remarks having been made', the chosen day had been changed to Tuesday. It is an interesting comment on the social mores of the time, that while public hangings and all the ghastliness associated with them were perfectly acceptable, the thought of doing work on the Sabbath was entirely beyond the pale.

Disquiet in the press grew as the date of execution neared; by Friday 2 September, the London

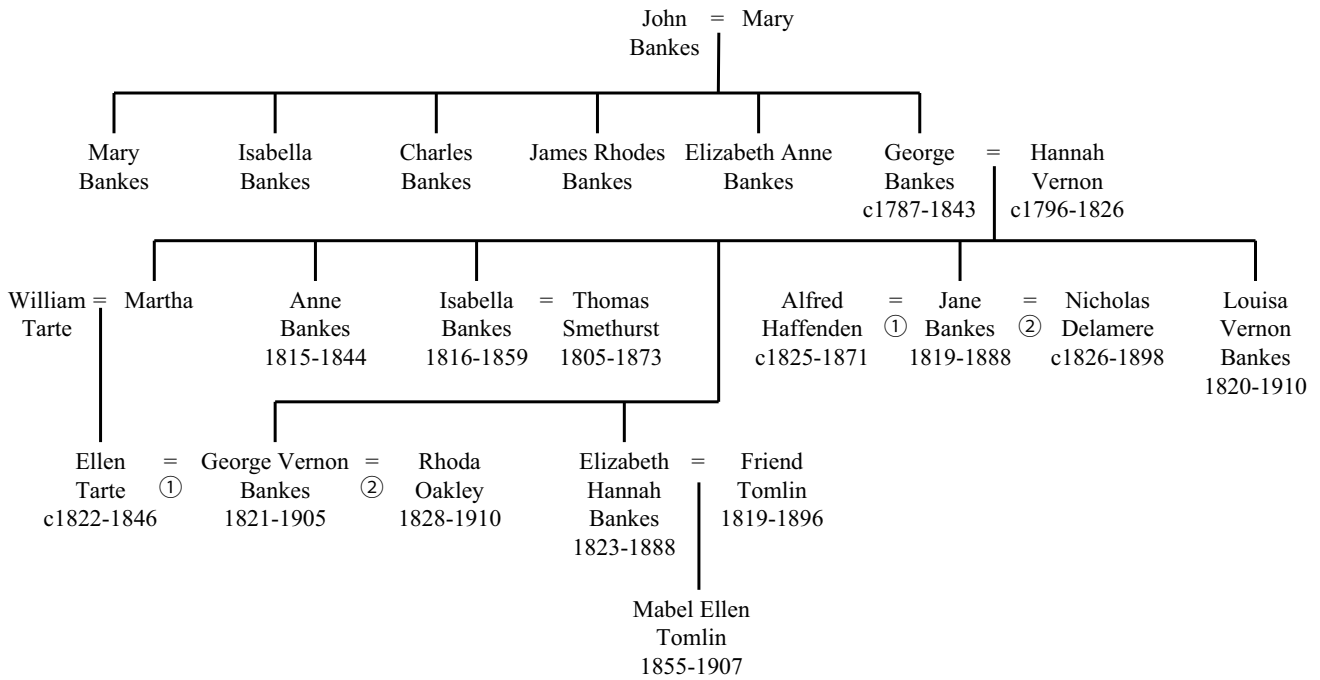
newspapers had published 36 editorials and 261 letters on the Smethurst case. Of the letters, 88% were critical of the process of the trial and verdict as were most of the editorials. But not everyone was unhappy with the outcome. Charles Dickens was incandescent with rage over the Smethurst affair. He wrote to his friend John Forster:

'I cannot tell you how much interested I am in what you tell me of our brave and excellent friend the Chief Baron, in connection with that ruffian [Smethurst]'.

