

An account of the medical evidence connected with the trial of Jessie M'Lachlan, at the Glasgow Autumn circuit, 1862.

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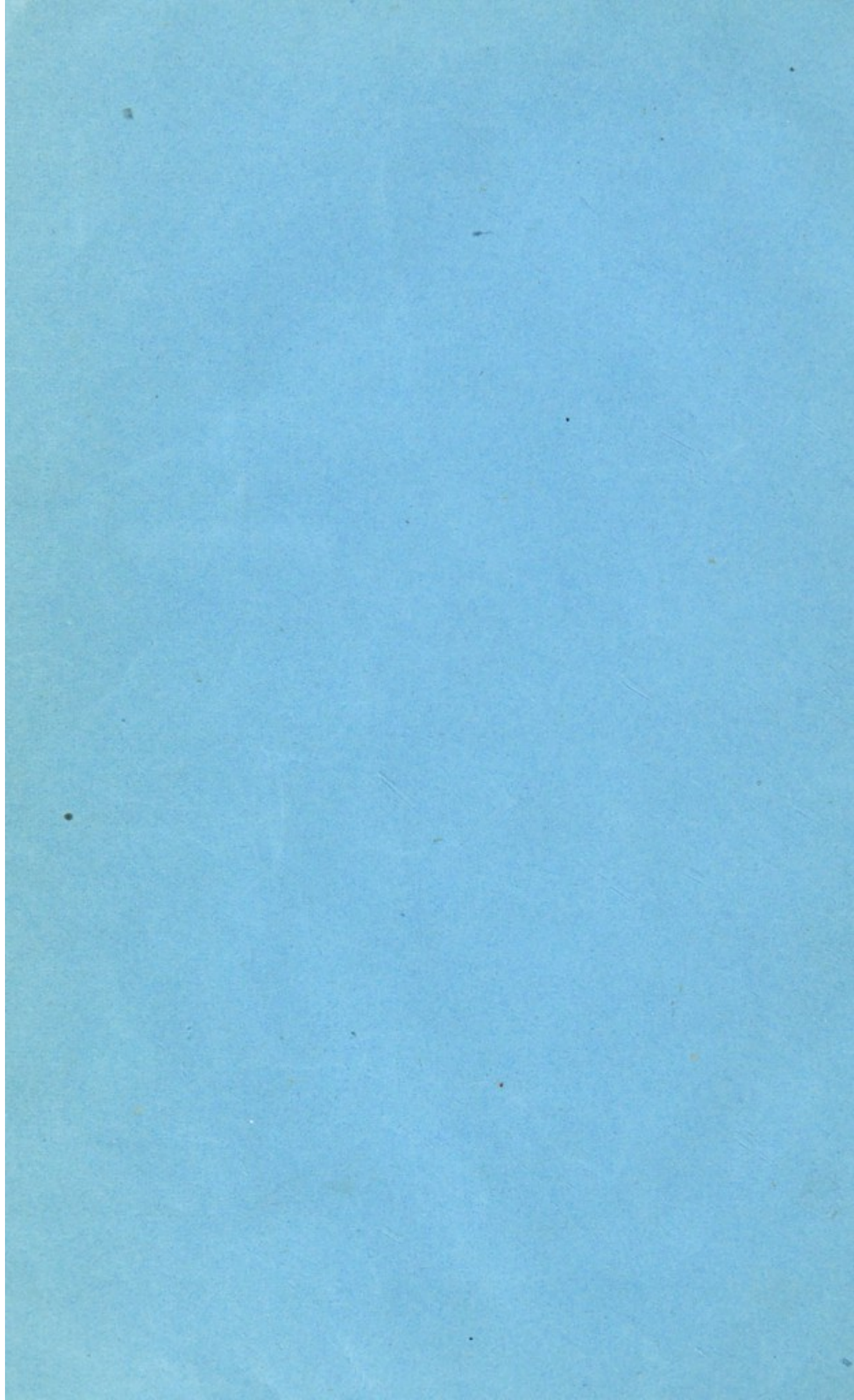
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Jessie H. Lachlan





ACCOUNT OF THE MEDICAL EVIDENCE

CONNECTED WITH THE

TRIAL OF JESSIE M'LACHLAN,

AT THE GLASGOW AUTUMN CIRCUIT, 1862.

