

Heads of lectures on medical jurisprudence, or the institutiones medicinae legalis / [Andrew Duncan].

Contributors

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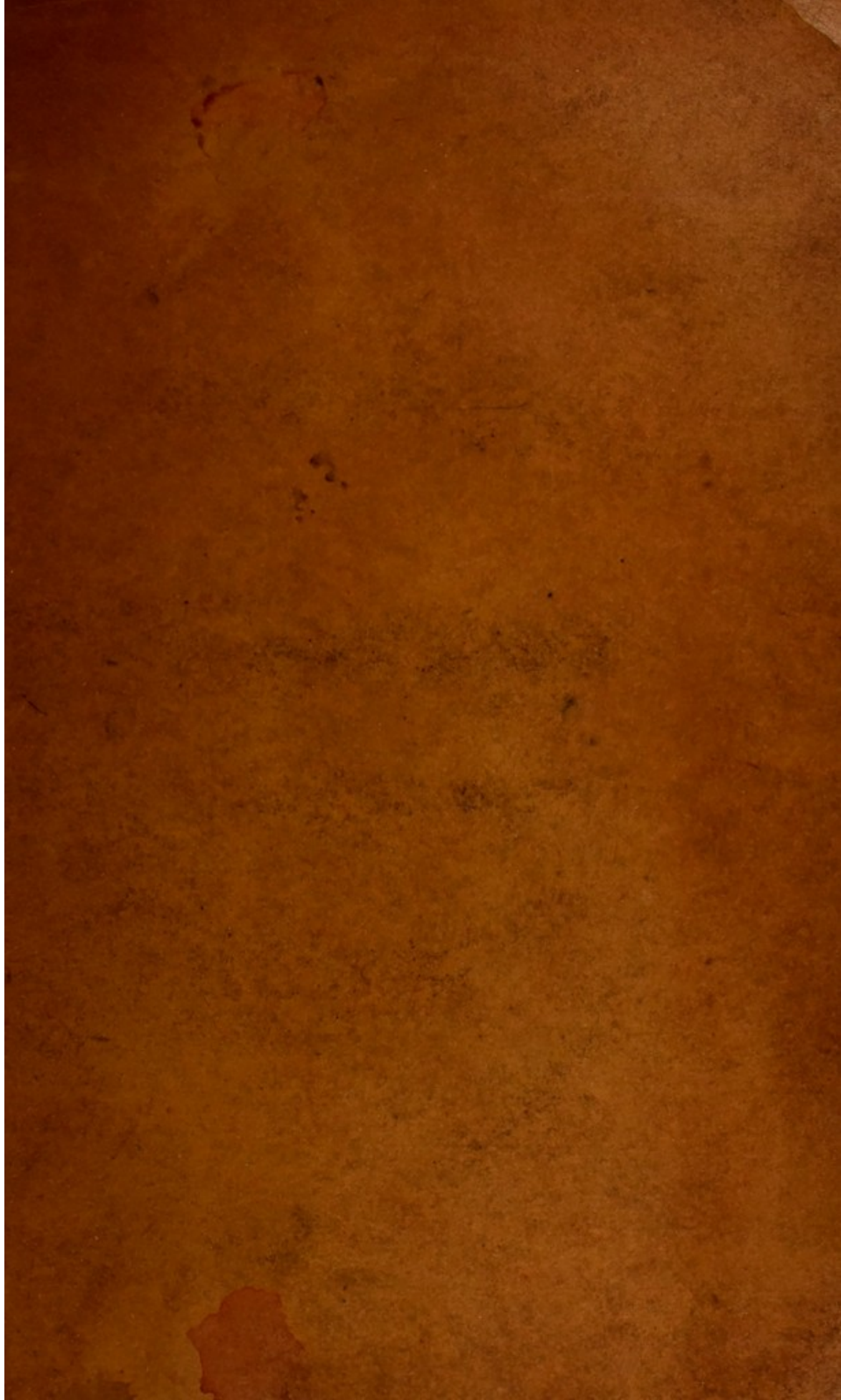
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DUNCAN, A.

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George Wallace Esq. with copy
from A. Duncan —

H E A D S

OF

L E C T U R E S

ON

MEDICAL JURISPRUDENCE,

OR THE

Institutiones Medicinæ Legalis.

