SOME MEDICO-LEGAL REMINISCENCES

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AT A MEETING of the Medico-Legal Society held in the Medical Society Hall on 13th April, 1935, an address, "Some Medico-Legal Reminiscences," was delivered by Dr. C. H. Mollison.

Dr. Mark GARDNER occupied the chair and introduced the speaker. He said that for many years Dr. Mollison had held an important lectureship at the University and when the time arrived for his retirement that prospect had created quite a lot of trouble for the authorities. That trouble was only overcome by altering the regulations to permit him to continue his lectureship in spite of his having reached the retiring age. The good and sufficient reason for the difficulty was that there was no one to fill his position. Dr. Mollison was too well known to members of the medical and legal professions to require any further introduction.

DR. MOLLISON said: When I was first asked to read a paper on "Medico-Legal Reminiscences," I observed that they would be hardly very interesting to the legal members of the Society, whatever interest they might possess for the medical members. I must apologize therefore to the legal section if I seem to bore them too much with medical details.

My first acquaintance with the "dread majesty of the law," dates back a very long way. It commences when, as a young student I found my way into the Criminal Court to hear the trial of a medical practitioner who in a moment of intellectual aberration, prescribed a fatal dose of morphia for his patient with the result that he was put on his trial for manslaughter. Fortunately for him he was acquitted, no doubt owing to the able advocacy of his counsel who, I believe, was the late Mr. Purves. Since then I have had the doubtful pleasure of having been cross-examined by all the eminent criminal counsel from Mr. Purves down to those of the present day. I am, however, naturally of a

forgiving nature and I bear no malice either for what they said to me in the box or for what I hope they thought they were justified in saying in the interests of the accused about my evidence afterwards, in addressing the jury, though I must confess I feel the long bow was sometimes rather stretched. The question of what counsel for the defence may say in attacking the evidence for the prosecution must be left to the legal profession to determine, but in the case of a disinterested expert witness, I have sometimes felt that the remarks made were rather unfair.

The first important criminal case in which I appeared as a witness was that against Frederick Bayley Deeming, now over forty years ago. As you may remember, Deeming, who was termed "the arch-criminal of the century," had murdered his wife and children in England, and concealed their bodies under the house. He had then induced a young woman to accompany him to Australia and soon tiring of her, he cemented her murdered remains under the hearth-stone of the cottage which he had taken in the suburb of Windsor, apparently for that very purpose. He then set off for Western Australia, but not before he had persuaded still another girl, a very pretty one, too (she afterwards gave evidence against him), to promise to share his fortune and incidentally the reversion in another barrel of cement which, it was afterwards found, he had thoughtfully provided. Although as I remember him, Deeming was a rather repulsive-looking individual, with a receding forehead, prominent chin and outspread ears, he appeared to have an attraction for the fair sex, in which he resembled another notorious criminal, the late lamented George Joseph Smith, the hero, or rather the villain, of the well-known case of the "Brides in the Bath." They resembled each other further in another respect, in that they both came to a timely end on the scaffold. (Dr. Mollison here displayed a bust of Deeming, courteously lent by the Inspector-General of Prisons, Mr. Ackeroyd.)

Deeming's last-mentioned young woman was saved from the fate of her predecessor by an unpleasant odour which

began to permeate the house which Deeming had recently vacated. This led to the police being informed and the murder being brought to light. Through the skill and energy of the detectives engaged in the case, Deeming was traced to Western Australia, and eventually arrested under the name of Albert Williams at Southern Cross, Western Australia. Owing to the enterprise of *The Argus* the murders in England had by this time been discovered. The case aroused intense public excitement and resentment, so it was deemed advisable to hold the inquest on the deceased woman in the old Supreme Court close to the Gaol and not at the City Morgue. It is the only inquest that I can remember where the Coroner was flanked on each side by a bevy of justices, so anxious were they to hear the evidence. I narrowly escaped being the Coroner myself on that occasion, as Dr. Youl, then City Coroner, was away on sick leave and had recommended me as his deputy. The Crown Law people, however, thought that I was too young and inexperienced and appointed Dr. Neild instead.

