

A letter to the Right Honourable Lord Campbell, Lord Chief Justice of the Court of Queen's Bench, on the clause respecting chloroform in the proposed Prevention of offences bill / by John Snow.

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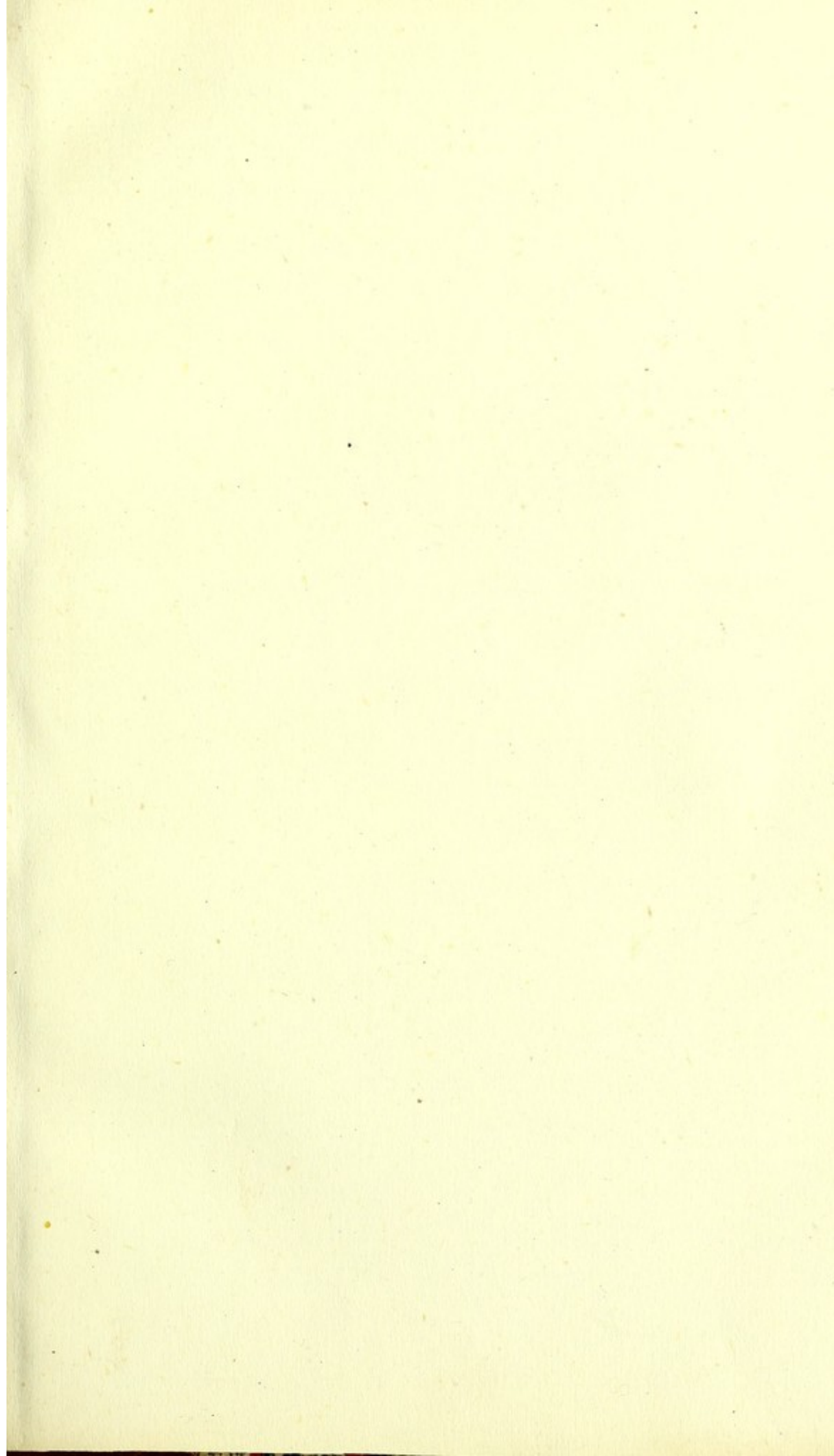


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With Dr Snow's kind regards

A

LETTER

TO THE RIGHT HONOURABLE

L O R D C A M P B E L L,

LORD CHIEF JUSTICE OF THE COURT OF
QUEEN'S BENCH,

ON THE CLAUSE RESPECTING

C H L O R O F O R M

IN THE

PROPOSED PREVENTION OF OFFENCES BILL.