BY

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ACCOUNT OF THE MEDICAL EVIDENCE

IN THE TRIAL

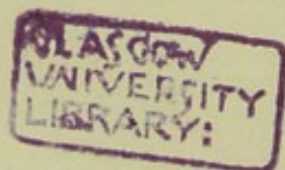
TRIAL OF JESSIE M'LAUGHLIN

FOR THE MURDER OF DR. JAMES M'LAUGHLIN

BY

GEORGE H. M'LAUGHLIN, M.D., F.R.C.S.

WITH A PREFACE BY THE HON. JAMES M'LAUGHLIN, M.P.



PRINTED BY JAMES M'LAUGHLIN, M.D., F.R.C.S.

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AN

ACCOUNT OF THE MEDICAL EVIDENCE

CONNECTED WITH THE

TRIAL OF JESSIE M'LACHLAN.

THE extraordinary interest evinced by all sections of the community in the recent trial of Jessie M'Lachlan for the murder of Jessie M'Pherson, and the doubts as to her guilt, which were so loudly expressed by some, must be still fresh in the recollection of all. The medical evidence connected with the case having been considered of much importance, the writer thought that it would prove a source of interest to his professional brethren, if he were to state the various facts which fell under his own immediate cognizance, and of the accuracy of which he could personally testify. The writer carefully abstained from taking any part in the vehement and often violent discussions to which the trial gave rise, and he did not interfere in any way with the case beyond what his official position rendered it incumbent upon him to do. Now, however, that all excitement has passed away, and a calm and dispassionate consideration of the facts may be expected, he does not consider himself any longer justified in withholding from the profession a full account of a case which is fraught with important teaching as regards criminal investigations.

It is not considered necessary here to recall the oft-told story of the discovery of the murder, and the subsequent steps taken by the authorities. It is with the medical bearing of the case alone that this paper professes to deal, and it will be confined to a review and exposition of that portion of the evidence;

reference being made as seldom and as shortly as possible to the non-medical evidence adduced. The writer is the more desirous of laying a complete account of the medical evidence before his professional brethren, as several verbal inaccuracies of some moment occur in the published narration of the trial, which demand from him this correction.

On the night of the 7th of July last, the writer was called from bed by a detective officer, who requested his immediate attendance at No. 17 Sandyford Place, where he said a terrible murder had been committed, and where the sheriff and his fiscals were waiting till the body was examined. On arriving at the house mentioned, near midnight, the officials referred to were found inspecting the premises. Drs. Watson and Fleming had already seen the body, and the writer was introduced to the occupiers of the house, the Messrs. Fleming, senior and junior, one of whom it will be remembered was afterwards accused of the murder. On going down stairs from the street floor, it was seen that a narrow lobby traversed the house from the front to the back, passing the foot of the stair by which you descend, and connecting a bedroom, which lies to the front, with the kitchen which lay to the back. This lobby and the kitchen were paved with dark blue slate-stone, while the bedroom was floored with wood. In the bedroom and close to the door, imperfectly covered by a piece of old carpet, a human body lay on its face. The hair was clotted with blood and streamed out on the floor, which again was deeply stained with blood. The head was towards the door by which you entered, and the feet towards the windows which looked into the front area of the house. The arms were stretched out. The room was in great confusion. A table stood in the middle, and beneath it a silver cruet-stand and several other objects lay mingled. The clothes on the bed were heaped together, and were in many places dyed with blood. There was a large patch of blood on the bolster, pillow, and mattress, at the part where an occupant's head and shoulders would have lain. The pillows and mattress had evidently been washed. There was blood sprinkled on different portions of the apartment, especially on the wash-hand stand and wall near the door, and on the hearthstone and chimney-board, which stood about 6 or 8 feet off on the opposite side of the room from the bed. The blood on these parts was in drops, and had all the appearance of having been thrown out by an artery. They were so arranged and so shaped, and the spurts had a direction as if coming from the side of the room on which the bed stood.

