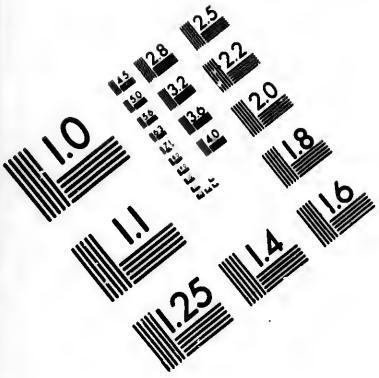

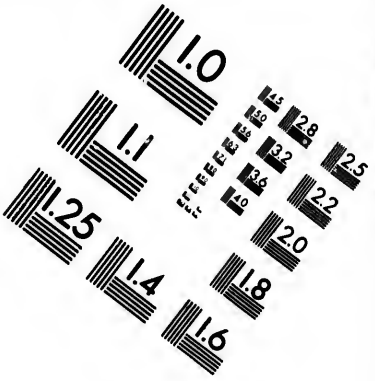

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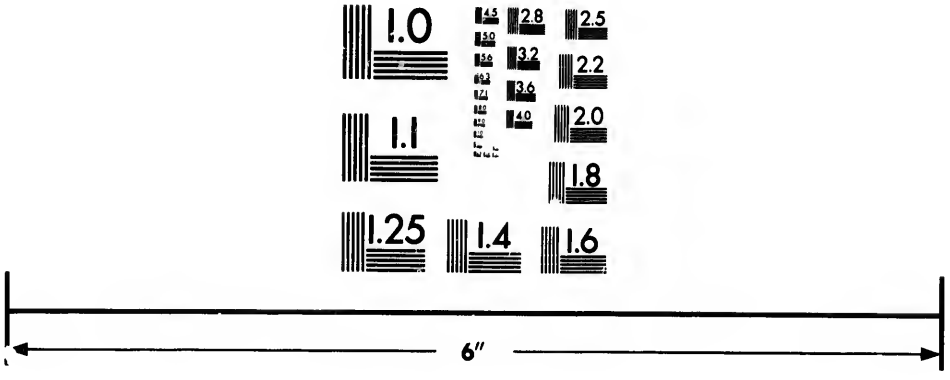

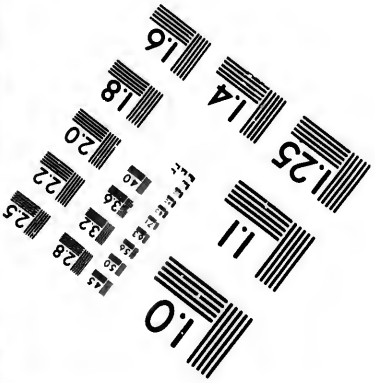

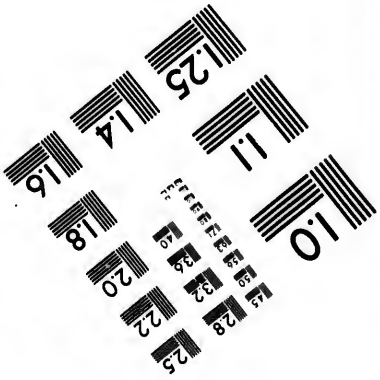

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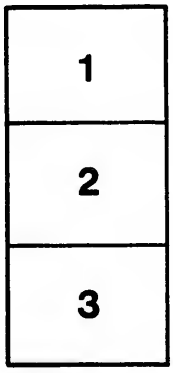

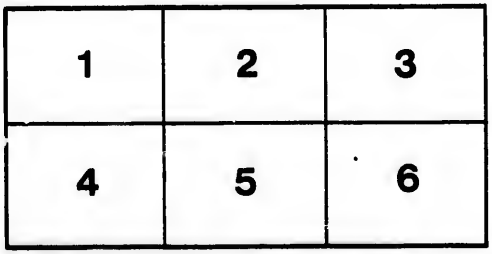

Crowners' Quest Law.

From the MONTREAL HERALD, *18th January*, 1879.

To the Editor of the MONTREAL HERALD.

SIR,—The Government of Quebec, having honoured me with an appointment in connection with the inquest case of the late Mr. Patton, I think it is my duty to inform the Government and the public of the way in which inquests are held in Montreal. I have no personal interest whatsoever in this matter; but I will make a short review of it for the purpose mentioned, which will show the negligence of the Coroner in not summoning important witnesses, his want of personal dignity, and his moral inability to keep proper decorum in his own Court, thus allowing jurymen to make false accusations against absent important witnesses, just to influence their fellow-jurymen; and the indecency of his allowing political squabbles and a censure of the Government whose officer he is.