BY JOHN SNOW, M.D.

LICENTIATE OF THE ROYAL COLLEGE OF PHYSICIANS;

AUTHOR OF "ON THE INHALATION OF ETHER IN SURGICAL OPERATIONS."

LONDON:

JOHN CHURCHILL, PRINCES STREET, SOHO.

1851.

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TO THE
RIGHT HON. LORD CAMPBELL.

MY LORD,

MORE than four years have elapsed since a discovery was made in a great nation, descended, though now separated, from our own—a discovery, which, from the benefits it has conferred on humanity, is second only to that made by Jenner, in this country, nearly half a century ago. Your Lordship must be aware that I allude to the inhalation of Ether, for the prevention of pain, discovered by Dr. Jackson and Mr. Morton, of Boston, in America. No acknowledgment has been made to these gentlemen by this kingdom, or its government, and perhaps the consciousness of having conferred a great benefit on mankind is its own sufficient reward: but it would be truly unfortunate if the first notice of this great discovery by the British Legislature should be in a new penal law for crimes supposed to be committed through the means which it supplies,

even though the law should not point to Sulphuric Ether itself, but to that medicine which, on account of certain slight advantages, has, in a great measure, superseded it.

The prominent mention of Chloroform, in the fourth clause of the Bill presented by your Lordship to the House of Lords, on the 24th ult., is to be regretted on other grounds. It ill becomes the gravity of the law, and is, I feel assured, far from your Lordship's intention, that a legal enactment should be made on a false alarm, or to meet a trivial and unsuccessful innovation in the mode of attempting a crime : to legislate on this matter would revive the groundless fears of the public, which have subsided, or been allayed ; and might even cause evil-disposed persons to make trial of a means, which they would conclude to be not without efficiency, when it had given rise to a law for its suppression. There is no reason to believe that Chloroform has been employed in more than two instances with criminal intent ; and so far from aiding the perpetration of crime, it has led to the immediate detection of the offender, on both occasions. The knowledge of these two cases is more calculated to deter from similar attempts, than any increase of the punishment, which a culprit might expect to escape altogether, by avoiding detection.

When administered gradually, Chloroform can be breathed easily enough, by a person willing and anxious to take it ; but he has to draw his breath many times before he becomes unconscious. During all this interval he has a perfect perception of the impression of the vapour

on his nose, mouth, and throat, as well as of other sensations which it causes ; and every person who has inhaled Chloroform retains a perfect recollection of these impressions and sensations. If Chloroform be given to a child whilst asleep, the child awakes, in nearly every instance, before being made insensible, however gently the vapour may be insinuated. No animal, either wild or tame, can be made insensible, without being first secured ; the Chloroform may, it is true, be suddenly applied on a handkerchief to the nose of an animal, but the creature turns its head aside, or runs away, without breathing any of the vapour. If a handkerchief, wetted with sufficient Chloroform to cause insensibility, is suddenly applied close to a person's face, the pungency of the vapour is so great as immediately to interrupt the breathing, and the individual could not inhale it, even if he should wish. From all these facts it is evident that Chloroform cannot be given to a person in his sober senses, without his knowledge and full consent, except by main force. It is certain, therefore, that this agent cannot be employed in a public street or thoroughfare ; and as the force that would be required to make a person take it against his will, would be more than sufficient to effect a robbery, and enough to effect any other felony, by ordinary means, it would afford no help to the criminal, in more secluded situations. Supposing that the felon or felons could succeed in keeping a handkerchief closely applied to the face, the person attacked would only begin to breathe

the Chloroform when thoroughly exhausted by resistance or want of breath, and when, in fact, the culprits could effect their purpose without it.

