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MEDICAL JURISPRUDENCE

IN

SINGAPORE:

A REVIEW OF THE MEDICAL EVIDENCE IN A RECENT
TRIAL FOR ALLEGED POISONING BY OPIUM IN
THAT SETTLEMENT.

BY

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ON the 24th of April 1860, four Chinamen stood their trial on a charge of murder, the main features of the case being nearly as follows:—A man died about three in the morning of 4th of March last. In the house in which this death occurred, there were, besides deceased, at least nine men, and one woman, said to be the wife of the deceased, who was buried at noon of the day on which he died. On the evening of that day, his widow gave information to the police, that, three hours before his death, three of the nine men, having tied his wrists behind his back, had poured down his throat some stuff from a cup. While this was being done, two others of the party were holding her in a bed, ten feet apart from that on which the alleged murder was taking place. It appears that one of these men, the tenant of the house in which this was alleged to have happened, was threatened by the friends of the deceased, that, if he did not give one hundred dollars, the police would be informed of the sudden death which had occurred, and his shop would be shut up. The night of the day on which this threat was made, on returning to his house, he found the police in charge, and, to avoid trouble, he kept out of the way so well, that at the time of the trial he had not been captured. Of the remaining eight men, it appears four were taken and four left,—four to be tried for murder, and four to give evidence on the subject. During the trial the judge asked one of these latter if he knew why he was in the wit-

ness-box, and not beside the prisoners, to which the witness replied in the negative. The four men giving evidence stated generally, that the tenant of the house had about midnight called them all down, and desired them to get a light, as it appeared to him that deceased and his wife had great difficulty in respiration, and that they, having got a light, found the man ill, and, judging that two cups, which lay on the floor at the foot of the bed, had contained chandoo (a watery extract of opium in use among the Chinese), concluded that deceased had taken opium. Thereupon they sent for what they believed to be antidotal to the action of that drug, and, having prepared it,¹ endeavoured to administer it, but in vain; he could not be got to swallow it; and he died without having vomited.

The other evidence is unimportant and unnecessary for the purposes of this paper, which are to give and comment upon the medical evidence; and, fortunately, this can be quite well examined *per se*.

The following is the sworn deposition of the Coroner's surgeon on the 12th of March:—

“ On Monday, the 5th of March instant, about half-past 2 o'clock P.M., I examined the body of a Chinaman then lying in the dead-house, said to be that of Wang ah Quay. It appeared to be the body of a man about thirty years of age, and, to all appearance, must have enjoyed good health immediately previous to his death. The depending parts of the body, the face, neck, and scalp, were of a deep livid colour, and the cuticle was detached from several parts of the body from decomposition. A large quantity of bloody serum was escaping from the mouth. On opening the body, a large quantity of very offensively putrid air escaped. The viscera appeared to have been healthy previous to decomposition having taken place. The stomach was pale externally, and uniformly brown internally.

“ The stomach was empty; the stomach was removed and analysed. No trace of poison could be discovered. The extensively livid appearance of the body, the rapid decomposition, and the very offensive foetor arising from it, caused me to be of opinion that death had been occasioned by a narcotic poison taken in a liquid form. I am of opinion that the narcotic poison which occasioned death had been wholly absorbed, and which (*sic*) is my reason for supposing that it had been given in a liquid form.

(Signed) “ JAMES COWPAR.”

We next give his sworn deposition before the magistrate of police, on Friday, the 23d day of March:—

“ On the 5th March, at half-past two P.M., I examined the body of a man, said to be that of Wang ah Quay, in the dead-house. It was the only body in the

¹ Apparently a solution of burnt alum in infusion of Chinese liquorice.

dead-house at that time. It appeared to have been taken out of a coffin then lying in the dead-house. The body was very much decomposed. The face, head, neck, and all the depending parts of the body, were of a livid colour. A large quantity of bloody serum was escaping from the mouth. On opening the body, a large quantity of foetid air escaped. The viscera appeared to have been healthy previous to the commencement of decomposition. Stomach was distended by gas, and contained nothing else. The stomach was removed, and on the next day subjected to analysis; and though the usual tests were applied, no trace of poison could be discovered. From the livid appearance of the body, the rapid decomposition which appeared to have taken place, and the peculiar foetid odour that arose from the body, I am of opinion that death has been caused by opium, and that the opium was given in a liquid form, and from being given in a liquid form, was all absorbed into the system.

(Signed) "JAMES COWPAR."