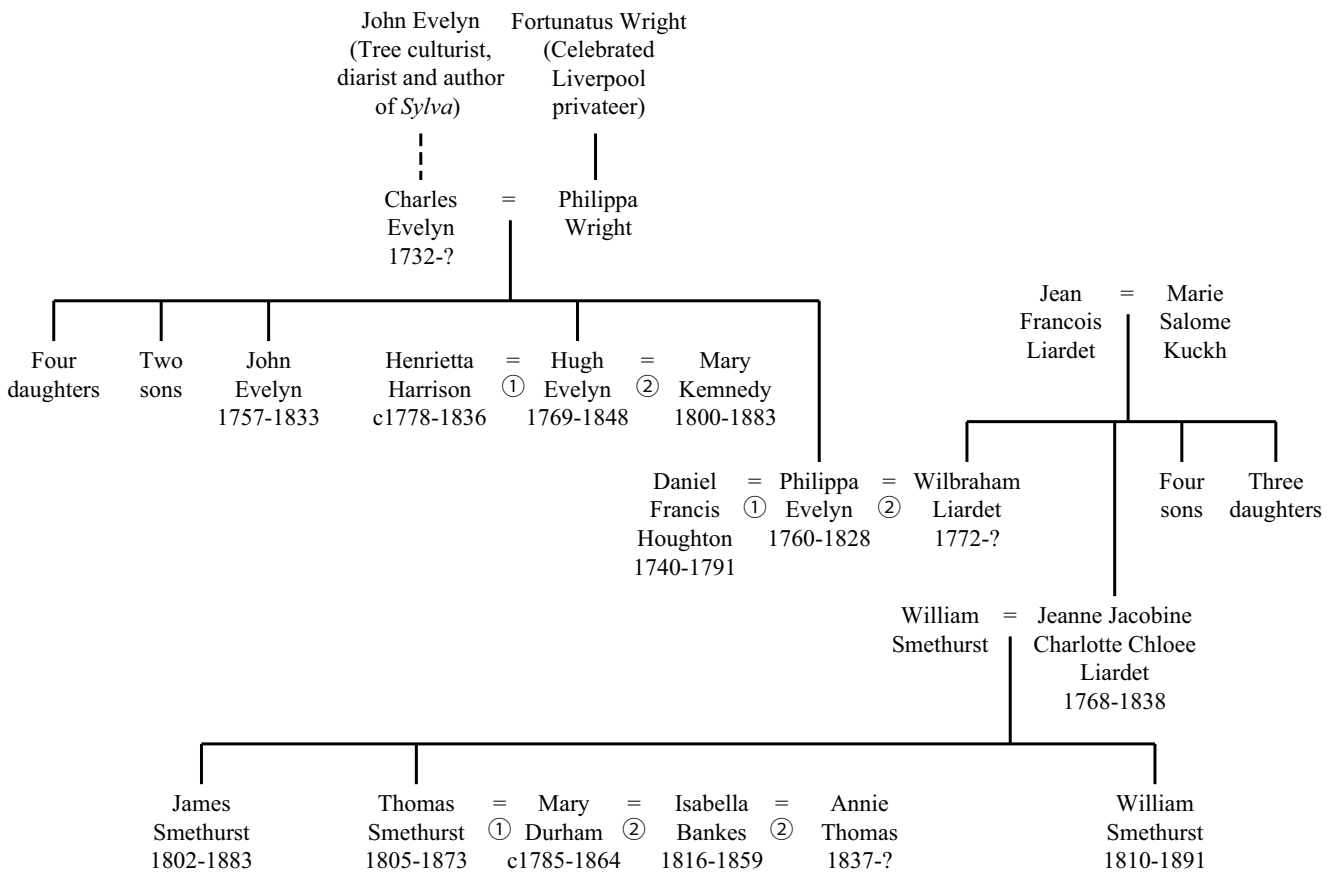
He commented on the 'miserable knaves and asses' who were calling for a reprieve, and declared that he would 'hang any Home Secretary...who should step in between that black scoundrel and the gallows'¹⁴

The Home Secretary, Sir George Cornwall Lewis, had received upwards of 200 petitions, memorials and letters on the Smethurst case, most requesting that the prisoner be reprieved. Having spent several days reviewing these, he consulted Dr Robert Ferguson, sometime obstetrician to the Queen, on the medical evidence. Finally, Sir George concluded that, after all, Isabella Bankes may have died of natural causes, and he signed the reprieve order four days before the execution date.