Many people who read brief and imperfect accounts of the exhibition of Chloroform on a handkerchief, soon after its introduction into use, formed the opinion that it was capable of being employed to cause stupefaction, for felonious purposes. After a time, persons who fell down in a fit, and others who were overtaken by the effects of drink, whilst in disreputable company, were reported to have been the victims of Chloroform; but the first cases which, as far as I am aware, came in a definite form before a Court of Justice, occurred at the beginning of last year, and require a brief notice.

On January 10th, a robbery was committed in Thrall Street, Spitalfields, for which two women, named respectively Elizabeth Smith and Margaret Higgins, were examined three or four times at Worship Street, tried at the Central Criminal Court on February 8th, convicted and sentenced to be transported for fifteen years. The following is the evidence given by the prosecutor, at one of the examinations before Mr. Hamill. He was proceeding along the Whitechapel Road, between 9 and 10 o'clock in the evening, "when he felt some one, whom he believed to be a woman, touch his left side, and at the same time felt a rag or handkerchief pressed over the lower part of his face. He instantly became insensible, and was conscious of nothing

that occurred to him, until about day-light the following morning, when he slowly revived, and upon recovering sufficiently, found himself lying in a very dirty bed, in a wretched apartment*.”

It will be observed by your Lordship that the witness gives no account of either the local or general sensations which Chloroform causes. He felt a handkerchief or rag applied to his face, and instantly became insensible. This circumstance alone indicates that Chloroform was not the agent employed. But there are other reasons which prove the view I entertain of the matter. Whitechapel Road is a very busy thoroughfare between 9 and 10 in the evening, and admitting that a gentleman could be made insensible in the instantaneous manner alleged, without the opportunity of making the least resistance, or calling for assistance, it is impossible that he could be dragged, or otherwise conveyed, in that state to another street, without attracting the attention of passers by, and even causing the collection of such a crowd as would ensure the interference of the Police. As the effects of Chloroform subside very rapidly when quickly induced, the dose would, moreover, require to be repeated, before the victim could be conveyed a distance of two or three hundred yards.

If the transaction occurred at the time and place alleged, the prosecutor, however insensible he might

* *Times*, January 25, 1850.

be, must have appeared to accompany the woman voluntarily ; but I know no drug which can be administered on a handkerchief to produce effects of this kind, and am inclined to believe that the agent which could cause such results must be more subtle than anything that can be contained in an apothecary's phial. Whether it was witchcraft, animal magnetism, or some other invisible kind of attraction, I shall not attempt to decide.

The long continuance of the insensibility (ten hours) in this case, shows that it was not caused by Chloroform, the effects of which pass off in a few minutes, or, at the longest, in half an hour ; and this remark applies to every substance that will quickly cause insensibility, when breathed from a handkerchief ; for the volatility which enables it to be taken in this way, causes its ready elimination from the blood, in its passage through the lungs. It must be concluded, therefore, that the insensibility, in this instance, was caused by something which had been swallowed. Laudanum, ardent spirits, and fermented liquors, are articles which are capable, amongst others, of causing prolonged stupor, but there are no means of ascertaining now what might have been used.

After the examination of the prisoners in this case had been two or three times adjourned, a woman came forward and gave evidence that, on an occasion previous to the robbery, the prisoner Higgins "had told her that a man named Gallagher, with whom she cohabited,

had undergone an operation at the London Hospital, where they had given him some stuff to send him to sleep, and that he had contrived to bring some of it away with him from that institution*.” The medical officers of the London Hospital have no knowledge of any Chloroform having been taken away by a patient, and it must occur to your Lordship that the statement of a person who alleged that she had been in the confidence of the thief, and had kept her unlawful secrets for a long time, carries with it no great weight.

Whilst the alleged action of Chloroform in the above instance was too instantaneous, in the other case of alleged robbery by means of this agent its reputed action was so long deferred as to prove clearly that it proceeded from a different cause.

