

The introductory lecture of a course upon state-medicine / [John Elliotson].

Contributors

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THE
INTRODUCTORY LECTURE
OF
A COURSE
UPON STATE-MEDICINE,

DELIVERED IN
MR. GRAINGER'S THEATRE, SOUTHWARK,
ON
THURSDAY, NOVEMBER THE FIRST.

BY
JOHN ELLIOTSON, M.D. &c. &c.

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1821.



TO

THOMAS BARRETT-LENNARD, Esq. M.P.

DEAR LENNARD,

OUR friendship is of so long standing, and the interest you take in my lectures so great, that I can dedicate the following pages to no one with more propriety than to yourself. I offer them not as possessed of the smallest merit, but as intended to assist in drawing the public attention to an important subject, which you, in common with myself and many others, lament to see neglected in this country.

You may regret that I am not permitted to deliver my lectures in the theatre of the Royal Hospital of St. Thomas to which I am attached, (indeed none of the physicians are permitted to lecture in it) while you learn from the newspapers that the physicians of Guy's Hospital, built by a private individual and dependent upon St. Thomas's for its Governors, not only lecture in their theatre upon whatever subjects they think proper, but associate with themselves other physicians, unconnected with either charity, to lecture upon sub-

jects with which the physicians of St. Thomas's must be presumed to be acquainted,—upon chemistry and physiology; and while you learn that, of the only two courses of lectures allowed in the Theatre of St. Thomas's, the whole of one, and half of the other, are actually given by a surgeon of Guy's. But you are too liberal to think unfavourably of my lectures because I do not deliver them within the walls of the hospital.

Believe me yours ever faithfully,

JOHN ELLIOTSON.

GRAFTON STREET,

BOND STREET,

November 1821.

INTRODUCTORY LECTURE.

GENTLEMEN,

IF any branch of Medicine is interesting, if any branch is important, this is unquestionably the character of State-Medicine.

State-Medicine is the department of Medical science that contains all subjects upon which a medical man may be consulted by the executive or the legislative part of government.

The designation is of German origin, and appears to have been first employed by Daniel, in 1784, when he published a work at Halle, to which he gave the title of *Bibliothek der Staatsärzneikunde* — Bibliotheca of State-Medicine. It is so appropriate a generic appellation, that I have felt no hesitation in its adoption.

The constituent parts of State-Medicine are two; Forensic, Legal, Juridical, or Judiciary Medicine, and Medical Police. The most common epithet of the former is Forensic, and that I shall employ. The title, Forensic Medicine, sufficiently explains itself. The Romans tried their causes in the Forum, and whatever related to the trial of causes was styled Forensic. We attach the same meaning to the word, and Forensic Medicine embraces all medical points upon which we may be consulted in a court of justice; questions of rape, for example, of soundness of intellect, and of

murder, or attempt at murder, whatever may be its description. Medical Police is conversant about the modes of preserving or ameliorating the general health of the community; and the necessity for our opinions upon them, brings us in contact chiefly with the legislative part of government. We are liable to be consulted when the legislature is about to enact laws, with the view, for example, of checking or preventing an epidemic disorder; with the view of remedying public nuisances, of putting a stop to unhealthful customs among collections of persons, of regulating lunatic and other hospitals, and of preserving the health of the army and navy.

Medical Jurisprudence is different from Forensic Medicine and Medical Police; in fact it forms no part of State-Medicine; it is merely the knowledge of those parts of the law that relate to medical topics. Jus is law, Prudentia knowledge, and Jurisprudentia is consequently the knowledge of the law. This knowledge may be partial—it may be confined to the law of crimes, and is then termed Criminal Jurisprudence—or to the law of medical topics, and then it is Medical Jurisprudence. Obvious as appears the signification of this title, there has always prevailed, in its employment, no little vagueness.* It is used synonymously with

* La Médecine judiciaire a donc été mal définie sous le nom de *jurisprudence médicale*: on la traite aussi fausement, quand on la représente unie au dogme judiciaire. Le médecin n'a de rapport qu'avec l'état physique de l'homme, et nullement avec les questions juridiques.—Metzer, *Principes de Médecine légale ou Judiciaire*, traduits de l'allemand, par Ballard. § ix.

Une jurisprudence vraiment médicale offriroit une doctrine bien différente de celle qu'enseigne la médecine judiciaire. Ils (quelques auteurs) ont été séduits au point de vouloir devenir les interprètes des lois, et juger non seulement les lésions mais encore la peine due aux malfaiteurs.—Ballard, *ibid.*

Forensic Medicine, and synonymously even with State-Medicine—the union of Forensic Medicine and Medical Police. The latest writer in this country on these matters, and the best of the very few who have treated of them,—Dr. John Gordon Smith, begins his work with these words:—"Forensic Medicine—Legal, Judiciary, or Juridical Medicine—and Medical Jurisprudence are synonymous terms for that application of the science of medicine of which I propose to treat. They have been used by all writers, and I shall employ them indiscriminately in the subsequent pages." He soon after says that Forensic Medicine, which with him you perceive is likewise Medical Jurisprudence, embraces four classes of subjects, the last of which is Medical Police. So that according to this author, not only is Medical Jurisprudence the same with Forensic Medicine, but Medical Police is a part of Medical Jurisprudence.—Notwithstanding, however, that Medical Jurisprudence, being simply the knowledge of the laws relating to medical topics, is evidently no part of State-Medicine, it claims a considerable degree of attention in a course of this kind. A medical man cannot, indeed, be expected to make himself a lawyer; the pursuit of his own profession he must find at least sufficient. The information, too, demanded of him, is purely medical, and consequently the same, whatever may be the country in which it is required; and upon this consideration you will find my arrangement of the subjects of Forensic Medicine to be founded. Yet, as a person of education, he may desire a general idea of the laws of his country, especially of those connected with his own science, and he will find a great advantage in being aware of the legal bearings of the inquiries

which are made of him. He will see his situation the more clearly, and feel himself the more at ease. I shall, therefore, previously to quitting each subject, communicate what may seem useful of the law relating to it, and thus treat of Medical Jurisprudence subordinately throughout the course.