Deeming was subsequently tried for murder before the late Sir Henry Hodges, and when late in the evening of the fourth day, the jury brought in the inevitable verdict of "guilty," the Court crier made a mistake, in calling for silence while the awful sentence of death was being passed he used the word "recorded" instead of "passed." The judge looked at him and I shall never forget the intensity with which he hissed out the word "pass" to indicate his recognition of the mistake. Deeming was ably defended by the late Mr. Alfred Deakin, but it was a hopeless case and must have been one of the very few occasions in which that eloquent orator appeared in the Criminal Court.

A case in which I was engaged and which is of legal interest on account of its remarkable sequelæ, was that of Ah Gay Ong, a Chinaman who was kicked to death in Little Bourke Street. A man named Cutler was identified as the principal assailant and eventually was put on his trial for murder. The facts seemed quite clear, but in his defence the accused produced a stream of witnesses who, one and

all, swore that he could not have possibly been in Little Bourke Street at the time of the murder. The jury were so impressed that they brought in a verdict of "not guilty." The Crown authorities were satisfied that these witnesses had committed perjury so at the next session presided over by the late Sir Hartley Williams, they were all charged with this offence. The accused persons were tried separately and one after the other to the number of eight or nine were convicted. Owing to want of time, the remaining accused were remanded to the next sessions of the Court. The judge, instead of postponing sentence, which, evidently as it turned out, would have been wiser, spoke of the enormity of the crime of perjury and sentenced all the convicted ones to nine years' penal servitude. This sentence was evidently regarded by the public as too drastic, for at the next sessions, when the remainder of the accused were presented, with exactly the same evidence, they were all acquitted. Those were the good old days for a young medical practitioner, whose time was not much occupied, when all Crown witnesses were required to attend each day of the sessions, whether their case was listed that day or not. A few minutes attendance was usually sufficient, just long enough to register your presence with the Crown Solicitor's clerk. In the Ah Gay Ong case I gave evidence in the murder trial and in all the subsequent trials for perjury, and must have registered about sixty attendances. In those days, too, the fees had not been cut down twenty-five per cent. by an impecunious government!

Another trial for murder was remarkable for the fact that the body was never found, but a conviction was obtained though no direct evidence of the cause of death could be given. I was called as an expert witness to indicate to the jury the various illegal ways in which a body could be disposed of. The case was one where a young woman in trouble entered the house of a well-known abortionist, and was never seen again by her friends. The accused was a very fortunate individual, for although he was convicted and sentenced to death by the judge, the late

Sir John Madden, and the conviction was sustained by the State Full Court, on appeal to the High Court, which had only been created shortly before, a new trial was ordered, and he was on that trial acquitted.

A case which also has a legal interest was that of a man who had insured his life for a considerable sum—I believe £5,000. He was found dead in bed in a room filled with gas fumes, the gas tap having been left on or the flame blown out. (I should mention that the deceased had previously tried to induce the insurance company to believe that he was dead by leaving his clothes on the beach near St. Kilda.) The body was duly brought to the Morgue and an autopsy made, in this instance not by me. The stomach and its contents were sent to the then Government Analyst for investigation. He reported that he found half a grain of cyanide of potassium in the stomach, an indication that a larger and poisonous dose had been swallowed. Not content with this result the analyst next proceeded to examine some of the gas company's product and to his delight found that it contained a very small amount of cyanogen gas. He then assumed that the cyanide found in the stomach was derived from the cyanogen gas in the air in the room. At the inquest this preposterous theory was brought forward and so impressed the Coroner and jury that a verdict was returned of accidental death by cyanide poisoning from inhalation of illuminating gas. The insurance company, however, were by no means so easily satisfied and refused to pay when called on to do so by the executors of the deceased. The latter then brought an action against the company and retained the late Mr. Purves and Mr. Coldham. I then came into the case as I was approached to give evidence for the plaintiffs in support of the coronial verdict, but had to tell them that I could not do so as it was evident (as Sir Charles Martin, the Professor of Physiology at the University, afterwards informed the court on behalf of the insurance company) that long before enough cyanogen gas could have been inhaled to deposit sufficient cyanide in the body, death would have occurred from carbon-monoxide

poisoning, of which there was no indication. This showed that the cyanide must have been taken with suicidal intent, thereby rendering void the policy in that particular case. Needless to say, the plaintiffs lost their case in spite of the coroner's verdict. I remember attending a conference with Mr. Purves and Mr. Coldham and finding great difficulty in persuading Mr. Purves that a man who swallows cyanide does not drop dead instantly.