DELIVERED AT THE

UNIVERSITY OF EDINBURGH,

By ANDREW DUNCAN, M. D. & P.

EDINBURGH:

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Present from

the Author.



P R E F A C E.

MANY questions come before courts of justice, where the opinion of medical practitioners is necessary either for the exculpation of innocence, or the detection of guilt. In many cases, on their judgment, questions respecting the liberty and property of individuals must be determined by the civil magistrate; and not unfrequently, their advice becomes requisite for authorising the effective government, to adopt necessary and salutary measures, for the preservation of health and the prevention of disease.

There is no branch of medical education, from which a practitioner may not

derive useful information on some points, necessary for enabling him to deliver before courts of law, an opinion consistent with truth and with justice. But it sometimes happens, that in general courses of lectures on Anatomy, Chemistry, or the Practice of Medicine, the attention of the student is less particularly directed to these points than their importance merits. Accordingly, in several of the foreign Universities, especially in those where the subject of law has been most attended to, their establishments have lately been increased by the appointment of a *Professor medicinæ forensis*.

When the Professorship of the Institutions of Medicine in the University of Edinburgh was conferred upon me, I imagined, that a few lectures on the *institutiones medicinæ legalis* might with propriety be delivered from that chair. I therefore introduced into the prospectus of my course, some general heads, respecting those questions, coming before criminal, civil or consistorial courts, in the determination of which, the opinion of a medical practitioner

tioner is required. The lectures on these subjects were at first delivered at the end of the course. But finding that they extended to a greater length than I was aware of, in place of referring them to the end, I delivered, during the last winter, a weekly lecture on the subject of medical jurisprudence.

It is now my intention to continue the same plan; and by appropriating to the *medicina forensis*, a lecture every Saturday at two o'clock, these will, in some degree, constitute a separate course, and may perhaps be thought not unworthy of the attention of some who would consider lectures on the Institutions of Medicine in general, as foreign to their other studies. It is particularly the duty of the able lawyer, not to allow his client to suffer from the ill-grounded opinion of an ignorant medical practitioner. Some therefore of those who are engaged in the study of that profession, may perhaps consider this branch of medical education as not altogether unworthy of their attention.

It

It is unnecessary to observe, that the following Heads of Lectures were intended almost solely for the use of those who should hear the observations I may deliver on the subjects proposed. But I have been induced to offer them to the public at large, from the hopes, that they may thus fall into the hands of some who are well informed on every question which respects the laws of this country; and who, although I may not have the honour of being personally acquainted with them, will yet candidly communicate to me remarks and observations, by which my future lectures on this subject may be improved. I shall only add, that every suggestion of this nature will be thankfully received,

By their most obedient servant,

EDINBURGH, }
Oct. 10. 1792. }

ANDREW DUNCAN.

HEADS

H E A D S
O F
L E C T U R E S
O N
MEDICAL JURISPRUDENCE.

I N T R O D U C T I O N .

GENERAL observations on the nature and importance of the subject—on its intimate connection with other branches of medicine—Advantages of bestowing upon
on

on it a separate consideration—Chief general branches into which the subject may be divided.

1. Questions before Criminal Courts.
2. Questions before Civil Courts.
3. Questions before Consistorial Courts.
4. Questions respecting Medical Police.

I. CRIMINAL COURTS.

Inspectio cadaverum legalis.

OBSERVATIONS respecting the persons who ought to be present at the legal inspection of dead bodies, or of those who have received dangerous wounds—Place of examination — Examination externally — Examination internally—Written report of the examination.

Homicidium.

Renunciatio vulnerum. — Different classes into which wounds have been divided—certainly fatal—not certainly fatal—accidentally fatal.

Homicidium per contusionem. — Different ways in which contusion principally proves fatal—by concussion of the brain—by rupture of some important viscus or large vessel—by internal effusion—by inflammation and its consequences—by a peculiar im-

B pression

pression on very sensible organs—circumstances to be attended to with respect to these.

Homicidium per suspensionem.—Principal questions to be determined on this subject.—
1. Whether the person found has been hung up when alive, or only after death?—
2. Whether he has hanged himself, or been hanged by another?—Signs of death from hanging—general signs—special signs—circumstances to be particularly attended to respecting these.