As the subjects of Forensic Medicine are numerous, their arrangement is of some importance. The order of those belonging to Medical Police is a matter comparatively of indifference.

I shall not trouble you with an account of all the arrangements that authors have made of the subjects of Forensic Medicine. Not only do the subjects generally succeed each other without any natural connection, but, what is worse, the same frequently belongs with as much propriety to one section as to another, and is sometimes actually spoken of more than once. Professor Plenck of Vienna, for instance, in his *Elementa Medicinæ et Chirurgiæ Forensis*, distributes them accordingly as they come before criminal, civil, or ecclesiastical courts; and you will see this arrangement followed in Dr. Male's *Elements of Juridical Medicine*. Now insanity, to take it as an illustration, may come before a criminal court when the soundness of a murderer's intellect is disputed; and before a civil court, when a person is supposed incapable of managing his estate. Fodéré divides the subjects of Forensic Medicine into two—the mixed, appertaining to civil and criminal law and to medical police, and the criminal. His first division thus actually contains topics of every description belonging to State-Medicine. Dr. John Gordon Smith allows his own arrangement to be bad.

The arrangement which I shall observe is purely medical.

I shall in the first place examine those subjects of Forensic Medicine, which respect the human body in perfect health;—secondly, those which respect it when labouring under disease;—and thirdly, those which respect it when deprived of its life, or suffering from violence calculated to destroy its life. This plan I imagined to be original, but I find that Valentini, the Italian author of a work entitled *Corpus juris Medico-legale*, and still more recently, Roose, a German physician, have divided the subjects very similarly,—into physiological and pathological: and in fact my arrangement is nothing more than a still further division of their pathological half into Disease and Death with all its violent causes.

In the first class,—of questions concerning the body in health, I shall commence with the consideration of Age,—of the means of forming an opinion in regard to the age of a person from his appearance; and, as a branch of this subject, Personal Identity will fall under our examination. Medical assistance is not often required to settle a person's age, or to ascertain the possibility of his identity, yet our profession, you will find, has occasionally been appealed to. From age I shall pass to legal questions relative to Sex, and here we shall consider not only Hermaphroditism, but, introductory to it, Monstrosity in general. Questions relative to the functions of the female generative system, will next claim our notice. I shall consider simple defloration and rape, and take the opportunity of saying a few words upon what the law calls *Peccatum illud horribile inter christianos non nominandum*. The consideration of Pregnancy will follow, and not

only the Signs of its existence, but its possible Duration, and the possibility of Superfoetation, with several other points, will be discussed. From Pregnancy we shall pass to Delivery, and, before leaving this subject, Criminal Abortion will engage our attention. This will be a very proper occasion for bringing to your notice a most important topic—Infanticide or Child-murder—the murder of an infant at its birth,—a topic so connected with abortion and delivery, that it may be examined in this part of the course with more advantage than any where else; and as cases of this kind are to be determined chiefly by physiological investigation,—by ascertaining whether the lungs have ever performed the respiratory function, it will be with propriety included in this class.

The subjects of the second class are not so numerous. The Want of procreative power in either sex, and Unsoundness of intellect, comprising Insanity, Ideotism, with a few other Affections of the nervous system, constitute all the diseased states necessary for us to inquire into. But unsoundness of intellect will occupy a larger portion of our time than any other single topic. Feigned, Dissembled, and Imputed diseases, will require some discussion before we terminate this class.

The matter of the third class is the most abundant. Beginning with the phenomena of Death, I shall, subsequently to a few remarks upon the physiologico-pathology of it, and upon Sudden Death in general, regularly examine all the violent causes of dissolution. The order in which they will be reviewed is, First, Privations, as Want of food, Cold, Want of air, whether produced by Hanging, Strangling, Drowning, &c. Secondly, Excess of indispensable agents, as of electri-

city, in Thunderstorms; or of heat, as in Coup-de-soleil, Conflagrations, and that extraordinary circumstance—Spontaneous Combustion. Thirdly, Mechanical injuries, Concussions, Wounds, Contusions, &c. Fourthly, Poisoning of every description, by mineral, vegetable, and animal substances, and this, I need not remark, will occupy a considerable portion of the course. The subjects of this class, and of Forensic Medicine at large, will close with the discussion of the presumption of Survivorship where more than one person have perished in a common destruction, as in shipwreck, in some cases of starvation, of suffocation, &c.—a very curious question, and one that may be extremely important, if, among the parties who perished, some were legal representatives of others possessed of property.

I trust, Gentlemen, it appears to you that this order is rational and simple, and that most of the subjects succeed each other naturally. There will be an incidental circumstance in this plan, perhaps of some value:—the least important topics, and those on which our conclusions are liable to be the least satisfactory, will all be disposed of first.

The subjects of Medical Police, necessary to be spoken of, are not sufficiently numerous for their arrangement to be a very important matter.

Whenever it is requisite, I shall use the assistance of drawings, and I hope to exhibit specimens of almost every poison, and the experiments which are necessary for its detection. The course would be defective, were I not to detail the measures that are proper for recovery in cases of poisoning, and of apparent death from any cause. I purpose, as we proceed, to illustrate every statement with narrations from different authors of re-

putation, and to give you an account of the most remarkable trials in which medical opinions have been delivered. While this elucidates, it will also relieve the attention, and complete the proof of State-Medicine being at once interesting and important.