The body was not carefully examined till the morning of the 8th, but it was noted on the night of the 7th that it was perfectly

cold, and that the "rigor mortis" was present in all the joints, but that this rigid condition was passing off.

On the morning of the 8th, in company with Mr. Joseph Fleming, the police surgeon of the district, the author made a "*post mortem*" examination of the body above referred to; and his report, immediately afterwards drawn up from notes made at the time, was concurred in by Mr. Fleming.

The mean temperature of the atmosphere on the 8th was 53° Fahr. On the day previously, that is, the 7th July, the mean temperature was 50° Fahr.; on the 6th, 54° Fahr.; and on the 5th, 51° Fahr.

The body occupied the same part of the bedroom as that it was seen in the night before; but it now lay on its back. A piece of carpet concealed the head and trunk, but left the limbs exposed. A chemise, short flannel under-shift, and a knitted worsted jacket, constituted the dress of the body; and these were not only deeply stained with blood, but were quite damp with what proved to be blood and water. The clothes were somewhat gathered up about the body, and on careful examination it was apparent that while the face, hair, and ears were covered with masses of dry coagulated blood, the neck and chest had been wiped over with a wet cloth. Beyond the limits of this washing the skin was dirty, and had blood adherent to it. The head, neck, and hands were fearfully mutilated.

The elder Mr. Fleming identified the body; and his manner, it may be said, was such when performing this duty—which is often so trying to those unaccustomed to the sight of dead bodies—and afterwards, when on different occasions the writer had to examine his person, as impressed the author strongly with a conviction of the non-participation of this individual in the crime with which he was afterwards charged.

The body was that of a woman slightly above the ordinary stature, thin and wiry in make, and about 35 years of age. The rigidity observed the night before had gone from all the articulations, except the knees and ankles. There was no trace of decomposition. Both feet were extended to the utmost on the legs, and fixed by death in that position. On the anterior surfaces of both legs, from the knees to the ankles, the skin was soiled by contact with the ground, and the outer skin was ruffled *downwards* towards the feet. On the right shoulder and on the middle of the left upper arm there were large ecchymosed spots, and on the outer aspect of each haunch there were considerable abrasions. The hands and wrists were much hacked by deep lacerated and contused wounds, some of which divided the bones. There were in all nine of these on each hand and wrist.

Two deep incisions divided the bridge of the nose, and

extended to an equal distance into either cheek. Directly parallel to these, and on the lower part of the forehead, another wound had divided the soft tissues and penetrated the frontal cells, but had not injured the inner plate of the skull. This wound was $3\frac{1}{2}$ inches long, and directly across the middle line, extending equally on either side of that line. All these wounds were directly transverse, and were deepest at their centre, where they corresponded to the most prominent portion of the head. They all shallowed equally towards each end.

On the right side of the head and neck there were many very severe wounds, while on the left side of the neck there were also a considerable number (ten); but these were incomparably slighter both as to extent and depth, and a few shallow incisions, which did not penetrate the true skin, were found on the nape. These last do not call for any further remark.

The scalp was cut in many places, but all in the same direction, viz., obliquely, from behind forwards over the right side of the head. There was no injury to the soft parts or bone on the left side of the head. The skull was notched at many points corresponding to the wounds in the scalp, but it was penetrated at one spot only, and there several blows had evidently been concentrated. The spot referred to was the prominence of the parietal, and there a piece of bone about the size of a florin had been detached and driven inwards, and lay loose on the dura mater, a small rent being caused in that membrane by one of the sharp corners.

The right side of the neck was grievously disfigured, and the soft parts reduced to a jelly. Eleven distinct wounds could, however, be distinctly traced. These were partly lacerated, contused, and incised in their character. The right ear was nearly destroyed. It was not wholly detached, but it was cut in pieces. The right half of the lower jaw was broken into fragments, and the mastoid process was separated from the skull. The great bloodvessels of the neck below the right ear were destroyed. On attentively examining these wounds on the neck, it was observed that while the continuity of some of them was broken, the anterior extremities of all were deeper than the posterior; and some of them, while they penetrated deeply anteriorly, left a mere graze on the skin as they passed backwards. These wounds varied in length from half an inch to three inches and a half.