Homicidium per submersionem.—Investigation whether the body has been plunged into water when alive, or only after death.—Whether the death, when it has preceded submersion, has been natural or violent—general signs of death from drowning—special signs—circumstances to be attended to previous to examination—circumstances indicating the employment of means of recovery—propriety of public institutions for this purpose.

Homicidium per suffocationem.—Observations on the causes of death, referred to this general head, and the signs by which they are distinguished—compression of the trachea—

trachea—forcibly shutting the nose and mouth—obstruction of the fauces—load upon the body, but particularly on the chest—suffocating vapours.

Homicidium per toxicationem.—Observations on the definitions given of poison—general view of what have been called simple poison—the *venena incognita* mentioned by writers on the toxicologia—*venena velocia*—*venena lenta*—stimulant or inflammatory poisons—narcotic poisons or stupifiers—remarks on the tests of poison in general—from the manner of attack of the symptoms—from the matter discharged by vomiting—from inspection of the body after death.

Remarks on the principal tests considered as indicating particular poisons—tests of arsenic—of lead—of corrosive sublimate—of copper—of opium—of laurel water.

Infanticidium.

Circumstances producing difficulty in determining cases of child-murder.—Observations on the circumstances considered as proving

proving that a child has been still-born—observations on child-murder from wounds, contusions, suffocation or drowning—from neglecting to tie the umbilical cord—from the action of cold—from want of nourishment.

Abortus procuratus.

Observations on the variety of circumstances giving rise to abortion — Different species pointed out by the writers on the *medicina forensis* — *abortus violentus* — *medicamentosus* — *spontaneus* — causes employed to produce the *abortus violentus* — the introduction of a sharp instrument through the vagina into the uterus — external violence — general concussion of the system — imminent danger of the death of the mother, as well as of the child from these — observations on the circumstances proving abortion to arise from these causes. Observations on the *abortus medicamentosus* — on the *abortus spontaneus*. Circumstances necessary to be attended to before an opinion can be given, that an *abortus procuratus* has taken place.

Stuprum violentum.

Observations on the different species of rape pointed out by the writers on the *medicina forensis*—perfect or consummated rape—imperfect or attempted rape—pretended rape—*signa deflorationis*—*signa virginis jamdudum defloratæ*.

II. CIVIL

II. CIVIL COURTS.

Insania.

OBSERVATIONS on the affections comprehended under this general term—circumstances from which it becomes the subject of investigation in Civil Courts—Principal distinctions among the mental affections referable to this head—Mania—Melancholia.

Mania.—Circumstances marking mania in the general conduct of an individual—circumstances in addition to these from other sources—from causes apparently inducing the affection—from the expression of the countenance—from peculiar irascibility of temper—from the state of the appetite—from the condition with respect to sleep—from the condition with respect to cold—from resistance to the effects of medicines.

Melancholia.—Particulars from which the presence of melancholia may be most certainly determined—circumstances in addition
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tion to the general behaviour serving to distinguish melancholics—from the cause inducing it—from the appearance of the countenance—from the influence of hunger or cold—from the condition of sleep and exertions—from attention to the effects of medicines.

Observations on different important questions respecting insanity, exclusive of the evidence of its presence. 1. Whether there be a probable chance of convalescence?—circumstances from which this question is chiefly to be determined—from predisposition—from the nature of the exciting causes—from the connection of the affection with other diseases—from the age of the patient—from the continuance of the disease—from the appearance of the countenance—from the presence or absence of febrile symptoms—from the condition of the principal functions—from the state of lucid intervals—from the effects of medicines. 2. Where there is a considerable abatement of symptoms, whether the recovery be so complete as to warrant restoration to the possession of property and liberty?—circumstances

cumstances from which this question is to be determined—from the state of conversation—from the state of the functions—from the effects of former exciting causes—from the length of intervals of reason.

3. Where there has been a complete recovery, whether there be a chance of a recurrence of the disease?—circumstances from which there is the most probable chance of a permanent recovery—want of hereditary disposition—security against the future action of the former exciting causes—continuance of the recovery—total absence of symptoms of derangement during that interval.

Fatuitas.