Some will allow this to the furthest extent, but conceive that the separate study of State-Medicine is superfluous,—that all its subjects are sufficiently learnt during the acquisition of the common heads of medical education. I am, indeed, happy that I am not attempting to impose upon you a fresh study: that what I purpose to teach is chiefly a different application of some of the knowledge communicated in other lectures, and a more copious detail of certain points that is possible in them. Neither do I deny, but on the contrary wish to urge in the strongest manner, that what I teach will prove of little utility without the instruction which the other lectures afford; and I am ready to concede that this instruction alone will, on many occasions, enable you to acquit yourself in Medico-Legal inquiries with credit and satisfaction. No practitioner even moderately informed need mistake, as Hippocrates* confesses he once did, a fracture for a suture; or, on the other hand, be rendered contemptible in a court of justice, by the declaration of a second surgeon (what really happened) that instead of a fissure, there is really nothing to be discovered but the sagittal suture. Nor can he be in danger of giving evidence like that of a worthy man, who, on a trial for murder, said, “I was sent for to open the body of the deceased, on the coroner’s inquest. I found in the sternum a small wound,

* De Morb. Vulg. Lib. v. Sect. vii. 27.

which penetrated into the breast. I found it necessary to open it; and when I had opened the breast, I found the cavity of the belly filled with blood, and on examination of what *we* call the viscera, I found a wound in the heart, of about an inch and a half, and it was impossible he should live above two or three minutes." In the article *Cas Rares* of the *Dictionnaire des Sciences Medicales*, M. Fournier mentions being called upon for his opinion in a case of alleged murder at Brussels. The deceased had quarrelled with another man, some blows had been interchanged, and he had died a fortnight afterwards, emaciated and completely exhausted. Two of the lowest order of practitioners in France, *officiers de Santé* as they are called, inspected the body, and pronounced that death had taken place in consequence of the blows. M. Fournier discovered an extensive suppuration in the brain, with a very carious state of the inner surface of the cranium, and learnt that the deceased had been afflicted with headaches for twenty years. He, therefore, gave it as his clear opinion, that the man had died of a disease of long standing,—a fact obvious to every one who is not grossly ignorant.

Many also of the absurd opinions delivered by medical practitioners on trials of old date, must be attributed to the imperfection of science at the period, and not to the want of attention on their part to the subjects of State-Medicine as a particular study.

But notwithstanding all these concessions, which I make with the utmost willingness, the necessity of a distinct consideration of the subjects enumerated may be proved without much difficulty. In none of the lectures, ordinarily given, is there sufficient time, nor is it indeed

judged a part of the lecturer's province, to prosecute any one of them as they deserve, to present them fully in a medico-legal point of view, or in fact to speak of some of them at all. Take insanity as an illustration. In the London lectures which I attended upon the practice of medicine when a student, it was dismissed in a lecture and a half; and at Edinburgh not a syllable was bestowed upon it, for the course concluded before its situation in Cullen's Nosology was arrived at. But there is in truth no possibility for a lecturer on the practice of medicine to pourtray its various forms, and detail the many difficulties that may occur in detecting and proving its existence, much less to communicate the remarkable exemplifications of these on trials which have taken place, and to point out the distinctions and decisions of the laws relating to unsoundness of intellect. Take, again, an illustration from poisons. The chemical lecturer can speak of the mineral class only, and not of many among those: then his remarks cannot extend to the symptoms occasioned by them during life, nor to the appearances discovered after death, nor to the medical treatment of poisoned individuals. He is limited to the means of detecting the presence of the injurious article, and even upon these the press of other matter prevents him from dwelling as he might wish. In lectures upon *Materia Medica* you cannot expect information concerning any poisons except those which are employed in minute doses as remedies; and since it is the lecturer's business to unfold the medical virtues rather than the deadly agencies of the articles of the *Materia Medica*, his remarks must be far too scanty to qualify you for delivering able opinions in a court of justice, even on

those very few points which may be touched upon in such a course.

There are other subjects which cannot naturally find their way into any of the ordinary courses. The consideration of hanging and drowning does not belong to lectures upon the practice of medicine, surgery, anatomy, physiology, chemistry, or *materia medica*. And should any lecturer on these branches introduce the consideration of such subjects, that the schools may not leave his pupils wholly uninstructed in them, he cannot find time to do them any thing like justice,—to point out the mode of distinguishing whether an individual was thrown into the water after his death, or was actually drowned,—whether his body was suspended after the extinction of its life by some other violent means, for the purpose of giving an appearance of suicide, or whether death came by suspension,—to distinguish between the marks of strangulation and hanging,—a question that may be of importance, as suicide is rarely committed through strangulation, and murder rarely through hanging. To hint only at the particulars which must inevitably be omitted except in a course of lectures devoted to this department of medicine, even when the subject to which they belong is really introduced, would be tedious.

An unspeakable advantage of a separate course upon State-Medicine is not, that it prosecutes all the topics into ample detail, that it omits none, that it displays them in their legal bearings, but that it collects them all into a body, by which circumstance they become duly appreciated, duly studied, and duly remembered, and the industrious student attains the same ability to acquit himself with honour in a public

inquiry, as to benefit his patients in private. You must remember also, that you are expected in court not only to give your opinion but your reasons for it;—that mere assertion will not be considered sufficient, as it frequently is in private practice. A bad reason may render you ridiculous in court; and should its insufficiency not be detected in court, the newspapers will lay it open to the general criticism of the profession.

In the present state of things, it is lamentably true, that medical men seldom enter a court of justice without more or less exposing themselves. “The evidence of medical men,” says a counsellor, in the *Journal of the Royal Institution* for 1817, “amongst lawyers, is a subject of general animadversion.” As striking an illustration as can be given of the failure of the best ordinary medical acquirements, to qualify men for medico-legal duties, was afforded during the time I was a pupil of St. Thomas’s and Guy’s Hospitals.