The membranes of the brain were entire at all parts, except the small spot before mentioned. The brain itself was slightly more injected than usual. The lungs and heart were free from disease, and the latter organ was empty. The abdominal viscera were healthy. The stomach was empty, had no trace of blood

in it, and smelt faintly of alcohol. The bladder was half full. The deceased had given birth to a child. Fæces escaped from the anus; and the mucus of the vagina, when examined microscopically, gave no special information.

Such was the condition of this poor woman's body when examined on the morning of the 8th July; and to the conclusions drawn therefrom, and given in the Report read in court, the proofs or data are now added:—

“1st. That she had been murdered, and that with extreme ferocity.”

The wounds presented all the characters of vital injuries; and they were so placed, and of such a description, as showed that they were not self-inflicted. The horrible mutilation of the body, the aimless repetition of the blows, far beyond what was necessary to deprive the victim of life, evidenced with what strong passion—rage or fear—the perpetrator was actuated.

“2nd. That death had probably taken place within three days.”

On the night of the 7th July the “rigor mortis” was present in all the articulations, but it was then departing. The body was perfectly cold even on the abdomen, and at the flexure of the joints. On the forenoon of the 8th (10 a.m.) the rigidity had gone from all the joints, except the knees and ankles. There were no signs of decomposition. The temperature was very cool—unusually so for the season. The room in which the body had lain was well ventilated, but without a draught. It was below the level of the street, and the body lay on wood, and was partially covered. Further, death had resulted from violence; it had been attended with profuse hæmorrhage; and the victim was free from disease, in the prime of life, and of a thin wiry frame.

The most reliable observations we possess upon the period of the establishment and disappearance of the “rigor mortis” show that it *appears* on an average from 10 hours to 3 days after death. It is well known to be hastened by the existence of exhaustion before death, and the slower and the more lingering the extinction is. In sudden death from violence it is slowly developed. Carrying all the data having reference to this point in mind, the writer thought it most probable that in the case in hand 48 hours (at the longest) after death would represent the time when the rigidity would appear.

It is well recognized that the same circumstances which influence the establishment of the rigidity, cause the period of its continuance to vary. The more rapidly it is developed, the sooner it disappears, and *vice versâ*. The average period of its disappearance is from 24 to 36 hours. In the case under review, resting on the same considerations as influenced the opinion

formed as to the time of the establishment of the stiffening, it was thought that about 30 hours would probably represent the period of the continuance of the rigidity, and by summing these periods—48 and 30—together, the conclusion was arrived at that about 3 days had probably intervened since death; and it will be remembered that it was *afterwards* proved that that was, as nearly as could be, the time which had passed between death and the examination of the body.

Putrefaction appears on an average under a mean temperature in from 3 to 6 days. It is influenced by many circumstances, of which the heat and moisture of the surrounding atmosphere, the obesity and age of the person, the cause of death, the position and covering of the body, are the chief. In the case of M'Pherson there was no appearance of decomposition. The cool atmosphere, thin body drained of its blood, the middle age, and slim covering, all opposed its development.

The body was perfectly cold at all parts. The profuse bleeding which preceded death, the naked state of the body, and the absence of food from the stomach would make the cooling rapid.

"3rd. That a severe struggle had preceded death."

The ground of this opinion was not merely the hacking of the dorsal surface of the hands and wrists—the wounds on which corresponded in their direction with the incisions on the head—and were evidently received in an attempt to save the head, but also the quantity of blood which was so widely scattered about. In several parts of the kitchen (where the crime had evidently been consummated) blood had freely flowed—on the floor and walls, on the sink, on the back and posts of the door, on the mat, on the lobby and staircase wall, on the furniture and floor of the bedroom. Besides this, when the kitchen floor was attentively examined, the writer clearly distinguished the marks of many twists of heels and balls of feet on that portion which lay outside of a considerable area in front of the door which had been washed, and which, when inspected by him on the 8th, was still glazed from washing, but quite dry. On the part which had been washed the reddish greasy stains of blood were quite discernible.