Observations on the circumstances from which idiotism comes under the cognizance of Courts of Justice—particulars by which this state is chiefly distinguished—particulars confirming the judgment formed from leading principles—inquiry whether the idiotism be congenital or accidental—observations on the
circumstances

circumstances giving rise to accidental idiotism—connection which idiotism often has with a particular appearance of the countenance—with an inarticulate mode of speaking—with an uncommon discharge of saliva—with an uncommon increase of fatness—with a singular disposition to drowsiness.

Graviditas.

Observations on the different questions respecting pregnancy which come before courts of justice—*Graviditas simulata*—*Graviditas celata*.

I. *Graviditas simulata*.—Observations on the circumstances leading females to feign pregnancy—with a view of disappointing the legal succession—with the view of extorting money—with the view of exemption from punishment for different crimes.—Observations on the circumstances considered as indicating pregnancy—on circumstances giving presumption of it at an early period—on the circumstances considered as demonstrating it at advanced periods—obstruction to the menstrual discharge

charge—the touch internally—the enlargement of the abdomen—the motion of the child, discovered by the touch externally.

2. *Graviditas celata*.—Remarks on the motives leading females to conceal pregnancy—circumstances giving presumption of this concealment at early periods—uncertainty till the sixth or seventh month—remarks on the circumstances by which it is considered as demonstrated at after periods—Observations on the circumstances from which a probable opinion may be formed whether a pregnancy when present be the first or not—from the frenulum at the labia pudendi—from the figure of the transverse rima at the os uteri—from the state of the cervix uteri.

Partus.

Observations on different circumstances leading to enquiries before courts of justice respecting delivery.—*Partus celatus*—*simulatus*—*ferotinus*—*repentinus*.

Partus celatus.—Observations on the circumstances considered as demonstrating a

a preceding delivery—soft swelling of the external genitals — increased wideness of the vagina — lochial discharge under a bloody or ferous form—the condition of the orifice of the uterus—the condition of the abdominal integuments—the condition of the mammæ—varicose maculæ on the legs.

Partus simulatus.—Observations on the different circumstances considered as evidences of supposititious birth—from the presence or absence of signs of pregnancy —of signs of delivery—observations on different collateral circumstances claiming attention—the period of the female's life—the previous condition of her menstrual discharge—the state of the husband—the appearance of the child—the state of the abdomen of the female.

Partus ferotinus.—Questions from this circumstance respecting the legitimacy of children—causes alleged to retard delivery —latitude on this subject admitted by the laws of particular countries—doubts of the possibility of the partus ferotinus beyond a week or two.

Partus

Partus repentinus.—Observations on the circumstances under which premature birth becomes the subject of judicial enquiry—Causes of premature birth—Condition of the infant when born before the seventh month—Evidence from the condition of the infant, of the period of conception.

Morbi.

Observations on different questions, respecting particular diseases before civil courts—*morbi simulati*—*celati*—*imputati*.

Morbi simulati.—Observations on the circumstances under which diseases are commonly feigned—and on the persons by whom they are feigned—by beggars—by the indolent—by those desirous of escaping military duty—by those condemned to certain corporeal punishments—by those whose diseases have been induced by the violence or outrage of others—by the accomplices of empirics—by the accomplices of religious impostures—observations on the diseases commonly feigned

feigned, and on the marks by which they are to be detected—ulcers of the legs—hernia—epilepsy—fever—jaundice—hydrocephalus externus—vomiting of animals.

Morbi celati.—Observations on the circumstances rendering concealed diseases the subject of judicial enquiry—particular contagions—diseases giving a legal objection to marriage—diseases incapacitating from holding certain offices.

Morbi imputati.—Observations on the circumstances under which this has chiefly taken place—on the diseases chiefly imputed to individuals—dotage—periodical insanity—lues venerea—grounds on which questions respecting such imputations may be determined.

III. CONSISTORIAL COURTS.

General observations respecting the *quæstiones medico legales* which come before consistorial courts in this and other countries.

Impotentia virilis.

Observations on the circumstances on which impotence in males principally depends—with respect to particular females—with respect to females in general. 1. Incapability of erection.—2. Incapability of emission.—Observations on the principal causes producing each of these.

Sterilitas muliebris.

Observations on the causes of sterility in general—Division of these into different heads 1. Absolutely incurable—2. Relatively incurable.—3. Certainly curable.
Observa-

—Observations on the principal causes referable to each of these heads.

Sexus dubius.