A retired merchant (a widower with two or three children) was charged with having murdered a young lady, who lived with him as housekeeper and governess, in attempting to procure the abortion of the fruits of an illicit connexion. I hope hereafter to examine the trial at considerable length. It was given in evidence, that great familiarities had been noticed between the parties; that she had long appeared out of health, and was much increased in the abdomen at the period when she was seized with the symptoms which preceded the fatal event. On going down stairs one morning, a vomiting and purging attacked her, attended by considerable pain. These continued a few days, at the end of which time she died. No medical

man was called in; she remained all the time down stairs, in the breakfast parlour; and Mr. ——— nursed her entirely himself, not going to bed at all, but attending her day and night. She was found, by a maid servant, lifeless one morning on the floor of the apartment, Mr. ——— sitting in an arm chair, apparently so fast asleep that he was not roused without great difficulty. The general impression was, that she had been delivered, though no child was to be found, and had been poisoned. Two physicians and a surgeon examined the body. They inspected the uterus, vagina, and the external parts; and they inspected the abdomen and its contents. But, although the lady had never been married, although one object was to ascertain whether she had been recently delivered of a child; and although, as appeared from a pamphlet subsequently published by the medical gentlemen, they decidedly, though incorrectly, believed that impregnation was always followed by a corpus luteum; and that consequently the presence of a corpus luteum was an infallible test of previous impregnation; they positively did not examine the interior of the ovaria. And haste could not be urged in excuse, for the generative organs were removed and preserved; and it was not till after the trial, till this inattention became a matter of reproach, that the ovaria were cut into, and a corpus luteum discovered.

In regard to the poisoning, an examination of the stomach and its contents was instituted, but an aperture in the coats of this organ is allowed to have been probably enlarged by the rough mode in which the organ was extracted. It turned out, that no poisonous substance could be detected in the contents of the sto-

mach. Notwithstanding this, the coats of the stomach were not analysed, although poison sometimes combines with them, or is entangled in or adherent to them.

More than this, notwithstanding no traces of poison were recognised, the opinion delivered by the medical witnesses was, that the deceased had died of poison,—a declaration which ought never to be made unless poison is actually detected, and probably of corrosive sublimate, whereas no certain lesion of structure can be depended upon as indicative of poisoning by this substance.

But stranger still, and as if to crown the whole, this opinion was given, although no examination had been made of either the chest or the head, in either of which many causes of sudden death are known frequently to exist; and this because, they said, they *expected* to find the source of death in the contents of the stomach. Even the state of the breasts was not noticed. While they gave it as their opinion, that the deceased had been destroyed by mineral poison, although not a particle could be detected, they gave it also as their opinion, that she had been delivered of a child, although no foetus nor placenta could be found. I shall relate to you examples of symptoms of pregnancy having been produced solely by a placenta and morbid growth, without the smallest portion of a foetus. As no foetus was found, who could prove that such was not the case with this lady,—that the placental mark in the fundus of the womb had been caused by a placenta, unaccompanied by a foetus? A prisoner should have the advantage of every possibility, and none of the disadvantages.

Now, these were all men of regular education, of fair professional character, and I have no doubt of the strictest honour. Had they been fortunate enough to have received instruction in Forensic Medicine, as a distinct department of medical study, they would not have thus ruined the investigation of truth, but have proceeded coolly and scientifically through the inquiry. You may recollect the disturbance occasioned much more recently by the trial of an unfortunate young female servant, named Elizabeth Fenning, who was executed for having attempted to poison the family of a stationer in Chancery-lane. The poison was arsenic, and it was administered in yeast dumplings. Great stress was laid upon the circumstance of the dumplings not rising properly, and looking dark; whereas arsenic has no property of occasioning these effects. And the legal writer whom I just quoted, remarks, "There can be little question, that had the examinations and analysis been skilfully made, no public disturbance or discontent would have arisen in the case of Elizabeth Fenning." This trial, likewise, I intend to examine carefully, when considering the subject of arsenic. I could adduce hundreds of other instances. Indeed every assize furnishes them.

Knowledge, Gentlemen, requires not only labour at first for its attainment, but incessant assiduity ever afterwards for its maintenance. Much of the acquisitions of our pupilage is generally lost,—whatever is not refreshed by the occurrences of practice gradually fades, withers, and disappears,—much of our anatomy, our physiology, and our chemistry, though they may have been studied with unremitting ardour, silently escapes from our possession. This might

be prevented by a periodical perusal, annual perhaps would be sufficient, either of our notes or of two or three concise elementary works; but the fatigue of practice, and the engagements of the world, permit few even to contemplate such a habit. What then must be the situation of those who have never acquired full and accurate information at all? Yet such is the common case in regard to State-Medicine; and here exists, moreover, a most serious difference, for what is lost of ordinary anatomical, physiological, and chemical knowledge, is not probably of vital importance, or practice would detain it in the mind; but the species of information that I now advocate is such, that the character and, more than character,—the life, of an accused individual may depend entirely upon the opinions which you deliver, and you are liable every moment to be called upon to perform the solemn duty of delivering them, although a long interval may elapse before you receive such a summons.

Besides these arguments from morality, permit me to adduce some from prudence. The part you act, is acted openly. You may blast your reputation, or you may acquire honour. Your mode of treatment, your conduct, your information, are all laid open to the profession and to the public. In ordinary practice, not merely is the reverse true, but many circumstances may, to some extent, counterbalance the effects of a deficiency of skill upon a practitioner's reputation. Far be it from me, Gentlemen, to affirm that professional success is uninfluenced by knowledge. I believe, that if two men are equal in private character, in agreeableness of manners, and in assiduity, he who possesses the greater skill and information will outstrip the other; because he

will effect more cures, and always show himself a man of abilities in his general intercourse with the world. But it is no less true, that a man, with far inferior knowledge, may rise above another, and very much above another too, if he be superior in private character, in assiduity, or in manners. More than this, the circumstance of being a member of a particular party; a canting, hypocritical earnestness in religious matters; a disgusting system of fawning and crouching to persons from whom any thing is likely to be obtained, and always united, according to my observation, with gross negligence and barbarous asperity towards the poor; a certain confidence of manner, with a quickness and positiveness of decision, that so generally excites an idea of great experience and sagacity; are all artifices to which, alas! many have at all times owed their success rather than to real merit, and not merely in the lower walks of life, but in the very highest.