Walter Coldham was one of my oldest friends. We were at school together and in the same class, but he had genius while I had only perseverance, so I always played second fiddle to him. Another case of "Progress" and "Grand Flaneur," if I may use a racing simile. His untimely death robbed the Bar of one of its brightest ornaments.

Just thirty years ago I was asked to go up to the Goulburn Valley district to examine some remains which had been recovered from one of the irrigation channels. The police very justly suspected it was a case of murder and so it proved to be. In an attempt to conceal the crime, burning the body had been tried, and when that rather difficult job proved unsuccessful, the limbs and head were removed by an axe from the trunk and the remains placed in bags which were weighted down with bits of old iron. However, in spite of this they came to the surface of the water after some days. The trunk, which was first discovered, did not disclose any signs of a violent death, apart from the removal of the head, which seems to have come into fashion again as a means of execution. However, when the second bag floated to the surface, it was found to contain the head and legs, the former of which showed a splendid example of a depressed comminuted fracture of the skull such as could only be caused by a heavy weapon of limited area, e.g., the back of the head of an axe. I thought that this was too good a specimen to lose for teaching purposes and accordingly brought it to Melbourne, though some of the passengers on the train did not seem to appreciate it. However, some other person also coveted it and removed it from the cupboard where it was kept in the Hospital. I do not

suppose any of the medical members of the audience know of its whereabouts, but I would like to get it back for the medico-legal museum I have collected. The identity of the deceased was established as a travelling hawker who had been going round the country with a horse and van. He had had a mate with him who was shown to have taken all the property of deceased and disposed of it in various country towns. When arrested and charged with murder this man claimed that he had acted in self defence, although he had cut up the body, concealed it and sold the dead man's possessions. When tried for murder he took advantage of being allowed to give evidence in the witness box, and being a rather presentable looking individual, evidently impressed, the jury, no doubt assisted by the eloquence of his counsel, for they found him guilty of manslaughter only. The judge indicated his opinion by giving him twelve years penal servitude.

I should not think that it often occurs that a witness is handed a bottle of beer and asked to pour some into a glass (thus far and no farther), so possibly my experience is unique; but it happened to me in a trial when a man was charged with murdering a poor old woman in whose house he was living. Her disappearance had led to the police being informed, and on their making a search there was found on the property an old galvanized iron tank in which there had recently been a fire. Some indications led the detectives to a neighbouring shallow stream with water-worn stones, and among the stones they found fragments of partly burnt bone which I was able to identify as belonging to different portions of a human body. As some arsenate of lead was found in the house, the suggestion was made that it was administered in ale, hence the appearance of the bottle and glass to show what a turbid solution arsenate of lead made with beer and how unlikely it was that anybody would drink it. The evidence was not strong enough to warrant a conviction for murder but accused was afterwards convicted of illegally disposing of a body and was sentenced to five years' imprisonment.

A number of years ago a case occurred in which I am satisfied there was a grave miscarriage of justice, due partly to carelessness on the part of the police and the local doctor and possibly to want of zeal of the prosecuting counsel. One day shortly before Christmas a farmer rode into a country police station and reported that his wife had been shot. He stated that a gun which was standing in a corner of the kitchen had been discharged accidentally by being pulled over by deceased catching hold of a towel hanging over the back of a chair which was standing in front of the gun. The local constable promptly went out to the farm, taking with him a neighbouring doctor, a young man just out from England and somewhat inexperienced. On arrival at the house they were shown the body lying on a bed with the bed-clothes pulled up right under the chin; there was a large gaping gunshot wound in the region of the left eye. Quite satisfied with what they had seen, the constable and the doctor departed and later an inquest was held by a local justice of the peace and a verdict of accidental death returned. In thinking over the case, and possibly from something he was told, the constable became suspicious that matters were not as they had appeared, so he communicated with Russell Street and a detective was sent up to investigate. Ultimately I was asked to exhume and examine the body. It was in January and the deceased had been dead for some weeks, so it was not a very pleasant task. Examination revealed a second shot wound, small and round, just above the left collar bone passing through the upper portion of the chest and lodging in the muscles of the back. The man was then arrested and the police took possession of the gun, but most unfortunately, carelessly allowed the stock to be caught in the spokes of the wheel of the trap they were riding in. The stock was broken right off and was subsequently repaired in Melbourne. The accused was brought before the coroner and committed for trial at St. Arnaud. I made experiments with the gun, firing both barrels at pieces of thick cardboard and these experiments showed conclusively that the