Observations on the grounds on which questions respecting hermaphrodites may come before courts of justice—Remarks on the definitions given of hermaphrodites—different kinds to which they have been referred—hermaphroditus masculinus or androgynus—hermaphroditus femineus or androgyna—hermaphroditus verus—observations on the appearances distinguishing each of these—general conclusions respecting the sex of what have been termed hermaphrodites.

Syphilis.

Observations on the different grounds on which venereal infection may become the subject of enquiry before courts of justice—on the questions chiefly to be determined with respect to such complaints.

1. Whether a venereal infection does exist?

2. At

—2. At what time it has been communicated?—3. In what manner it has been communicated?—Observations on the circumstances on which these questions have in general been determined—cases creating doubts with respect to the circumstances principally depended upon.

IV. M. E.

IV. MEDICAL POLICE.

Insalubritas aëris.

Observations on the general heads to which the causes affecting the state of the air may be referred.—Heat—cold—foreign impregnations—means by which the inconveniencies resulting from the two first may principally be counteracted—general heads to which foreign impregnations vitiating the atmosphere may be referred—humidity—putridity—effluvia from dung-hills—from the carcases of dead animals—from human fœces—smoke—from the fires of dwelling-houses—from different manufactures.

Insalubritas Aquæ.

Observations on the attention from the civil magistrate which is necessary with respect to water—advantages of a copious supply—observations on the purity of wa-

ter—tests by which the purity is principally to be determined—from the appearance—from the smell—from the taste—from the specific gravity—from the temperature—from the effects of keeping—from trials with soap—from its employment for different culinary purposes—from chemical trials in the way of evaporation and precipitation—Observations on the means of correcting impure water—on the varieties of water for the supply of a town as obtained from different sources—pit well waters—water from lakes—water from marshes—from snow or rain—from rivers—from springs—Observations on the different modes of conducting water to towns—remarks on questions respecting the fouling of water—impregnations rendering it unfit for the purposes of man or beast—facts by which this is to be determined.

Insalubritas victus et potus.

Observations on the principal circumstances in which meat claims the attention
of

of the civil magistrate—quantity—price—quality—Remarks with respect to bread— butcher-meat—vegetables—poultry—fish—remarks on the danger from unwholesome modes of cookery—Observations with respect to different kinds of drink—beer—wine—spirits.

Consuetudines salutare et noxiæ.

Observations on the attention requisite from the civil magistrate, with respect to different kinds of exercise—on the circumstances in different kinds of exercise which are conducive to health—on the circumstances which are adverse to health—observations on different kinds of exercise as productive of good or bad effects—walking—riding—hunting—fishing—fowling—tennis—cricket—golf—archery—bowling—swimming.

Morbi contagiosi.

Observations on the attention necessary from the civil magistrate for the prevention of contagious diseases—remarks on the means necessary for preventing the introduction of the plague—on the different sources from whence this contagion has been introduced—from the persons of individuals—from their clothes—from different kinds of merchandize—observations on the most proper means of guarding against contagion from each of these—observations on the prevention of the contagion of jail-fever—of dysentery—of syphilis—of canine madnefs.

Carceres.

Observations on the regulation of prisons in a medical view—on the abuses and defects of jails—on the circumstances necessary for the preservation of health in jails — free air — cleanliness — wholesome food — prevention of the abuse of strong liquors—advantages of solitary confinement.

Nosocomia.

Nosocomia.

Observations on the advantages resulting to the state from well-regulated hospitals—for the relief of the distressed—for a course of medical education—remarks on some of the disadvantages to which hospitals are liable—on the necessity of excluding from hospitals the treatment of certain affections.

Observations on the circumstances by which the salubrity of hospitals is chiefly affected—situation—structure—size—government—Remarks with respect to the appointment and duty of particular officers—Treasurer—Managers—Physicians and Surgeons—Apothecary—Matrons—Nurses—Remarks with respect to medical and chirurgical registers—with respect to medical and chirurgical lectures—observations with regard to diet—medicines—bedding.

Observations on other kinds of hospitals—hospitals for convalescents—for incurables—for the aged—for orphans—foundling hospitals.

Sepultura cadaverum.

Observations on the pernicious effects to be dreaded from want of proper attention in the burial of the dead—on the means of preventing these—by the situation of burying places—by the method of conducting funerals.