On Burke's talents and attainments I need not insist. Yet hear the following anecdote, from Mr. Moore's *History of Vaccination*, respecting the impression made upon him by a man who appears to have been a shallow coxcomb:—"As the early productions of Dr. Rowley were filled with surprising cures of very dreadful disorders, especially cancers, they had procured him considerable employment, but very little respect. In conversation he was voluble; and when he talked on medicine to persons ignorant of the subject, he was ever plausible. Burke happened to call upon a friend labouring under a paroxysm of gout, at the time Rowley was paying his visit, and immediately entered into a conversation upon the case. Rowley expatiated speciously on the hereditary disposition, the pre-

disposing causes, the prophylactic symptoms, and concluded with his method of curing the gout, which in the present case he had no doubt would prove successful. To whatever objections were raised, he had always prompt replies, which made such an impression that, when he retired, Burke observed to his friend, "You have a very sensible physician. I have not met with a more judicious man a long while." Yet, when Rowley discoursed at the infirmary of disease and death, even his pupils were wont to smile, and in compounding his prescriptions the apothecary trembled." p. 41, sq.

Again, a case may not admit of cure; and the best practitioners, consulted after an ignorant man, may be able to effect no more than he has done. On the other hand, the most ignorant man will have cases, both medical and surgical, in which nature does every thing that can be desired, while he reaps all the glory, and is probably not candid enough to follow the example of old Iapis, who in vain applied his fomentations and his forceps to extract the arrow which had pierced Eneas, till Venus invisibly lent her aid, *occulte medicans*, and on perceiving that not his art, but some superior power, had accomplished the extraction, nobly exclaimed—

"Non hæc humanis opibus, non arte magistrâ
Proveniunt; neque te, Enea, mea dextera servat.
Major agit Deus."——

But however artifice in a practitioner, or ignorance in others, or accidental circumstances, may counterbalance a deficiency of ability in private, they will not support an ill-informed man at present on a public

occasion. Some years back, indeed, they had their effect even in courts of justice. "In general," says Dr. William Hunter, in his essay on child-murder, "I am afraid too much has been left to our decision. Many of our profession are not so conversant with science as the world may think; and some of us are a little disposed to grasp at authority in a public examination, by giving a quick and decided opinion, when it should have been guarded with a doubt; a character which no man should be ambitious to acquire, who in his profession is presumed every day to be deciding nice questions upon which the life of a patient may depend."

In this day, however, a public act is no sooner done than accounts of it are communicated, by means of the public press, to the remotest corners of the kingdom; and such is now the diffusion of knowledge, that in every spot there exist persons ready to appreciate the conduct and opinions of a medical witness. Credit or discredit inevitably awaits him. And these will await him much more powerfully and in exact conformity to his deserts, if Forensic Medicine is taught in the schools. Any thing remarkable, on the part of medical witnesses, will probably be noticed by the lecturer to his hearers, who will be excited to an interest in circumstances which would otherwise have scarcely attracted their attention, and be rendered competent to judge of all these with perfect accuracy. I should hope, that a scene like that which was presented by the medical men at a notorious inquest in 1820, will never be repeated.—A young man had been present at a public meeting, and had been wounded and bruised by horsemen. The right os-humeri received a compound fracture by a sabre cut, his feet

were wounded by the horses, and his shoulders, neck, and hips, were severely contused with a bludgeon. He did not afterwards rest himself sufficiently, and on several occasions drank spirits. At the expiration of three weeks from the infliction of the injuries, he died; but five days previously he lost the use of his limbs, and on the preceding day he became speechless. The surgeon who attended him, being a quaker, would not be sworn, and therefore his evidence could not be received, as the case was of a criminal nature; but his declaration—that the poor fellow had died in consequence of violence, had given rise to the inquest. The body was the next day in a high state of putrefaction. Another surgeon, who saw it at that time, declared that the shoulder, back, and loins, were very much discoloured, apparently from having been severely bruised, that mortification had taken place, and that all these circumstances fully accounted for the event. Another surgeon who saw the body two days after death, and who also opened it, described, besides the wounds, a large bruise on the left loin, a large bruise on the back, together with smaller ones, and a tumefaction and lividness of the throat, apparently from external violence, and the paralysis which came on some days before the fatal event he attributed to the injury, the spine having probably participated in it. He found the right lung, the right pleura, and the trachea full of blood, and the omentum highly inflamed; besides slight marks of inflammation in the small intestines, pericardium, &c.: all phenomena which the lapse of time, and the highly putrefied state of the body, amply accounted for—as I shall prove when considering morbid appearances. He contended, that the con-

dition of the lungs was the cause of death, and that this condition had not been produced by the external injuries: yet he confessed having said to another witness that the man had died of the bruises on his body; and to the question of the lawyers, "Can you undertake to say that the external injuries were not the primary and ultimate cause of his death?" replied, "No, I cannot; I do not know why he died." I must not forget to mention his conviction, that, if the attending surgeon had employed copious bleeding, the deceased would have been still alive.

A third surgeon was examined, who never saw the body either before or after death; and he gave it as his opinion, that the man had died of acute inflammation in the abdomen and chest, induced by cold, intemperance, or much more recent injuries than those alleged; that the congestion in the chest had caused a congestion in the head, and the congestion in the head again the amaurosis of one eye, and the paralysis: and that all this could have had no connexion with the injuries, although we know that concussions, not to say contusions, are frequently followed by inflammation at a more or less distant period; and it is evident that the truncheon blows must have thoroughly concussed most of the viscera, and the brain among the rest. He declared, that if the man, thus seriously bruised and suffering from a compound fracture, had received ten times more injury than he had, there would have been no dangerous consequence. The truth of his doctrines, after several long dissertations, he trusted he had demonstrated, demonstrated! according to the laws of the living.