We now give a few questions which were put to the medical witness, and his answers to these questions, premising merely, that the woman, the sole accusing witness, had, amidst much contrariety of evidence, stated to the Court that she saw, when her husband's body was placed in his coffin, blood coming from his nose, eyes, and ears :—

Counsel for Defence.

Coroner's Surgeon.

Did you see any indications of blood having escaped from the nose, eyes, and ears of deceased?

No.

Do you believe that, under the circumstances, such was likely to be seen?

I don't think I should answer that question.

The woman has stated that she saw this; I wish to try the credibility of her evidence, by having your opinion as to whether it is possible that she could have seen what she states she saw?

I think that, if vomiting had come on, she might.

Does the period of the occurrence of death (within three hours from the alleged administration of the opium) not suggest doubt as to death having been caused by opium?

On the contrary, it favours the view I have taken of the case.

Considering the short period that elapsed between the alleged administration of the poison and death, is it not probable that some portion would have remained on the stomach?

No; it may all have disappeared by absorption and decomposition.

At this point, counsel read from "Christison on Poisons" the following passage :—

Counsel for Defence.

“ An important fact, ascertained by the experiments of MM. Orfila and Lesner, is, that neither opium nor the salts of morphia undergo decomposition by being long in contact with decaying animal matter: even after many months they may be discovered; at least the putrefaction of the matter with which they are mingled does not add any impediment in the way of their discovery.”

The following passage from Traill was then read:—

“ We are not to regard the livid appearance of the body as evidence of poisoning; it is not always present in cases of poisoning, and arises from other causes. The rapid putrefaction of the body is as fallacious an indication. The very reverse is sometimes the fact.”

There are many causes of sudden death, are there not?

Might deceased not have died from one of these?

Internal hæmorrhage, for instance?

You examined the chest?

By the Recorder—And you opened the head?

Counsel for Defence.—Do you think it likely that deceased could be made to swallow the poison in the manner indicated by the female witness?

In your depositions you mention that serum was coming from the mouth? Did you test that serum?

Asked if “contractibility of the eye,” meaning contraction of the pupils, was not usually seen after death?

Coroner's Surgeon.

I know of that opinion.

I have always seen *here*, that great lividity is to be seen in bodies that have been poisoned by opium, and am accustomed to rely on it. I have never seen a case of poisoning by opium anywhere else.

Yes, many.

Say which one, and I will tell you.

I think not—I would surely have seen the blood.

I did.

I *think* I did not. I thought it useless, from the advanced state of decomposition.

Yes; we give medicine every day to people against their will.

No.

I never heard of it.

At this stage of proceedings, the Jurors brought the trial to a sudden termination, by declaring, through their chancellor, that they found no case against the prisoners at the bar; and a verdict of severally Not Guilty was recorded.

With reference to this evidence, we would be glad to be informed where it is on record that vomiting has produced hæmorrhage from the nose, eyes, and ears? Is it not absurd to suppose such a thing, and difficult to understand how a medical man could admit such a possibility?

The allegation that the occurrence of death within three hours from the alleged administration of the poison, favours the idea of death by opium rather than that from apoplexy, or other causes of death, is incorrect, the most frequent period for the occurrence of death from opium being from seven to twelve hours. Dr Christison, in his great work on Poisons, 4th edition, p. 712, says—"In the 31st volume of the *Medical and Physical Journal* there is one which proved fatal in three hours. This is the shortest I have read of."

It is, however, true that a few exceptional cases have been recorded, where opium, acting less in its usual form than as an irritant of the nervous centres, has produced death in a shorter time, amidst violent convulsions.

On the question of the probability that the opium, having, as alleged, produced death within three hours, should have been so completely absorbed as to elude all means of detection, we are very doubtful indeed. It seems much more likely that, of a dose large enough to destroy life within three hours, a portion would remain unabsorbed. It is certain that, when the medical witness stated, as he did to the Court, that it might have disappeared partly by decomposition, he was wrong—there having been nothing in the stomach to induce decomposition in connection with the process of digestion, and the experiments of Orfila and Lesner being conclusive to the effect that opium undergoes little change after a long interval of time, and is scarcely more difficult to discover in decayed than in recent animal mixtures. When these experiments were pointed out to him, and when he replied, "I know that opinion," we are well entitled to ask, if it is credible that any man could know them and yet persist in unbelief?