"4th. That a semi-blunt instrument, such as a meat-cleaver, was most probably that by which the injuries were produced."

Such an instrument was found in the kitchen. It had been recently washed, and *coagulated* blood existed in the hole for the handle. It was applied to the wounds, and it fitted them accurately. It was capable of inflicting all the wounds.

"5th. That the injuries had been inflicted before or immediately after death."

They had all the characters of vital wounds, that is, they had been attended with profuse hæmorrhage; the blood was coagu-

lated about them, their edges were retracted (except on the nape of the neck, where the true skin had not been cut through), and the cellular tissue around them was infiltrated with blood.

"6th. That with the exception of the wounds on the nose and forehead, it is most likely that the injuries on the head and neck were inflicted by a right-handed person standing over the deceased as she lay prostrate on her face."

The wounds on the head evidently divide themselves into two categories, having been manifestly inflicted at two distinct periods when a different relationship as to place existed between the murderer and the murdered. The three wounds on the face constituted one set, and the many wounds on the head and neck another. The former were all perfectly transverse in direction and parallel to one another, and they crossed on either side the middle line to an equal extent; they were deepest at their centre, and shallowed equally toward each end. These must evidently have been inflicted by a person, the plane of action of whose arm was at least on a level (most probably higher) with the part struck. These blows were almost surely struck from the side. In no other way could their character be explained. It is not the intention of this paper to discuss the "statement" made by the prisoner, after her condemnation, but on one or two particulars—and the point just referred to is one of them—the writer cannot overlook it. The assertion of the prisoner was that M'Pherson had told her that she had been struck by Fleming "on the face with something which felled her" at the moment when they confronted one another in the bedroom. The blow spoken of must have been one of those described on the nose or forehead. Fleming was, if anything, of shorter stature than the deceased. Two persons confronting one another, the one armed with a cleaver or any such weapon, could not possibly inflict a directly transverse wound on the upper part of the face of another. The wound would have sloped to one side or the other, according as the assaulter employed the right or the left hand, and one end of the wound would have been deeper than the other, which it was not in this case. Besides, there were here *three* wounds all so perfectly parallel as to indicate that they had been sustained when the murderer and the victim held the same relative position. Any of these three wounds would certainly have "felled" her. She must have fallen after the first of them, and the other two must have been inflicted after a change of position.

Again, the bleeding from these wounds must have been very profuse, and not such as was capable of being spontaneously arrested if the patient were placed in the horizontal position in bed (and afterwards before a large fire), and they were wiped and laved with warm water; all of which is implied in the statement

of the prisoner. The bleeding would be very free, the pain considerable, and the sense of injury great, and such as would assuredly give rise to a strong desire for professional aid, and would not likely lead to the negating any proposal to send for a surgeon as the deceased is represented by the prisoner to have done.

So much, then, for the first category of wounds. The second comprised those on the side of the head and neck. These were all parallel to one another, and sloped from behind forwards and above downwards. They could only have been inflicted (from their direction and extent) when one relationship existed between the murderer and the deceased, viz., when she lay on her face on the ground, and the murderer, holding the deadly weapon in the right hand, stood above, the back being towards the murdered woman's feet. When the body was placed in that position, and the cleaver applied to the wounds, the mode of their infliction was at once apparent. The broken continuity of some of the wounds on the neck arose from the projection of the muscles preventing the edge of the weapon coming into contact with the tissues at some points where a hollow existed, and the greater depth of the anterior extremities of the wounds was manifestly owing to the position of the assailant and the length of the weapon. The character of these wounds was perfectly demonstrable of the mode of their committal. They could not have been caused in any other way. Their being all so perfectly parallel, too, would show that the deceased must have been nearly or altogether passive during their infliction. All the severe wounds being on the right side, and those on the left being comparatively trifling (many hardly injuring the skin), proved the use of the right hand.