two shots had been fired at different distances and not in the manner alleged by the accused. This was an awkward fact for the defence but counsel, the late H. S. Barrett, made the most of the accident to the gun, asserting that it entirely vitiated the experiments I had made, and no doubt this contention influenced some of the jury, for they could not agree on a verdict. Accused could have been remanded for further trial either to Bendigo or Ballarat. Mr. Barrett, who lived in Ballarat, and was reported to be able to sway any jury there, pressed strongly for that town. The Crown Prosecutor did not seem to take any interest in the matter of the venue, though I fancy that if he had suggested Bendigo, the judge, Sir John Madden, would have remanded the prisoner there. Anyhow, the second trial took place in Ballarat and accused was acquitted. I have always thought he was an extremely lucky individual. The motive alleged for the crime was that he had transferred his affections to a woman younger than his wife.

Mention of Sir John Madden reminds me that he was supposed to be severe on men charged with offences against women and conversely to look with a more lenient eye on women charged before him. Whether this is true or not I do not know, but two cases that came under my notice rather seem to support it. I was at Beechworth once attending the Criminal Sessions in a case where some bones of children had been found in a well. An elderly man was charged with incest and pleaded guilty. He was a hawker travelling around the country in a van and with him as assistant was his step-daughter. They apparently slept in the van, a practice which no doubt led to the offence. She was a woman of thirty, well able to take care of herself and was, probably, a consenting party. Notwithstanding what might be called these mitigating circumstances, Sir John Madden sentenced the old man to seven year's penal servitude. In the other case, in which I gave evidence, a young woman was charged with the murder of her infant a few days old. It was found dead in its cot alongside her bed at the Women's Hospital, and had been probably suffocated

by pressure on its mouth and nose, which showed well-marked abrasions and bruises. Sir John Madden, in summing up to the jury, suggested to them that the infant in moving its arms about might have inflicted these injuries on itself—a suggestion which the jury eagerly grasped at and promptly acquitted the accused.

In making a post-mortem examination one need never despair of finding out something important, no matter how decayed the body may be. One day Russell Street was electrified by a wire from a country police station to the effect that the headless body of a woman had been found embedded in the sand and gravel of a small river in the neighbourhood and that murder was suspected. I was asked to go up and investigate. I found a body in an advanced stage of decomposition, no head and the cavities of the body widely open and filled with sand and gravel, all the organs having disappeared. Not a very promising proposition, you will agree. Most of the skin had gone and what was left was dry and brown, but I noticed a little tag on the lower portion of the body, a section of which showed the characteristic structure of a penis, thus determining the sex to the discomfiture of the police. In the chest cavities I also found some thin calcareous plates which had originally been in the walls of the aorta and which indicated advanced age. When informed of these discoveries the police then remembered that an old man had escaped from a neighbouring asylum some eight weeks previously and had not been heard of again. He had evidently been drowned in the river during a heavy flood which had occurred about the time of his disappearance.

In another case where a man who used to come in regularly to a country town for stores failed to appear for some weeks, a search by the police about his home revealed his body in a shallow grave alongside a small stream. The body was reduced to a skeleton, all the soft parts having been destroyed, but I found some shot embedded in the shoulder blade in such a way as to show that he had been shot from behind at some little distance. His mate, who no

doubt was the murderer, had disappeared and was not heard of again. But months later in a distant part of the country a body was found with a bullet wound in the skull and was identified as that of the missing man, who had evidently committed suicide.

Had they been acquainted with the classics, the old saying "Timeo Danaos et dona ferentes," should have warned the participants in the following tragedy. One day three of the gardeners in the Carlton Gardens were sitting down having their lunch, when a stranger appeared and offered them a bottle of beer. Nothing loath they promptly accepted the gift and proceeded to dispose of it in the usual manner. The stranger disappeared, the gardeners soon began to feel ill and had to be taken to the hospital, where one of them shortly died. The other two fortunately recovered. An autopsy of the deceased showed that he had died from cyanide poisoning, and an analysis of the dregs in the bottle showed the same poison. Who the stranger was or what his motive has remained a mystery.