When, in reply to the caution read to him from Traill, against deducting in favour of poisoning by opium merely on account of lividity of body, witness replied, "I have always seen *here* (emphasizing the word), that great lividity is to be seen in bodies that have been poisoned by opium, and am accustomed to rely on it." He thus gave an answer remarkable for its speciousness—an answer which, if

permitted to go unchecked, or unexposed, would carry along with it a peculiar danger.¹ If it be once admitted, that a locality exercises a peculiar and specific influence in such a matter, we may have medical witnesses rising up in every corner of the land, defiant of general experience, exclaiming, "We have always found this so *here*."

What! are the teachings of Traill, Taylor, Christison, Beck, and others, to go for nothing? Is the collected wisdom of a long period of years of careful observation of the Fathers in medicine to be stultified after this fashion? We believe not.

"We are not to regard the livid appearance of the body as evidence of poisoning; it is not always present in cases of poisoning, and arises from other causes. The rapid putrefaction of the body is as fallacious an indication; the very reverse is sometimes the fact."—*Traill's Medical Jurisprudence*, p. 99.

"It was at one time thought by the profession, and is still very generally imagined by the vulgar, that unusual blackness or lucidity of the skin indicates death by poison generally; but every experienced physician is now well aware, that excessive lividity is by no means universally produced by poison, and that it is likewise caused by so many natural diseases as not even to form, in any circumstances whatever, the slightest ground of suspicion. Neither is there any difference in kind, as some imagine, between the lividity which succeeds death by poison, and that which follows natural death. Yet it is right for the medical jurist to be aware that lividity, as a supposed consequence of poison, ought to be strictly attended to by medical inspectors and law officers while investigating charges of poisoning, because the vulgar belief on the subject sometimes leads to such conduct or language on the part of the poisoner as betrays his secret at the time, and constitutes evidence of his guilt afterwards. Another appearance, equally unimportant, is early putrefaction of the body. Early putrefaction, at one time much insisted on as a criterion of poisoning, cannot even justify suspicion. It is by no means invariably or even generally caused by poisons; nay, sometimes a state precisely the reverse appears to be induced, and it is seen quite as frequently after natural death."—*Christison on Poisons*, p. 57.

"In relation to external appearances, there are none indicative of poisoning upon which we can safely rely. It was formerly supposed that the bodies of those who were poisoned putrefied more readily than those who had died from natural disease; and evidence for or against poisoning was at one time derived from the external appearance of the body. This is now known to be an error. The bodies of persons poisoned are not more readily decomposed, *cæteris paribus*, than those of others who have died a sudden and violent death from any cause whatever."—*Taylor's Medical Jurisprudence*, pp. 20–21.

"This form of ecchymosis (*i.e.*, lividity) is almost invariably seen on the bodies of those who die *suddenly*, or by a violent death, as well as in individuals who perish from apoplexy, or who are hanged or suffocated."—*Idem*, p. 206.

¹ The remark which followed, that he had never seen a case of opium poisoning but *here*, by depriving his statement of relative equality, destroyed its value.

“The effects of narcotic poisons are far from being marked, or even peculiar. It is a common but mistaken idea, that they induce a rapid tendency to putrefaction; that the countenance is red, swollen, or *livid*.”—*Beck's Medical Jurisprudence*, p. 767.

Can there be any reasonable surprise that, in a place seventy-seven miles from the equator, a body examined thirty-five and a half hours after death, should present very considerable evidence of putrefaction? We have ourselves seen a body in an advanced state of decomposition in fourteen hours from death; and the general necessity that exists for burial in twelve, or within twenty-four hours, is pretty conclusive as to the rapidity of the process of decomposition *here*.¹

Why was there no mention made of signs equally valuable,—the state of the blood, the state of the lungs with reference to engorgement,—of the pupils with reference to contraction, etc., etc.?

When asked if he had examined the head, why did he reply, “I *think* I did not?” Ought there to have been cause for one moment's doubt or hesitation on a subject so important as this—the examination of the head of a man who might have died of apoplexy, and because of which death the lives of no fewer than four men were imperilled?

Two points only remain for our consideration, both of importance.

1. It was alleged that the liquid poison was poured from a cup down the throat of the deceased, he being nearly in a sitting posture, having his wrists tied together behind his back,—and his back and the back of his head supported by his poisoners. As there was no evidence of any force having been used, further than the tying of deceased's hands, and the supporting of his back and occiput, or of any threat that death would follow in some other way in case of refusal to drink off the poisoned cup, we feel inclined to believe in the impossibility of the process of pouring down the throat of a healthy man, aged thirty years, a small cupful of that which he believed to be poison, administered to him in overt intent against his life. The medical witness treated this important doubt very cavalierly and easily, remarking that medicine was every day given to people against their will,—a case, to say the least about it, by no

¹ We are informed by a most intelligent Chinaman, that in burying deceased nine hours after his death, there was nothing unusual *here*, although in China it is customary to keep bodies for a longer time.

means parallel, and endangering our belief in the volitional and not merely mechanical nature of the act of deglutition.