Lamentable as was all this discrepancy of opinion,

and lamentable as were some of the opinions delivered, you will, perhaps, be still more surprised to find one who had not seen the body, and had granted, that a practitioner who had seen it would be much better able to judge, and that the variety of judgment was merely a difference of opinion, attempt to exalt his own opinion, by declaring, "I think I am more capable of forming a correct opinion on the subject than Mr. —;" and by exclaiming, in regard to one of the examining legal gentlemen, "Oh, let me go in, I will teach him surgery; I am anxious for a little more discussion. He is not the first lawyer I have taught surgery. Oh, I'll teach you surgery, Sir, as you have challenged me with a castigation (this may be good English) from different medical opinions. I hope you will bring down Dr. Cline, Sir E. Home, and the other leading members of the faculty. I shall be very happy to see them. I am sorry you should interrupt the gentleman; I am anxious for a little more discussion with him. I should like very much to have a little more discussion with him—I want a little more discussion—Don't interrupt the gentleman, I should like a little more discussion with him. I hope the gentleman may not be interrupted; the more questions he puts to me the better, so long as it leads to discussion. I hope you will bring down some of my London friends, as I passed some very pleasant days with them in the spring, and I said I should like to see them down here." This, Gentlemen, may be dignified, and very elegant, but I cannot hold it out for imitation; and I trust, that by the notice of it in public lectures upon Forensic Medicine, others may be put upon their guard against falling into a similar mode of giving evidence.

A full impression of the solemnity of the duty imposed upon us in courts of justice, it has been well observed, a careful preparation to qualify us for forming our opinions, and repeated illustrations of the difficulties that may be thrown in our way by the subtlety of lawyers, with the view of confounding our knowledge, and perhaps of making us lose our temper, are the best preservatives against such misfortunes. In regard to the last circumstance, the subtlety of lawyers, Dr. Haslam remarks:—

“ The lawyer’s object is the interest of his employer, and for the fulfilment of his duty he is frequently compelled to resort to a severity of investigation which perplexes the theories, but more frequently kindles the irritable feelings of the medical practitioner. This distrust on the part of a lawyer, however unpalatable, is fully justified, most witnesses going into court, not with a wish to be examined, but with the preconcerted intention of proving to a certain extent; and those most conversant with human testimony, have been extremely scrupulous of admitting it as an uniform truth, until it has been carefully sifted. Guarded with these precautions, and armed with professional experience, the medical practitioner may approach the tribunal of justice with confidence, and advantage to the cause of truth. However dexterous he may shew himself in fencing with the advocate, he should be aware that his evidence ought to impress the judge, and be convincing to the jury.” *—All this I conceive will be best accom-

* *Medical Jurisprudence as it relates to Insanity according to the law of England.*

plished, if State-Medicine is regularly taught as a branch of medical education.

But, Gentlemen, I will argue the necessity of such lectures no longer, others shall speak.

Mr. Cross, the author of *Sketches of the Medical Schools of Paris*, which were published in 1815, turns from his subject to make the following reflections:—

“It is much to be lamented, that in London, whose great medical schools are annually sending into the world an immense number of young men, who will have to decide on the most puzzling cases, and to give an opinion in courts of justice, no lectures are delivered expressly upon this subject; and all that the student can gain respecting it, is from the lectures on Anatomy, Materia Medica, or Midwifery, the courses of which are given in too short a time, to allow of Medical Jurisprudence being much dwelt on by the professors.”

“If the newspaper reports of the criminal trials which take place in various parts of the kingdom are at all correct,” says the Editor of the *Edinburgh Journal*,* “the state of Juridical Medicine is truly deplorable. When we read of coroners in England, in cases of suspected murder, directing the examining surgeon to be contented with the external inspection of the body, from the vulgar prejudice against dissection—when we are told of sheriffs, in Scotland, holding the opening of a body supposed to be poisoned with arsenic as unnecessary, and incapable of furnishing additional proof—when we know, that professional men neglect to ascertain the cause of death, because they received no compulsory order to that effect,—we

* 1818, p. 111.

must be satisfied that the only means of learning the truth, exactly where it is most desirable, are often culpably neglected. But the instances in which its discovery is prevented by presumption and ignorance, on the part of those who undertake such an examination, are still more numerous. We every day hear of medical practitioners giving their evidence, with the utmost confidence, on points, which it is obvious they never considered with the requisite attention; stating facts as universal, which admit of many exceptions and modifications; or rejecting them altogether, because exceptions do exist; and destroying evidence, or failing to discover it, from not knowing where it is to be found, nor how it is to be obtained. On the other hand, we sometimes see well-informed medical men browbeat and baffled, from not knowing the estimation and respect they were entitled to claim for their opinion and skill. These evils can only be removed gradually, by convincing the public and the profession of the great importance to society of the study of Juridical Medicine."

I could quote similar passages from many authors. But permit me again to quote the writer in the *Journal of the Royal Institution*, who from not being of our profession must be impartial, and from being a lawyer must be very competent to give a weighty opinion.

"State-Medicine, as a science, is not known," says he, "in this country, nor does it form any part of the necessary studies of a medical practitioner; and we are so convinced of the benefit which would result to mankind from a more general attention to this science, that we shall not apologize for having entered on the subject.