The criminal abortionists are always in our midst (I mean not literally but metaphorically) and very many of their efforts have come into my hands professionally. When the patients begin to show signs of sepsis they are generally bundled off to a public hospital such as the Women's, with strict injunctions to either say nothing or to say they did it themselves or to tell some strange story such as falling over a dog. If death takes place in the house of the abortionist, efforts may be made to dispose of the body. In a case already mentioned it disappeared altogether, in others the body had been taken into the country and abandoned, not to be found until decomposition had destroyed the genital organs and rendered an opinion as to the cause of death problematical only. One such case was remarkable as the body was left exposed in the bush for some weeks and then was brought back in two bags with a mass of fern leaves and earth and dropped into the Yarra. I believe it was only discovered there by accident, as a pedestrian crossing a bridge late at night heard a splash and reported

it to the police. Dragging operations recovered not only the bags but a bicycle as well. It was probably the bicycle which caused the splash.

The evidence in these cases is generally unsatisfactory; there is often a conspiracy of silence or worse among the relatives and friends of the deceased. I remember Dr. Cole, who when he was Coroner, held many inquests on these cases, once saying that the only reliable evidence he could get was that given by the medical witnesses. Even when the police succeed in interviewing the patient and obtain a statement, this will be fiercely contested in court later, and if submitted as a dying declaration, may be rejected as inadmissible by the judge. In one case, however, where the dying women had used the words, "I think I am dying," this was held to sufficiently indicate her state of mind as to make the statement admissible as evidence, and this ruling was afterwards confirmed by the State Full Court on appeal and the conviction upheld. (*R. v. Hope.*)

The duty of a medical practitioner who attends a woman who has had a criminal abortion performed still seems to be a vexed question. The legal position seems quite clear that no legal onus is cast on the practitioner to report such cases to the police authorities, but even judges have differed as to the moral duty. We find one judge saying, "I doubt very much whether a doctor called in to assist a woman and attend her after an abortion has been performed, would be justified in reporting the facts to the Public Prosecutor." (Mr. Justice Hawkins (1896).) In another case where two doctors had been in attendance on a woman on whom an illegal operation had been performed, and had not given any information to the police, the judge remarked, "I cannot doubt that it is the duty of the medical attendant to communicate with the police or with the authorities in order that steps may be taken for the purpose of assisting in the administration of justice. . . . I cannot doubt that in such a case as the present, where the women is, in the opinion of the medical attendant, likely to die and therefore her evidence likely to be lost, that such is his duty, and one

of these gentlemen should have done it in this case." (Mr. Justice Avory (1914).)

I have often heard the police complain bitterly that they were given no chance of obtaining a statement from the dying woman, and medical witnesses have been censured by the coroner for not notifying the police before the death of their patients. But doctors hold generally, I think, that it is not their business to act as detectives, though if the patient dies the proper method is to report the death to the coroner, and this, I believe, is the procedure usually adopted. In one case at least where a certificate of death was given it was rejected by the Registrar. Perhaps some of our legal members will furnish us with an opinion on this question. According to law I believe an abortionist who causes the death of a woman is guilty of murder (constructive murder, I think it is called) and is usually presented on a charge of murder. Juries are very reluctant to convict where there is no wilful intent and although the judge may tell them they can find a verdict of manslaughter, the word "murder" sticks in their throats and they will acquit even in the clearest case. The law might well be altered so that the charge in the first place would be manslaughter and not murder. Even then, acquittal would probably be the rule and not the exception in these cases. The destruction of the child's life does not seem to be considered. I understand that the unborn child or the child that has not had a separate existence has no legal status or rights. Killing a child that is partly born, I believe, is no crime in the eyes of the law. In this respect, too, the law on infanticide might well be altered, following the example of South Africa, where the Criminal Procedure Code of 1917 states, "On the trial of a person charged with murder or culpable homicide of a newly born child, such child shall be deemed to have been born alive if it is proved to have breathed, whether or not it has had an independent circulation and it shall not be necessary to prove that such child was at the time of its birth entirely separated from the body of its mother." (B.M.J., Nov. 28, 1925.) Such an

alteration of the law would in my opinion make an improvement in the administration of justice. It is usually easy to show whether a child has breathed, but it is not always easy to say that it did so when it was entirely separated from the body of its mother.