Charlotte Wilson was tried at the Surrey Adjourned Sessions, on February 9th, 1850, for a robbery committed on a man in the beginning of the previous month. The prosecutor stated that he was walking along the Borough, towards London Bridge, when he was accosted by the prisoner, who passed a handkerchief across his face, and he became very unwell. Not suspecting that any narcotic was contained in the handkerchief, (a circumstance which alone is sufficient to prove that no Chloroform was used), he ran into a public-house hard by, and called for a glass of brandy. A Police constable stated that he saw the prisoner accost the prosecutor, and pass something across his face.

* *Times*, January 25, 1850.

He then saw them enter the public-house, when he saw the woman drinking with the prosecutor. About ten minutes afterwards he saw the prisoner run out of the house with a hat and scarf. The prosecutor was at that time insensible.

The effects of Chloroform are induced whilst a person is breathing it, and attain their greatest intensity within twenty seconds after the inhalation has ceased ; it is consequently impossible for a person to go into a public-house, and be seen drinking there, between the time of taking the Chloroform and the insensibility induced by it.

The man was a considerable time before he recovered his senses ; another circumstance which proves that the stupor had not been caused by Chloroform.

A non-medical witness, who gave evidence before the Magistrate, was confident that the stupor or insensibility was not caused by liquor, but by some deleterious article such as Chloroform. The Court and Jury who tried the prisoner were of the same opinion, and she was sentenced to be transported for ten years, although a student from any hospital in London could have informed the Court that Chloroform had not been employed.

The landlord of the public-house in which the robbery was committed, said that the prosecutor appeared to be in liquor when he entered. This evidence may be safely received ; for a publican could not be deficient in experience on this point, and could hardly be influenced by prejudices that would lead him to consider

a customer intoxicated who was not so. This evidence being admitted, the case is perfectly clear; for nothing is more common, when a person in liquor goes on drinking, than for him shortly afterwards to be lying insensible.

Some remarks of mine on the two cases just alluded to appeared, soon after their occurrence, in the *Medical Gazette*, and were quoted by the *Times* newspaper. Two or three robberies were afterwards committed in which Chloroform was alleged to have been used, but the Counsel ridiculed the idea, and the part of the cases having reference to Chloroform broke down on a cross-examination. There have been, however, two cases, in which it was attempted to administer this article with felonious intent; and to these it is necessary to refer.

On April 30, 1850, a young man, named Charles Jopling, was placed at the bar, before Mr. Broughton, at the Marylebone Police Court, charged with having attempted to administer Chloroform, with intent to violate a young woman, to whom he had been paying his addresses for nine months. It was proved that whilst returning from a concert at a public-house, about one o'clock the same morning, the prisoner induced the complainant to accompany him down a yard, when he uncorked a phial, poured the contents on a handkerchief, and applied the latter to her face. She immediately pulled away the handkerchief, and called out so loudly that she obtained the assistance of a policeman from the neighbouring street, who took her assailant into custody. When asked by the Magistrate if she felt

any ill effect from the application of the handkerchief, the complainant replied as follows : "I did not, your Worship, as I pulled it away from my face instantly ; it was completely saturated with wet, and had a remarkably strong smell."

The prisoner was remanded, and bail was accepted for his appearance on a future day. During this interval he married the young woman, and at the next examination she begged for his discharge. After a further remand, and a severe lecture, the worthy Magistrate reluctantly surrendered the prisoner to his wife, who, if she does not remain of the same forgiving disposition, doubtless finds means of punishment as severe as any which the law had in store for him.

The other instance of felonious attempt to administer Chloroform was of a more serious character ; but it equally illustrates the inapplicability of this medicine for aiding the plans of a criminal.

In October last, a man named Charles Venn contrived to secrete himself under a bed, in an hotel at Kendal, and attempted to give Chloroform, at midnight, to an elderly gentleman in his sleep. The effect of this attempt was to awake the gentleman ; and although the robber used such violence that the night-dress of his victim was covered with blood, and the bedding fell on the floor in the scuffle, he did not succeed in his purpose. The people in the house were disturbed, and he was taken into custody, and ultimately sentenced, at the Westmoreland Michaelmas Session, to eighteen

months' imprisonment with hard labour, including one month's solitary confinement.