"7th. From the degree of penetration of the wounds, it appears probable that it was a female, or at least not a strong man, who inflicted them."

The data on which this opinion was formed were as follows. It must however be borne in mind, that at the time this report was written there was not (nor in fact for days afterwards) the slightest suspicion that a female had been in any way connected with the deed—the whole was a profound mystery.

It was very apparent that the murderer had been actuated by very strong passion at the time the crime was committed, as the body was so terribly hacked, and death made so sure. If a strong man had been influenced by such passion, and had been armed with such a weapon as there was reason to believe had been used here, the skull would have been driven in at many places (and it was rather a thin skull), and not merely at one point where many blows had been concentrated. The shallow notches all over the

side of the skull did not evidence either the strength or the even-down blows of a man. The jaw would be easily smashed when it was struck on the one side, and the other side was supported on the floor.

Further, the way in which the body and the floor were washed, the impressions in blood of a female foot on the floor of the bedroom, the existence on the *perpendicular* portions of the stair leading to the street floor, and also on the back of the kitchen-door, of "dashes" of blood, which the writer stated at the time he thought might have been caused by the contact of a female's skirt wet with blood—as it will be remembered the prisoner's skirt was when afterwards found. No part of a man's clothes could come in contact with these parts and produce a like mark.

From the above circumstances chiefly the writer came to the conclusion embodied in the 7th proposition given above.

"8th. That the body had been drawn along the lobby (from the kitchen) by the head, the face being downwards, and the feet and legs dragging on the ground."

There was a trail along the lobby, from the kitchen to the bedroom in which the body was found, which was very distinct, though it had apparently been rubbed over with a dry cloth so as partially to efface the stains upon it. The mode in which the feet were extended on the legs, and the ruffling downwards of the skin on the forepart of the legs below the knees, showed how the body was drawn. No other portion of the body except that mentioned, showed any traces of contact with the ground. When found, the head, as was before stated, lay towards the door, and the feet towards the window. The face was next the floor, and the clothes were gathered up about the trunk. This was in the writer's opinion, to be explained thus:—The body was drawn in the position in which it lay after the completion of the murder, *i.e.*, with the face downwards, by the head and shoulders into the bedroom; and these portions, being the heaviest, first thrown down, and then the legs or lighter part carried round to clear them of the door. In this way the feet would be towards the window, and the twisting movement would gather up the clothes about the trunk.

The foregoing conclusions comprise all those given in the Report.

The writer has always held the opinion that the succession of events was probably as follows:—The deceased was first struck when lying (possibly asleep) in bed on her back; that somewhat stunned, she had given time for the infliction of the three blows on the face; that these had been inflicted by a person standing to the side on the floor by the bedside, and striking fairly downwards; that she had sprung up and ran wildly

towards the fireplace, the arteries ejecting the blood seen on the furniture and hearth. She then escaped towards the kitchen, possibly making an attempt to go up the stair, and so leaving the finger-marks on the stair wall, which were such as would have been caused by a person making such an attempt, but who had been drawn backwards; and that after a hopeless struggle with her assailant (hopeless as being unarmed, partially stunned, and blinded with blood), she had sunk to the ground, burying her face on the floor, and trying to protect her head with her hands, had been barbarously and savagely murdered by a succession of blows on her head and neck. This done, the body was dragged in the position it lay in into the bedroom, and deposited in the manner before surmised.

The blood in the bed where the head and shoulders lay, and the absence of blood from the stomach, would be then clearly explained. If the prisoner's story of the deceased lying for hours with a bleeding wound of the nose were correct, how was there no blood swallowed? The wounds on the neck were unquestionably the fatal injuries. The great vessels were destroyed; and thus it was proved that these must have been the last inflicted. That the poor woman could have risen from bed and escaped into the kitchen, after receiving blows which penetrated the nose and the frontal sinuses, will not for a moment surprise any surgeon who has had much experience of head injuries. It is true that much less severe injuries of the head are not unfrequently followed by stupefaction and death; but it is equally true that injuries of infinitely greater severity—injuries in which even portions of the skull and masses of brain have been removed, and cases in which foreign bodies of large size have been driven into the brain, have been attended with hardly any symptoms at the moment of their reception, a slight and transient confusion being alone manifest. Several almost incredible instances of this have fallen under the writer's own observation both in civil and military practice.