The case in which a certificate was rejected by the Registrar has a rather interesting story attached to it. I was rung up one evening by a suburban practitioner and asked if I could make a post mortem that night on the body of a young woman who had been away from home for some days. Her parents had heard nothing of her until they were told she was dead. They wanted a post mortem examination, although they had a certificate from a doctor who had attended her. At once, in vulgar parlance, I "smelt a rat," and replied that I would make the examination but that if I found anything suspicious I would report the matter to the Coroner. Later in the evening I was informed that my services would not be required. On trying to register the death and bury the body, the certificate was rejected and the police informed. A day or two later I made the post-mortem examination by the Coroner's direction and found that not only had an abortion been procured but that the uterus had been perforated. The doctor who was no doubt responsible stood his trial but was acquitted owing to the want of some direct evidence. Some years later I made a post mortem on him also—was this a case of poetic justice?

Murder by drowning is not common, and when met with the victims are usually infants. In one case a young woman was convicted of throwing her newly born and living infant into a pond which happened to be conveniently placed to the spot where she gave birth to it by the roadside. In another case an undoubtedly guilty man escaped justice owing to the inability of the doctor who made the post mortem to tesify to the age of the infant. Thus a certain amount of doubt was raised in the minds of the jury, and of which the most was made by the prisoner's counsel. The body of the child was discovered floating in

the river and when recovered was found to have a weight attached to its neck by a strip of sheeting. Owing to one of those lapses which criminals often make and which lead to their undoing, this bit of a sheet had a washing mark on it, enabling the detectives to trace it to a certain hotel, where it was ascertained a couple with a baby had been staying. The baby could not be produced and the man would have been undoubtedly convicted but for the failure of the medical evidence.

Another remarkable case of murder by what may be called drowning was one in which a man murdered his wife by forcibly holding her head under water in a washing-tub. He was a very powerful man and she was a slightly built woman. One of the medical witnesses was a neighbouring doctor who was called in to see the body. Whether he made a preliminary post mortem or not, I do not remember, but he was one of the old school with a very limited knowledge of pathology and when asked in the witness box why he thought the deceased had died from drowning, replied, "I could hear the water splashing about inside her." Dr. Neild was called in to examine the body and was satisfied that deceased had died from asphyxia owing to the inhalation of water. The man was put on trial for murder, but the jury disagreed. As he was a prominent sport and was being tried in his home town, perhaps this was not unnatural. The second trial took place in another town and I was asked to attend it and give evidence in support of the Crown case. In the main I agreed with Dr. Neild as to the cause of death, but there was one appearance he relied on that I thought might be capable of another interpretation and that in such a grave case, the defending counsel should have the benefit of this opinion. So I consulted the Crown Prosecutor, who was, I think, Mr. Gurner, K.C., and he readily agreed that I should see the counsel for the defence about it. One manifestation in the court was taken by the onlookers as an omen of what the verdict would be, as just above the prisoner's head where he sat in the dock, a loop of rope dangled down from a high window, and so it proved,

for he was found guilty and subsequently hanged. An unusual incident in this trial was the production in court of a wax model representing the deceased woman bending down with her head in a tub.

Suicide by drowning, on the other hand, is common. One of the most extraordinary cases of this kind that I remember was the case of a man who tied a heavy stone to his bicycle, then wired his wrists to the handle-bars and rode to his death in the river.

Many cases of gunshot wounds have come under my notice. One I have already related at some length; another rather interesting case was that of a man who was found dead in his hut with a gun lying beside him. As he was known to be on bad terms with his neighbour, "busy rumour circling round" soon mystified it into a case of murder, and as the local medical man very wisely declined to be mixed up with it I was asked to go up and investigate. The first object I noticed was this specimen, an upper jaw, which was scorched and had been blown clean through his skull on to the bunk near by. There was a gaping wound inside his mouth, proof positive that the muzzle of the gun had been placed within it, which was hardly compatible with murder, and on my evidence a verdict of suicide was returned.