Mr. Patton, a respectable and well-known business man, whose life is insured for a considerable amount—which is forfeited in case of suicide—fails in business. A few days after he suddenly disappears. After five days of research he is found dead, under the suspicious circumstances common in cases of suicide,—that is to say, in a sleigh, stored in a hay-loft of his residence. The Coroner empannels a jury, who take the following oath, which, with our present Coroner, is generally their only guide in coming to a conclusion:—"You shall present no man for hatred, malice or ill-will, nor spare any through fear, *favour* or *affection*; but a true verdict give *according to the evidence* and the best of your skill and knowledge, so help you God." Here is, in substance, the evidence according to which only the jury were sworn to bring in a verdict. Mr. Williams merely swears to the finding of the body. Mr. Thos. Shaw knew deceased for 14 years, and had noticed for some time past that his spirits were considerably depressed. Two other witnesses, Mr. A. C. Hutchison and Mr. H. T. Patton, deceased's son, testified to the same effect. But Mr. Shaw, having taken breakfast with deceased on the morning of the 14th December, the date of his disappearance, found him much quieter than usual. He took very little breakfast, walked down to the lane in rear of deceased's residence, which deceased entered without further remark. This was a little uncommon, as formerly he used to say that he was going no further, or something to that effect. Apart from the medical and chemical evidence, this is all that was submitted. However, to complete that part of the evidence upon which, or rather against which, the jurymen must have founded their finding, if they founded it upon evidence of any kind, I will insert here that part only of the medical evidence contained in the following question and answer:—Question by a juryman to Dr. Reddy. If the circulation of the blood of the deceased were weak, so as to cause partial numbness of his hands, would *excessive grief* and mental prostration, combined with this weakness, not imperil his life?

Answer by Dr. Reddy—It would not!

Dr. Reddy is a physician of great experience and learning, ranks amongst the first of this city, and I may say that he has expressed on that point the opinion of the Faculty. Nevertheless, twelve jurymen, sworn to investigate the cause of the man's death, according to the evidence only, return the following verdict:—'That Richard Patton had, for some time prior to his death, been in a weak condition of body, and in a desponding state of mind, the jurors are of opinion that the death of the said R. Patton was caused by exhaustion and grief." Now, any man may see that: 1st. There was not any evidence of a *weak condition of the body*; 2nd. Nor of *exhaustion*. 3rd. As for despondency and grief, Dr. Reddy says emphatically that a man cannot die of grief, under such circumstances, of course.

I will next notice the medical and chemical part of the evidence, not so much to criticize the verdict as to suggest whether the Government would not do better to employ the expense for medical evidence, which is considerable in such cases, to a better purpose. It might be given, for instance, to educational institutions, for the purpose of instructing children in the rudiments of medical jurisprudence. Are twelve such men as are generally empannelled at an inquest, or even men chosen amongst the most intelligent classes, if they have not made a special study of physiology, pathology and medical jurisprudence, reasonably to be expected to understand and judge of a *post mortem* examination or a chemical analysis? If they are sensible men they will accept the opinion of experts, but ignorance is always presumptuous, and, in this Patton case, one juryman went so far as to say that he did not care for the opinion of Dr. Girdwood, or any other M.D. If that opinion were expressed by an intelligent man, it would certainly not be very complimentary to the profession; such as it is, it amounts to nothing. This very omniscient juryman apparently does not even know the difference between a fact and an opinion, for he asked whether, from the morphia found, we were prepared to swear as *a fact* that Patton died of its effects? We might just as well have been asked whether we were prepared to swear as a *fact* that Mr. Patton was dead at all; never having seen Mr. Patton, dead or alive, the answer must have been no; but we were of opinion that he was really dead and could so swear. So with our opinion as to the cause of the death; circumstantial evidence, as everybody knows, is in many cases more reliable than direct evidence. I relate this incident as an example of how medical evidence is appreciated by incompetent jurymen, and again ask, whether Government is justified in incurring expense attended with such useless results? Reverting to the medical evidence. Dr. Reddy is entrusted with the "*post-mortem*" examination. He associates with him Dr. Osler, a clever and promising young practitioner. Dr. Reddy and Dr. Osler report the perfect healthiness of all the organs and the absence of all *natural* causes of death—with the exception of the stomach, which they do not examine, but tie up carefully, and insinuate that *there* will probably be found the cause of death. They also advise the chemical analysis of its contents, which Dr. Girdwood and myself proceeded to make. We invited Dr. Reddy and Dr. Osler to be present with us in order to give them the opportunity to complete their "*post-mortem*." Dr. Osler being out of town, Dr. Reddy alone came, and he will not object, I am sure, to my relating what otherwise he would, doubtless, have said himself before the jury, had he been asked to attend at its sub-equent meeting. After giving us, from memory, a very graphic description of the "*post-mortem*," he observed that:—"What struck him most of all, was the appearance of deceased, when he first saw him. He

"looked just as if he was sleeping, and, "had he not known him dead, his first "impulse would have been to give him "a good push in the ribs, and he would "have expected him to wake up sud- "denly and exclaim, 'Hallo! What's "the matter?' He was just like a man "that had passed from life to death in "a sound sleep."