Sir Frederick Pollock, the trial judge, was asked to produce an in-depth account of the Smethurst case, summarising all of the evidence as well as the many communications and petitions received. This was intended to help the Home Office decide what to do with Smethurst following his reprieve. Pollock reported on 18 October with 67 pages of handwritten foolscap.¹⁵ He grudgingly conceded that even though his view of Smethurst's guilt was unchanged, there were problems with the medical evidence, and he advised that the papers should be sent to an eminent and unbiased medical expert for an opinion. Sir Benjamin Brodie was selected. He was a surgeon, president of the new General Medical Council, and president of the Royal Society. He reported ten days later; although Smethurst was of 'indifferent' moral character, he said, and there was a financial motive for murder, '...there [was] no absolute and complete evidence of Smethurst's guilt'.



Family Tree of Isabella Bankes



Family Tree of Thomas Smethurst; he was related by marriage to the Evelyn family.

Thomas Smethurst was granted a free pardon on Tuesday, 15 November 1859, but he had already been arraigned before the Southwark Magistrates on a charge of bigamy. The subsequent trial turned into a sensation, when it was revealed that Smethurst's long-suffering and elderly wife Mary, before she married him, had been living under a false name with a well-known artist. The artist, John Peter Laporte, had set up his ex-servant, Mary Durham, as 'Mrs Johnson'; he was 'Mr Johnson', absenting himself regularly from his wife Martha at the family home to spend time with Mary 'Johnson'.¹⁶ In 1807 Mary produced a child which they named Charles Johnson. He grew up, met Thomas Smethurst, introduced him to his mother, and John Peter Laporte having by this time departed, Smethurst and Mary decided to get married. The son, Charles, was brought into court to prove his mother's signature on the record of her marriage to Thomas Smethurst. He also deposed that on that date, 10 March 1828, his father, John Peter Laporte, was still alive.¹⁷

The defence then attempted to show that there was as much evidence that Mary had been legally married to John Peter Laporte/Johnson, as that he, Laporte/Johnson, was legally married to his wife Martha. If Mary was married to Laporte/Johnson, then her later marriage to Thomas Smethurst was void, she having committed bigamy on him, and his subsequent marriage to Isabella Bankes was legal. This interesting defence failed, and Smethurst was convicted and sent to the New Surrey House of Correction on Wandsworth Common for one year with hard labour.¹⁸

The extraordinary case of Thomas Smethurst did not end there; on his release he brought a successful action against Isabella Bankes' family for probate of her will. He eventually inherited, via his brother, what was left of her estate after the resolution of an unconnected Chancery case; this amounted to around £800.¹⁹ In 1864 Mary died, and the following year Thomas Smethurst married a dressmaker, Annie Thomas, in Oswestry. He was 60, she was 28... They returned to London, living in Onslow Square, where Smethurst died in 1873 at the age of 68.

Subsequent research indicates that Isabella Bankes may have been suffering from Crohn's Disease exacerbated by severe morning sickness.²⁰ Although many people at the time (and since) thought Smethurst to be a scoundrel who escaped the hangman's rope by the skin of his teeth, there was no real evidence that Isabella had been poisoned. The arsenic found in her stool and the small amount of antimony in her body were either contaminants in the various medicines she was taking, or the results of Alfred Taylor's proven incompetence as a chemist.