Several instances of the grossest neglect and irregularity in the evidence of medical persons, have come to our knowledge; the following is one of the most flagrant. A servant had died in consequence of poison; it was supposed she had taken it purposely, though she stated that it was taken by her as a dose of salts, which had been carelessly left about by another servant: there was, however, reason to suspect that she had been pregnant, and had lately miscarried. The prejudice was considerably excited that the deceased had taken the poison accidentally. Two medical men of eminence attended to examine the body; the apothecary who was to give evidence before the coroner, was also in attendance; and as, from the early part of the examination, there was little question but that the woman had been pregnant, on the examination proceeding, the apothecary actually left the room, stating, that as he was to be examined before the coroner, if he gave any evidence which might seem prejudicial to the character of the deceased, it would seriously affect his professional interests in the neighbourhood. Now, in this case, independently of false evidence having been in fact given before the coroner, injustice was done to the servant who was supposed to have brought the poison into the house. In order to insure proper attention and skill on the part of medical persons who may be called in to give their evidence before coroners, we should propose that, in addition to the usual course of education, all medical students should be required to attend a certain number of lectures exclusively on the subject of Medical Jurisprudence, (rather Forensic Medicine) in which their attention would be particularly called to those parts of the science of medicine,

respecting which they would be liable to be called upon to give their opinions in courts of justice, with peculiar directions as to the nature of the proof required, and the effect of their testimony. It may also be expected, that much good will result from the canvassing the points necessary to be attended to, in examinations of the nature we have mentioned, and that greater skill will be obtained, and important discoveries made, in the application of remedies in cases of suspended animation, the administration of poison, &c. respecting which, little attention seems to have been paid by the generality of the present practitioners, at least those of the second class; and it is amongst the second class that skill and knowledge in this branch of science is particularly required, as they are most frequently called upon in cases of poison."

The University of Edinburgh felt the necessity, and a few years ago transmitted a memorial upon it to his late Majesty's ministers, a copy of which I procured and transmitted to the committee of St. Thomas's Hospital. Government immediately acknowledged the necessity, and appointed a regius professorship of Forensic Medicine and Medical Police in the University. In the schools on the continent, State-Medicine forms a distinguished part of medical instruction. The established professors teach it, and the students zealously pursue what they consider of at least equal importance with every other branch of study, and what they know will constitute a share of their examination. At Paris, the celebrated Orfila is professor of State-Medicine.

The history of this science is peculiar, in being equally proper for notice at the commencement, as

at the termination of the course. I have always thought it a great absurdity for professors to sketch out the history of their subject in the first lectures,—at a time when their hearers must be supposed altogether unacquainted with the art or science, and consequently unable to comprehend the nature and value of the successive discoveries and inventions. Whereas at the close, these would be fully understood, and would excite the deepest interest. With our subject, however, the case is different. Its history is short enough to be comprised in a few sentences, and as it is not a distinct plant in the garden of medical knowledge, but a selection from every plant of some of the choicest among the blossoms that are too abundant for each to be otherwise noticed as it deserves, and such a disposal of these specimens as will display each in all its beauty, and form at the same time a fine and harmonious whole, its history may be understood at present by every auditor, each being supposed already furnished to some extent with the elementary information of other lectures.

Most persons show an extreme anxiety to prove the antiquity of their own favourite art or science. What additional value can be conferred by antiquity of origin,* I know not. Gardening, however, must indis-

* Antiquity is urged by many people as the best proof of their opinions. "But (says the mighty Conyers Middleton), let the bigotted, the interested, or the powerful exert themselves as much as they please, it is a truth confirmed to us by the experience of all ages, that all the opinions which now reign in the world, how strongly soever established, or how ancient soever they may be, if not grounded originally on nature, but on the consent only and contrivance of men, will be sure in the end to find the same fate with old buildings, which while they acquire a sort of veneration to themselves from

putably in this respect take the precedence. The human race could not have existed long before some necessity occurred for the practice of the healing art. I believe that its two great divisions, physic and surgery, have contended for priority, and that surgery has usually had the honour of seniority conceded; because mechanical plans have been thought likely to be devised sooner than the medicinal properties of plants and minerals detected. But whether Adam and Eve cut their fingers and attempted to stop the blood, before they caught cold or over-ate themselves and attempted to recover their health by abstinence and copious draughts of cold water, is not easily to be determined. And whether those misfortunes occurred first to our original parents themselves, or to their children or grandchildren, must also be a knotty point. We are certain, however, that neither Forensic Medicine nor Medical Police could have existed till men were formed into society, and had established laws, and this knowledge could then not long be dispensed with. We accordingly find Moses determining proofs of virginity, distinguishing wounds into mortal and not mortal, and enacting laws for the preservation of the general health, by separating the clean from the unclean; and long before this there can be no doubt that the same was done by the Egyptians, from whom Moses acquired much of his information; for we read that he was skilled in all the learning of the Egyptians. In every

their very age, are every day gradually weakened and consumed by that same age; till being at last rotten and ruinous, they are demolished by common consent, as unable either to stand or be supported any longer." *Preface to an intended answer to all the objections made against A FREE INQUIRY. Works*, 4to. vol. I. p. 375.

subsequent state, the same must have always been done. And when knowledge became too extensive for one individual to embrace it all, others, considered adepts in a particular art, would necessarily be consulted by legislators and judges.

Among the Egyptians, the magi were the depositaries of learning, and were habitually referred to. Archimedes was applied to by the King of Sicily, when a workman was suspected of having cheated in the metal of a crown ordered to be of gold. Hippocrates was personally consulted by the Greeks on questions of public health; and the Romans framed their laws, connected with medical points, according to the opinions inculcated in his works and those of Aristotle. The Emperor Charles the Fifth, and the sainted King Louis of France, distinctly enacted, that in cases of murder there should be a report of the condition of the body, drawn up by medical men; and from that time the laws of all the countries of Europe gradually came to give similar directions; and the opinion of medical men is now regularly taken, when medical questions arise in courts of justice or among legislators, as well as the opinions of men conversant with various arts and branches of knowledge in questions of other kinds. Abroad, particular medical officers were appointed to make reports to the judges in cases of violent death, &c.

State-Medicine may thus be said to have existed from the earliest periods of civilized society. Yet this assertion is scarcely correct; for the mere reference to medical men on public medical matters is not so much what is meant, as the distinct consideration, by medical writers and professors, of matters on which medical

men were liable to be thus consulted. The two French surgeons Ambrose Paré, and afterwards his cotemporary Pigray, I believe, gave the first distinct directions to their professional brethren, in regard to some surgical points of this description, in the sixteenth century.