We conclude our analysis, find morphia in undoubted quantities, and report accordingly to the jury. The only question I am asked is whether deceased died of the quantity of morphia found in the stomach? I am surprised that the Coroner should put such a question. From his long experience as Coroner he should have known that it is not the quantity of poison found in a man's stomach that causes death, but the quantity absorbed into the system; and it is impossible to ascertain the quantity which is thus absorbed. Answering to what the Coroner probably meant by the question, rather than to its literal meaning, I said that he might or he might not, according to circumstances, and then I awaited the next question to explain my opinion of the cause of death. This, however, was not asked. The question that should have been put is this:—From your analysis of the contents of deceased's stomach, and from a careful examination of the *post-mortem's* report, what is your opinion of the cause of the late R. Patton's death? Medical men are called before Coroner's inquests to give opinions and nothing more. If the opinion is not to be accepted, it is no use for them to be called. The question put to me is asked of Dr. Girdwood, who answers in the same sense, and goes on to explain his opinion, when a juror orders him to cease. The Doctor endeavours to proceed, when he is again interrupted, in grossly, uncomplimentary style, by such expressions as "I do not care for your opinion, I care for no M.D.'s opinion," and so on. Nevertheless, after considerable difficulty, Dr. Girdwood contrives to give his evidence, to the effect, that having examined the *post mortem* report and other circumstances, he is of opinion that deceased died from the effects of morphia. To recapitulate, shortly—there was no external evidence, except that of the ordinary anxious state of a man in business troubles, nor any *natural causes* of death. But poison was found in the stomach, and the medical opinion, strongly expressed, was that the death was caused by poison, consistently with the *post-mortem* indications. The novel theory of dying from grief was emphatically rejected by medical evidence. But verdict, "Died of grief!!" After making the poor man die of grief, this most intelligent jury add: "He did not die of morphia!" Rather evident. After this, surely, they should apply for a patent. Suppose the following identical case: A disappointed lover is found dead with a dagger through his heart. The "Patton patented jury" would surely return the following verdict: "Died of love and grief—the dagger having nothing to do with the man's death!!" I add a few remarks as to the negligent, irregular and undecorous manner in which this inquest was conducted. 1st. The chemical analysis having been decided on, the Coroner should have submitted for analysis the stomach, the liver, the bladder, with whatever urine it contained, and a part of the brain, in air-tight vessels, sealed with wax. In this case the stomach only was submitted in an unsealed vessel. Two days before the last meeting of the jury, Coroner Jones was informed, by one of the analysts, that morphia was detected. The same day friends of Mr. Patton were apprized of the fact. Hence that disgraceful scene in the jury room before our arrival—when the correspondence with the Government was asked and submitted; when attacks against the Government, their followers and their nominees were freely made; and when false and most absurd accusations about insurance influences were uttered, in the most ungentlemanly and vulgar manner, in the presence of the Coroner, with the evident intention of influencing the jury. If the Coroner had had a proper sense of his duty, and of the importance of his office, he would have adjourned the inquest to another day, and not allow, as he did, the jury to return a verdict while labouring under such false impressions. Jervis, on the office and duty of Coroner, says: "Where the jury suspect that undue influence has been used, the Coroner may, in the exercise of a sound discretion, adjourn the inquest to a future day." It was plainly a case to adjourn. Next, when Drs. Reddy and Osler were asked their opinion as to the cause of death, at the second meeting of the jury, they reserved their answer till the stomach should be analysed. Why did not the Coroner summon them to be present at the last meeting? They had made the *post-mortem*, and, being afterwards informed of the results of the analysis, were certainly most important witnesses. They were not present. Previous to the last meeting it was currently reported, and known to some of the jurors, that a certain druggist had sold poison to the late Mr. Patton. Why was not that druggist summoned?

I respect Mr. Jones for his great age and amiable social qualities; and what remarks I make in this letter concern only his functions as a public officer. But the only conclusion that could be arrived at, after the consideration of the present case, is, that Coroner Jones is not sufficiently qualified to fulfil the duties of a Coroner, which, besides, requires a great deal of physical activity. Coroner Jones is bordering on 72 years of age. He has been employed in the service of his country for over forty years. He has, no doubt, discharged his duties to the best of his abilities. He should be allowed to retire for his own good and that of the public, with a gratuity equal to his position in society. Economy is very good—but should not intertere with public interes—and a well qualified person, well versed in medical jurisprudence should be named in his place. A fixed salary should also be attached to the situation, to render the Coroner independent, and not, as now, dependent on the number of inquests, or the time they occupy.

I have the honour to be,

P. O'Leary, M.D., McGill.

Montreal, Jan. 17, 1879.