However, in another instance of a mouth wound, the evidence showed that the fatal shot was not fired by the deceased. The story told by the individual, who was subsequently convicted of manslaughter, was that a party was being held in a certain house and during the evening a revolver was accidentally found secreted under some linoleum. The deceased, a young girl, was half reclining on a sofa while the accused man sat by her side idly waving the weapon in front of her face, of course not knowing that it was loaded and never troubling to find out, and that it went off accidentally. However, this story was disproved by the post mortem appearances, which clearly showed burning and blackening of the tongue with a blackened bullet hole in the back of the mouth and no mark on the face at all. The true facts probably were that the girl had dared

him to put the muzzle in her mouth and pull the trigger, never dreaming that the weapon was loaded. There was no suggestion of murder in this case.

Suicide by gun or pistol is, of course, a common mode of "shuffling off this mortal coil," and some individuals have shown great pertinacity when their first attempts have failed. One case of which I have some exhibits must be awarded the palm, for two bullets flattened against his skull before the *felo de se* succeeded in shooting himself through the heart. The skull was thick and dense, but the pistol must have been a poor one. This is not a fairy tale, for here are the bullets.

Another exhibit is this skull which belonged to a notorious Victorian criminal who passed many years of his life in gaol. Escaping from a gaol in New South Wales he made his way down to St. Kilda, where he soon established a reign of terror among the houses in which women were left alone during the day. In consequence, two or three constables were detailed to apprehend him and found him one day in one of the streets of South St. Kilda. One constable was on a bicycle and was promptly shot through the heart. The other two courageously continued to advance when the man unexpectedly turned the weapon on himself and shot himself through the head. The Victorian police were evidently unable to identify him so an officer was brought from New South Wales, but he was not too sure, especially as all the identifications marks had been registered as being on the opposite side of the body to where they really were. Another and more senior man had to be brought down before the identification was made certain. Considerable interest was raised by the fact that having to preserve the body for some time, it was placed in a bath containing formalin solution, as the City Morgue had and has no refrigerating apparatus, a deficiency, however, that I have reason to hope will be remedied before very long.

A number of years ago, in 1905 to be exact, a curious case occurred which led to the appearance of a young man in the dock on a charge of murder. Two young men, the

deceased and the accused, spent the evening in a hotel drinking. In those days the closing hour was 11.30 p.m., at which time they were bundled out and proceeded somewhat unsteadily in the direction of deceased's lodging, as he had asked his friend to share his bed for the night. They took with them a bottle of beer but no corkscrew (I don't think capsule tops had been invented then). About midnight they met a railway porter leaving work and confided to him their melancholy plight. However, he was equal to the occasion and promptly produced the necessary instrument and no doubt received a share of the bottle as his reward. During this interlude deceased, who was a cripple, had a heavy fall on the pavement and was stunned for some time, but eventually recovered and he and his friend were sent on their way by the obliging porter. After that there was no evidence about what happened, except that deceased arrived home with his friend and in the morning he was found dead in bed. The friend had disappeared! On the body being brought to the Morgue I made a post-mortem examination and found firstly that he had a fracture of the skull with hæmorrhage inside the bone, quite sufficient in itself to account for death, but in addition to this there were very marked signs of strangulation by throttling. Definite marks were on the skin of the neck where little bits of skin had been picked out by fingernails and there were bruises of the deeper structures, also marked appearances in the lungs and air passages of a violent asphyxial death. Now, strangulation by throttling always suggests murder, so deceased's friend was traced, arrested and duly committed for trial by the Coroner. There seemed to be no motive for murder unless the ale that they both had consumed had led to a quarrel. On giving evidence in the Supreme Court, however, I propounded this theory: "That the two had gone to bed together in a single bed and that during the night deceased had become restless, possibly had a convulsion from his brain injury and that accused in a sleepy semi-stupid condition had imagined he was being attacked, had seized his friend by the throat and held him

till he was quiet. In the morning, finding his friend dead, he had made himself scarce." I don't remember now whether he was acquitted or found guilty of manslaughter.

Taylor, in his work on *Medical Jurisprudence* (3rd edition), records a German case where a man being suddenly awakened, thought that he saw a frightful phantom. He called out twice, "Who is that?" but receiving no answer, attacked it with a hatchet that was lying near, and then found he had killed his wife. He was charged with murder but was found "not guilty" on the ground that he was not at the time conscious of his actions.