2. The remaining point refers to the following passage in his depositions before the coroner and magistrate: "A large quantity of bloody serum was escaping from the mouth." If this large quantity of bloody fluid was serum—and that it was so was proved by no test—where did it come from? Although in his depositions there is not one word which leads to the belief that the chest was opened, yet he stated before the Court, in answer to an inquiry, that he did, and found no trace of pulmonary hæmorrhage: otherwise we might have suggested an opinion that deceased may have come to his death through some hæmorrhage within the thorax; and the statement of the witnesses, that they were called because of some "difficulty in his respiration," and of his wife, that before his death he was "restless and tossing," would go some way to confirm the suggestion. We could then understand the source of the serum—singularly unexplained by the medical inspector—believing it to be the serosity of the thoracic hæmorrhage forced upwards into the mouth by the development of gases within the abdomen.

Here, then, we have a Coroner's surgeon, appointed by Government, besides giving other remarkable points of evidence, and admitting that he did not perform perhaps the most essential part of the examination (the examination of the deceased's head), stating deliberately that, in his opinion, deceased had met his death in consequence of the administration of opium in a liquid form, on grounds which every tyro would know to be untenable, and which included nothing more than the external appearance and condition of the body. We feel inclined to ask now, only that it is too late, why, if these indications were so convincing to him, he performed any examination at all, or subjected himself to the troublesome toxicological process of detecting nothing?

The evidence of a single medical witness, particularly in a case of life and death, is, to use mild terms, quite insufficient. Two or more such witnesses should be examined, in order to serve the ends of justice, and to satisfy enlightened public opinion. Juries are necessarily non-medical, and cannot be expected, in cases like the present, to arrive at a safe and sound conclusion, unless their verdict be founded on a plurality of medical witnesses. This was not the case in the instance before us, though the lives of no fewer than four men were involved in the trial. A singular proof of the

incompetency of non-medical men to judge of medical opinion, was afforded at the conclusion of the trial, by the fact that the Recorder actually complimented the witness on the care and caution with which he had delivered his evidence; thereby strongly recalling to memory a case of supposed abortion, tried by a Coroner's jury in London, in connection with which a medical practitioner actually testified, that the fulness of the breasts, dependent on impregnation, was due to the influence of powerful medicines; that the openings of ducts existing naturally about the os uteri were punctures; and that the gall bladder was filled with florid bile! And yet this medical witness received a vote of thanks from the Coroner's jury! Before a lunatic can be entrusted to the salutary care of an asylum, it is required that his insanity be certified by two medical men, who shall each have seen him at different times; even although there remains behind an additional security, against wrongous detention of a merely supposed lunatic, in the medical officer of the asylum to which he is committed. And is it not strange that the law, which demands these excellent precautions with reference to insane persons, should admit the validity of the evidence of a single medical man in cases of infinitely greater importance, as frequently involving infinitely greater results. It seems to be nothing more than fair to demand, that if, on the ground of unavoidable expense, or otherwise, the precaution of having a greater number than one medical witness is impossible, the Government, in appointing so important a functionary, should be careful to appoint to the task one who is sufficiently well informed to avoid blundering, and who is conscientious enough fully to discharge his functions, even although these be of necessity carried on in the presence of "a very offensively putrid air." The object in view in penning these remarks, is to elicit the observation of the profession at large; believing, as we do believe, that nothing is more offensive to professional men, or more prejudicial to the best interests of medical jurisprudence throughout the world, than such questionable evidence as has been here detailed; and believing that there is no course so likely to arrest repetition, as its publication to the medical world, whenever an instance does occur. To such motives the appearance of this pamphlet must be ascribed.

As the previous narrative might, by some, be deemed a fancy picture, or be supposed to have been subjected to anything like exaggeration, the following is appended:—

“I certify, that the medical evidence published here is correct, if not absolutely ‘au pied de lettre,’ at least thoroughly to the sense; and that the narrative gives a fair resumé of the whole evidence, in which, according to my opinion, no fact of importance is omitted.

(Signed)

“ P. W. AUCHINCLOSS,
Chancellor of the Jury.”

SINGAPORE, *1st May* 1860.