In the following century, works appeared wholly dedicated to the subject; and the folio work of Paul Zacchias, chief physician to the Pope and to the Ecclesiastical States, is a monument of stupendous learning, of great acuteness of intellect, of a sincere desire of truth, and withal of modesty. Zacutus Lusitanus says of it, "Emi, vidi, legi, obstupui." A variety of other works have since appeared upon the subject in Germany, France, and Italy, down to the present moment; and distinct professorships for it have been appointed in these countries. But Germany long outrivalled all the rest; and till about thirty years ago the French were much behind both Germany and Italy, and only since the revolution have they made State-Medicine a part of their medical education. At Paris, the candidates for degrees in medicine and surgery have now five examinations, and the fourth is upon Forensic Medicine and Medical Police. In America, I believe, it receives the consideration which it deserves. In this country it has been most extraordinarily neglected. Only about eleven years ago, Government appointed a regius professorship of State-Medicine in the University of Edinburgh.

A few years back Dr. Harrison gave one course upon it, in Windmill-street; and last year, Dr. Gordon Smith one, at an eye infirmary; and these constitute the whole

of the instruction ever afforded upon State-Medicine in England.

As may be supposed, professed authors upon State-Medicine have abounded abroad, and been as deficient here. Among the Italians have appeared Zacchias, Valentini, Alberti, &c. Among the Germans, Bohn, Teichmeyer, Hebenstreit, &c.; and more lately Plenck and Frank, &c. Among the French, Ambrose Paré, Guillemau, and Pigray, of the 17th century, preceded the writers of all other countries; and no author of importance appeared after them in France till Louis, about half a century ago; and within these thirty years, Fodéré, Belloc, and Mabon, have distinguished themselves as systematic writers. Like all those countries, we have had some excellent essays on particular points, but till within these very few years we had no systematic work. Indeed, till this very year, the only one was a little book by Dr. Male. But a few months ago an English work worth much attention was published,—that of Dr. Gordon Smith. And I know of no other systematic book, english or foreign, from which an english student can derive so much advantage.

The most celebrated modern production is Fodéré's, but it consists of six thick 8vo. volumes, and is so filled with the Code Napoleon, that it affords very dull reading to Englishmen, and is in fact as much a book for lawyers as for medical men. I have studied the whole of it with great attention and profit, and shall very frequently refer to it; but I should by no means advise an English student to trouble himself about the work.

Young men are generally frightened on hearing the almost countless names of medical authors, or on beholding the array of volumes in public professional libraries, and a melancholy, amounting even to despair, has seized many an upright and inquiring youthful mind. Should any one present be suffering from this anxiety, let him take comfort from my sincere assurance, that very few of these volumes need ever be opened. The greatest part are full of absurd hypotheses, narratives at present comparatively unimportant, and exploded practice. A large number are little more than copies and compilations from others, and the real good that exists in them all is to be found in the best modern treatises. Except authors and teachers, few can have a necessity, in the whole course of their lives, for poring over these ponderous tomes.* Students, indeed,

* Our great living poet Crabbe is very severe upon old voluminous medical writers—

“ Say, ye who search these records of the dead,
 Who read huge works to boast what ye have read,
 Can all the real knowledge ye possess,
 Or those (if such there are) who more than guess,
 Atone for each impostor's wild mistakes,
 And mend the blunders pride or folly makes?
 What thought so wild, what airy dream so light,
 That will not prompt a theorist to write;
 What art so prevalent, what proof so strong,
 That will convince him his attempt is wrong!
 One in the solids finds each lurking ill,
 Nor grants the passive fluids power to kill;
 A learned friend some subtler reason brings,
 Absolves the trammels, but condemns their springs.
 The subtler nerves that shun the doctor's eye,
 Escape no more his subtler theory.
 The vital heat that warms the labouring heart,
 Lends a fair system to these sons of art:

I am thoroughly persuaded, should never read any but elementary books, and their whole library cannot, with any propriety, amount to twenty volumes. One good work on Anatomy, one on Physiology, one on Chemistry, one on Botany, one on Materia Medica, one on Midwifery, one on the Practice of Medicine, one on that of Surgery, and one upon State-Medicine, should, in my opinion, constitute nearly the whole of a student's library. The design of his education is not to fill his head with opinions and strange facts, but with solid truth, and if, after three or four years

The vital air, a pure, ethereal stream,
 Serves a foundation for an airy scheme,
 Assists the doctor and supports his dream. }
 Some have their favourite ills, and each disease
 Is but a younger branch that kills from these.
 One to the gout contracts all human pain,
 He views it raging in the frantic brain ;
 Finds it in fevers, all his efforts mar,
 And sees it lurking in the cold catarrh.
 Bilious by some, by others nervous seen,
 Rage the fantastic demons of the spleen ;
 And every symptom of the strange disease
 With every system of the sage agrees.

Ye frigid tribe ! on whom I wasted long
 The tedious hours, and ne'er indulg'd in song ;
 Ye first seducers of the human heart,
 Who promis'd knowledge you could not impart ;
 Ye dull deluders ! truth's destructive foes,
 Ye sons of fiction ! clad in stupid prose ;
 Ye treacherous leaders ! who, yourselves in doubt,
 Light up false fires, and send so far about ;
 Still may yon spider round your pages spin,
 Subtle and slow, her emblematic gin ;
 Buried in dust, and lost in silence dwell,
 Most potent, grave, and reverend friends, farewell.

close study, with the assistance of a regular attendance of lectures upon all these subjects, and of unwearied observation in the wards and in the dissecting room, he fully comprehends the contents of these few works, and deposits them in the storehouse of his memory, he will have done well, and will be prepared to practise his profession with honour.

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