The washing of the kitchen was probably done to gain time, by effacing the marks left sufficiently to escape the old man's notice. On this point it is worthy of observation, that Mr. Fleming's son and grandson both visited the kitchen on the 7th without observing any blood. Why the body should have been partially cleaned it is difficult to understand; but one circumstance connected with this is very remarkable. It was the chest and neck alone which had been washed, *not* the face. The blood was *coagulated* on the face in masses, and in the hair and about the ears. This coagulation must have taken place before or shortly after death, and there it remained. It was implied in the statement of the prisoner read after the trial, that the appear-

ance of washing was produced by her having laved the face of the deceased in the interval between the infliction of the blows on the face and those on the side of the head and neck. If this suggestion were true, then the face would have showed traces of washing, and the neck (the wounds in which were those which caused death, and were last inflicted) would not, which was exactly the reverse of what was found.

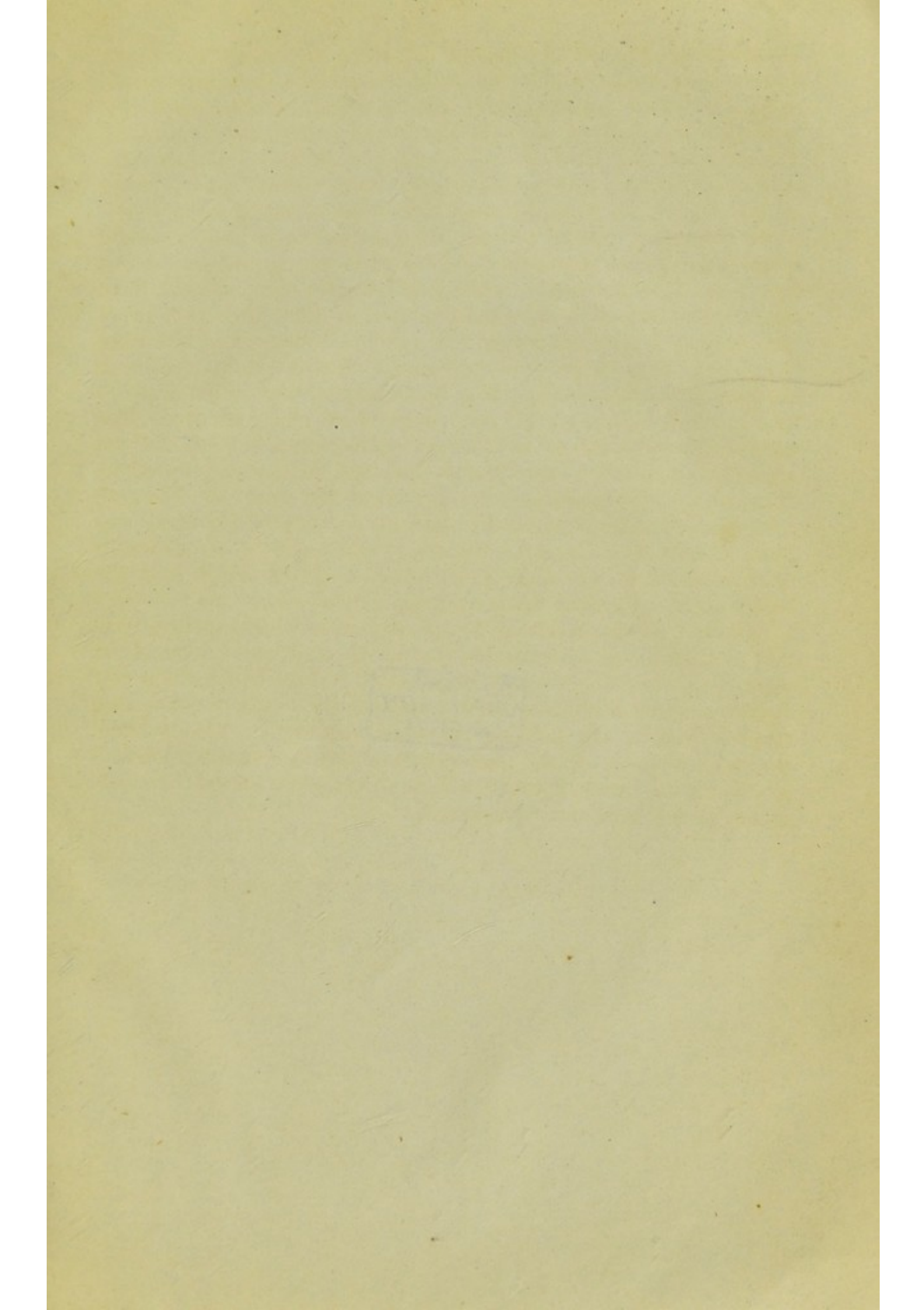
The condition of the urinary bladder cannot prove anything for or against the accused. If the deceased lived for some time (as the prisoner alleges) after micturating, and she drank some cold water, the half-filled state of the viscus would be accounted for.