He also quotes two English cases in which the verdicts differ. One in 1836 was that of a peddler who was in the habit of walking about the country armed with a swordstick. While asleep one day on the road side, being suddenly awakened by a man shaking him, he drew his sword and inflicted a fatal injury. He was tried for manslaughter and his irresponsibility was strongly urged by counsel on the ground that he could not have been conscious of the act, but he was found guilty. In the other case, a drunken soldier was taken home and put to bed by a comrade to prevent his arrest. He lay in a drunken sleep for some time and on being visited by his friend, who tried to awaken him, he suddenly kicked out, striking the other man in the abdomen and rupturing the intestine, with a fatal result. When put on his trial it was held that the accused was not in a state to have known anything and that there was no case against him.

These cases occurred many years ago and the subject is not mentioned in the more recent editions of Taylor. Perhaps some of our legal members could say whether there is any more recent ruling or whether each case is taken on its merits.

I have given evidence in many cases of murder and in a fair number the accused has been convicted and hanged. I certainly never felt any desire to see an execution but thought that I should inspect a body after a hanging, so one day I visited the gaol and saw the body of a man who

murdered his employer with the assistance of the latter's wife. In that case the execution had been conducted scientifically, the neck had been broken but the rope had cut deeply into it causing the appearances of strangulation—it was not a pleasant sight. I also remember Dr. Clarence Godfrey, the Government Medical Officer, showing me an axis which had been neatly fractured. I had hoped to have been able to show you this specimen, but it has gone astray. It belonged to a man who was hanged for setting fire to his home—incidentally killing his son, who was in an upstairs room and although rescued alive by the fireman died soon afterwards from carbon-monoxide poisoning (suffocation by smoke) and shock from burns.

However, by the courtesy of Mr. Ackeroyd, Inspector of the Penal Department, I am able to show you the photographs of several cases where the vertebræ have been fractured by judicial hanging.

At the Morgue I have served many Coroners in my time, from the days of Dr. Youl and Mr. Candler to Mr. Grant, the present genial occupant of the office. Dr. Youl and Dr. R. H. Cole were perhaps those who occupied the coronial chair for the longest periods. Dr. Youl was a well-known character, whose gift of satire and witty remarks made him both admired and feared, especially in his court. He it was, who, when many cases of erysipelis and septicæmia were occurring in the Melbourne Hospital, remarked that the very bricks were saturated with germs. At any rate, it aroused people's attention to the fact that a new hospital was necessary. Even to his dying hour Dr. Youl retained his sense of humour—rather gruesome in this instance. I often went into see him in the evening and happened to be there the night he died. Shortly before his death he asked me to open a small bottle of champagne and I rather bungled with the wire. He said, "Hurry up, Mollison, or you will be too late." I was only just in time to give him his last drink.

Dr. Cole was nothing if not energetic; to be at his office by 8.30 a.m. and holding inquest at 9 a.m. was his regular practice. The following case illustrates his activity. A

tragedy in which a young man shot his father and sister and then himself, occurred in the Wonthaggi district, and was reported to Dr. Cole about mid-day. He got into communication with me and we caught the afternoon train to South Gippsland. Somewhere about midnight we reached the house of the murders. I had then to make examinations of the three bodies and about 2 a.m. Dr. Cole held an inquest. Fortunately a jury was not necessary and about 3 a.m. we left for the nearest hotel, where we got an hour or two's sleep before taking the coach to Lang Lang to catch the morning train back to Melbourne.

There was an interesting legal development subsequently, on the question of the survivorship of the father and daughter, as this influenced the distribution of his property. Presuming that both were shot about the same time, as both bodies were found in the house, I gave evidence that in my opinion the father had died first as he had been shot high up in the neck just under the base of the skull, destroying the spinal cord in that region, while the daughter, shot in the head, might have survived for a little time. This opinion did not please one of the counsel engaged in the case who made some pointed remarks, hinting that I was not a disinterested witness, for which he was severely and deservedly reprimanded by the judge, the late Mr. Justice Hood.

Curiously enough, a similar problem has developed in a recent shooting case, but as it is still *sub judice*, I cannot say anything further about it. Well, Mr. President, I think it is time these rambling reminiscences came to an end. I have had a good deal of pleasure in recounting them and hope they have been of some interest to the audience.