A crime was committed in France on a person under the influence of Chloroform, but not by the agency of that article. The Chloroform was voluntarily inhaled by a female, for the lawful purpose of having a tooth drawn without pain, and the dentist took advantage of the stupor so induced, as he might have done of a fainting fit, or any other kind of insensibility, to effect violation. The clause in your Lordship's Act, being directed against the application of stupifying drugs with criminal intent, would not apply to such a case, nor is it necessary to frame a law for the purpose: for should such a crime unhappily be perpetrated in this country, it could be dealt with by existing laws, as it has been in France.

I trust that I have said sufficient to induce your Lordship to consider whether it would not be advisable to withdraw the word Chloroform, the presence of which can only be alarming to the public, suggestive to the criminal, and little creditable to the sagacity and gravity of the law; whilst its removal would not affect the operation of the Act, even in a case, should such a one again occur, in which it might be foolishly attempted to exhibit the article.

In conclusion, I will venture to make a few additional remarks on the operation of the fourth clause of the

bill presented by your Lordship*. All the dietetic and medicinal, as well as other narcotics, are capable of causing stupor when taken in sufficient quantity. The stupifying or overpowering matters in most frequent use in this country, are ardent spirits, wine, and beer. I conclude that the clause under consideration does not apply to spirituous and fermented liquors, when openly given, with whatever intent, but to the fraudulent administration of other substances, similar in action, but more powerful. It cannot be denied that opiates are sometimes exhibited, with felonious intent, in malt liquor, the bitterness of which disguises their taste, and such a crime cannot be too severely punished; but it would be a great error to conclude that the offence called hocussing is so common as the statements of prosecutors at the Police Courts would imply. Persons who have been dead drunk are very unwilling to admit, even to themselves, that the result was the consequence

* The clause runs as follows. "And whereas it is expedient to make further provision for the punishment of persons using Chloroform, or other stupifying things, in order the better to enable them to commit felonies: be it enacted, that if any person shall unlawfully apply or administer, to any other person, any Chloroform, Laudanum, or other stupifying or overpowering drug, matter, or thing, with intent thereby to enable such offender or any other person to commit any felony upon the person to whom the same may be applied or administered, or attempted to be applied or administered, or upon his or any other person's property, every such offender shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported for life, or for any term not less than seven years."

of their own voluntary potations, and still less willing to admit it to the world, when they have to complain of having been robbed whilst in bad company. Therefore, before such evidence is received as conclusive, it should be confirmed by chemical analysis, or in some other way ; otherwise errors may occur, such as that at the Surrey Adjourned Sessions, alluded to above.

The rapid supervention of stupor ought not to be accepted as proof that it was not occasioned by spirituous or fermented liquors, for these articles sometimes produce their effects with great velocity. Ardent spirits, indeed, under some circumstances, act with greater rapidity than almost any thing else except Prussic Acid, and on some occasions are not even surpassed by that poison. In the instance of a child lately killed by gin, for administering which, a woman named Maria Ewens is now awaiting her trial, the little girl was carried out of the woman's room in a state of insensibility, a few minutes after she entered ; and there are cases on record in which a man has dropped down insensible the instant after swallowing a large draught of ardent spirits.

At the trial of Johannah Driscoll at the Central Criminal Court in December last, for a robbery committed in a house of ill fame, it was alleged that Chloroform might have been put into some gin taken by the prosecutor. Chloroform, however, although very soluble in rectified spirit of wine, does not mix easily with potable spirits, and when dissolved imparts to them such a

very hot and sweet taste, that no one could take them without being aware of the adulteration. It would, moreover, be very difficult to make a person insensible by giving such a solution of Chloroform as a drink, even were he disposed to take it.

I have the honour to be, My Lord,

Your obedient Servant,

JOHN SNOW.

54, Frith Street, Soho,

March 5, 1851.

THE END.

Wilson and Ogilvy, 57, Skinner Street, Snowhill, London.