The proofs of the accused's presence in the bedroom were very conclusive. Three impressions of a naked left foot in blood remained, well imprinted on the floor near the window. That nearest the window was very distinct in its outline, especially at the heel and toes. It was the impression of a small, well-formed foot at rest. The writer had them cut out and preserved. A careful outline of the foot of the deceased was first taken, and found in no way to correspond. It was larger in all its dimensions, was not so arched, and had a large bunion which would have added to the impression a distinguishing feature. The size, too, of the deceased's foot would have been still further increased if the weight of the body had been upon it, as it manifestly was in the impression found in the apartment. Mr. Fleming's foot was next compared with it, but was so very different in size and form as at once to show that it had not been caused by him. His foot was much broader, and very flat. When Mrs. M'Lachlan was taken into custody, it was thought most important that a very carefully made comparison should be instituted by a professional man between the impressions and her foot. This duty was assigned by the sheriff to the author, who tried several experiments on his own foot, to test the accuracy of several agents to produce impressions on wood which could be comparable with that under consideration. Nothing was found which was not open to objection except blood; and so having obtained a small phial of bullock's blood, a thin coating of it was placed on wax-cloth, and the prisoner asked to put her left foot on it and then step on a plank of wood. The accused repeated this several times without the slightest objection—in fact apparently courting the test. The early impressions were not suitable, as the plank of wood obtained had been oiled for some other purpose; but when the writer had as closely as possible imitated the conditions in which the original impressions had been made—*i.e.*, had placed the blood on one side of the room, a piece of carpet between, and then an old dry plank of wood (all these conditions having been

observed at No. 17 Sandyford Place in the room where the impressions were found) on which to stand—two impressions were got which corresponded, with a degree of accuracy which was quite marvellous, with the marks taken from the house. In the minutest detail of measurement and outline did they tally with the original, and in fact each of them was if possible closer to the Sandyford footmark than they were to one another.

It is proper further to state that the prisoner was examined very carefully by the author shortly after her apprehension, but ten days after the murder; and that on some of her fingers there were the marks of bites, which she herself attributed (though on this trifling matter she twice told a different story) to a bite from her dog. Two surgeons of experience thought these bites such as would have been produced by human teeth. That was not the author's opinion. Their narrow deep character and close apposition led him to a different conclusion; but he did not examine them till a later period than the gentlemen referred to. The writer also examined the person of the elder Mr. Fleming very shortly after the murder, and on no part of his body was there a scratch to be found indicative of a personal encounter, or a drop of blood on any of his clothes, all of which had the appearances of having been worn for several days.

Finally, on the inside of a cupboard door which opened from the kitchen lobby opposite the foot of the stair, and on the upper part of the door there was a large stain of blood which the writer believes could only have been produced by a person concealing himself within, and holding the door close with a bloody hand. From that closet all the movements of any one coming down or going up the kitchen stair could be safely seen, and any conversation at the front door overheard.



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