Notes

1. The full story of Thomas Smethurst is told in *Smethurst's Luck*, by Peter Maggs, published by Mirli Books, 2013, ISBN 978-0-9562870-1-4.
2. In June 1841, *The Lancet* published a letter describing how 'Any British medical man who has testimonials of having passed through a regular course of medical education...may be examined, and, if approved, will receive the [Medical] Diploma [of Erlangen University]'. The cost of the diploma, which conferred the degree of MD on the recipient, was £21.
3. Gräfenberg is now Lázně Jeseník in the Czech Republic.
4. *Hydrotherapia or The Water Cure*, Thomas Smethurst, John Snow, London 1843. It was said that cold water, drunk and bathed in, together with sweating wrapped in wet sheets, was supposed to cure everything from toothache, heartburn and piles, to cholera, smallpox, syphilis and cancer.
5. See, for example, *The Times*, 12 July 1852.
6. In the 1850s, £3,500 had a spending power equivalent to around £150,000 today.
7. Isabella had been left £1,750 by her father, George Bankes, which she lent to William Tarte on mortgage at 5%. Her uncle, James Rhodes Bankes, left her the interest on £5,000 for life. It was invested in Consols at 3%. Her annual income was thus £237 10s (£237.50) per annum. On her death, income from the £5,000 reverted to her sisters.
8. Oxford Dictionary of National Biography.
9. Ballantine was a Serjeant-at-Law, a barrister similar in seniority to a QC. The title died out in the 1920s.
10. See, for example, *The Times*, 20 May 1859.

11. In 1841, Hugo Reinsch had developed a simple test for arsenic post-mortem. The suspect tissue was first boiled in diluted hydrochloric acid to break the material down, after which copper gauze or foil introduced into the liquid would receive any arsenic present as a dark, metallic deposit.
12. The Smethurst trial was probably the first occasion in which the key evidence, both for the defence and prosecution, was supplied by 'expert' witnesses.
13. The *Standard*, the *Daily Telegraph*, and the *Morning Star*, 20 August 1859.
14. The British Academy, Pilgrim Edition, the Letters of Charles Dickens, Vol 9, 1859 -1861, Clarendon Press, Oxford 1997. Letter dated 25th August 1859.
15. National Archives, HO 12/122/37649
16. John Peter Laporte, (1761-1839), was a watercolourist and landscape artist who had exhibited at the Royal Academy and the British Institution (Oxford Dictionary of National Biography).
17. Charles Johnson was so happy to learn that his father was a famous artist that he changed his name to 'Charles Laporte', and he too became an artist.
18. Now known as Wandsworth Prison.
19. The law of England, until 1870, required that the 'goods and chattels' of any convicted felon be confiscated by the state. In order to avoid this happening, Thomas Smethurst had transferred all of his money and property, including the anticipated legacy from Isabella Bankes, to his brother James. See *Felons' Effects and the Effects of Felony in Nineteenth-Century England*, K J Kesselring, *Law and History Review*, February 2010, Vol 28 No 1.
20. *'Inflammatory' bowel disease*, J F Fielding, *British Medical Journal*, **290**, 47 - 48, 5 January 1985.

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HIATT CHURCH

**From the marriage registers of St Mary,
Dover, Kent:**

'Sep 6 1759 Hiatt Church of St Mary, Dover, married Mary Chapman, of this parish, by banns at Folkestone.

Note: Hiatt Church was so called from the circumstance of his having been found on the steps of Hythe, anciently called Hiat Church. He became Harbour Master at Dover. He died 1808 aged 77. PS. I had this information from a young man who came to search for his baptismal register which we could not find. Jan 26 1838.'

'GIPSY' WEDDINGS IN ASHLEY, NORTHANTS

**Found in the parish register of Ashley,
Northamptonshire:**

'Memorandum July 13, 1814
Two Gipsies by name of Thomas Smith and Mary Hollands were married in Ashley church by banns thrice published: they were attended by one female companion of their own description and conducted

themselves throughout the whole ceremony with becoming propriety, order and solemnity.

March 24, 1817

Two Gipsies - John Jones and Sarah Fisher Do. Do. Do.

January 4th, 1819

Two Gipsies - Samuel Smith and Clovance(?) Smith Do. Do. Do.'