

The Medico-Legal Tracts Collection of Dr A. S. Taylor, FRCP

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The name of Alfred Swaine Taylor, who died over a hundred years ago, is still very much to the fore in the latest edition (the 12th) of the well-known *Taylor's Principles and Practice of Medical Jurisprudence*, published in 1965. From among his contemporaries, Taylor emerged as the leading medical jurist and toxicologist in Britain; to several generations of medical students at Guy's Hospital he was known for his lectures on chemistry and medical jurisprudence; to the public at large he had become famous as an expert witness in many criminal cases; and in the library of the Royal College of Physicians of London he has found a place in the form of the 29 volumes of medico-legal tracts he collected during his career.

Taylor's collection of medico-legal tracts (hereafter referred to simply as the Collection) is of interest on several counts. For one thing, the tracts show how a nineteenth-century teacher, professional writer and practitioner endeavoured to keep track of the literature in his field; they also reveal, here and there, glimpses of Taylor's personality; they provide examples of the medico-legal literature read in Taylor's day, in all its variety; and finally they illustrate the state of nineteenth-century medical jurisprudence.

In the course of his duties, Taylor was not content with reading what was published in his field, nor with keeping abreast of the fresh developments reported in new books, articles or abstracting periodicals like *The American Journal of Medical Science*. Living at a time when bibliographical control still left much to be desired, Taylor needed facts at his fingertips, in readiness for professional commitments such as teaching at Guy's Hospital, serving as a medical witness in criminal trials, and updating his *Manual of Medical Jurisprudence* and his *Principles and Practice of Medical Jurisprudence* (first published, respectively, in 1844 and 1865). Collecting medico-legal literature was to prove invaluable in all these aspects.

That Taylor assembled medico-legal tracts as a working collection is indicated by the marginalia, in his own hand, found on many items. It is clear, for instance, that he used his *Medico-Legal Report of a Case of Infanticide* (published in April 1842) for teaching purposes, for he wrote in pencil 'Lectures Med Jur Summer 1842' on the title page of the copy in the Collection. Furthermore, far from merely collecting facts for their own sake, Taylor used many of these items in support of his research. He frequently expanded the information supplied in his own

already published articles, as when he added a whole page of manuscript notes to supplement his remarks (in *Two Cases of Fatal Poisoning by Arsenious Acid*, 1837) on the results obtained by the French chemist Nicolas-Jean-Baptiste-Gaston Guibourt. He also often jotted down brief bibliographical notes, as well as references to specific cases pertinent to the discussion in the printed text.

Taylor's manuscript annotations also provide a vivid illustration of his character and intellectual qualities. He was obviously an orderly man, writing a table of contents for each volume (except volumes 15 to 17, which contain too many tracts to make this possible), and it is unfortunate that the contents tables of 11 volumes have been lost through re-binding. Taylor also showed a scientific love of accuracy, frequently checking an author's data to satisfy himself of the validity of his argument, as when he worked out the number of days from conception in the notorious Gardner Peerage Cause (margin of p.v in Robert Lyall's *The Medical Evidence Relative to the Duration of Human Pregnancy, Given in the Gardner Peerage Cause*, 1827). He was also keenly aware that precision was essential to his profession. In the margin of one of his *Cases and Observations in Medical Jurisprudence* (1847, p. 20) he added that the surgeon called to see a case of poisoning with oil of vitriol arrived 'at 7 p.m.' He constantly exacted scientific evidence and could not bear unsupported statements. The vague negative remark 'there is nothing whatsoever to indicate the action of a poison' (p.8 in G. L. Strauss's *Remarks and Comments on the Medical and Chemical Evidence Adduced at the Trial of John Tawell*, 1845) provoked Taylor to ask in the margin, '?What is there'. His reading was always critical, and he frequently voiced his opinion, correcting statements when they did not meet with his approval, even qualifying certain passages with passionate exclamations such as 'absurd', 'sophistry', and 'the profundity of ignorance'.

Taylor probably started his Collection early in his career, and obviously took every opportunity to add to it. Most of the items were sent to him as gifts from their authors, particularly between 1845 and 1851, when he was editor of *The London Medical Gazette*. After his death on 27th May 1880, his personal library was sold by Sotheby's on February 3rd of the following year. In the annotated copy of the sale catalogue item 554 is described as 'Medico-Legal Tracts, various (Eng. Germ. and Fr.) numerous illustrations 29 vol.' and the marginal note states that it was sold to 'Pain' for £5. This was Dr Joseph



Dr Alfred Swaine Taylor. (From an engraving in the Library of the Royal College of Physicians of London.)

Frank Payne, FRCP (1840-1910), a keen collector of rare and valuable books.

In 1899 Payne succeeded the great Dr William Munk (1816-98) as the College's Harveian Librarian, and in 1906 he decided to donate the medico-legal tracts to the College Library. His private diaries (also the property of the College) record that he 'sent Taylor's Collection of medico-legal pamphlets to College' on 17th August 1906, and his gift was duly recorded in the manuscript Library Committee minutes dated 15th October 1906 and in the printed Annual Report of the Library Committee, presented on 25th July 1907. To Taylor's Collection, Payne added ten volumes of medico-legal tracts, dealing mainly with reports of trials, from his personal collection. Subsequently, about 600 of the tracts collected by both Taylor and Payne were listed, in alphabetical order of author, in the printed short-title *Catalogue of Accessions to the Library . . . During the Year Ending July 1907*.

The volumes collected by Taylor are numbered 1 to 31. The numbers on the spines of the volumes left in their original bindings plainly indicate that two of them (nos 5 and 20) were lost before Taylor's library was offered for sale. The remaining 29 volumes therefore represent the almost intact collection of tracts originally assembled by Taylor.

Of the 29 volumes originally belonging to Taylor, 26

contain about 400 separately published items in English, French and German—mainly pamphlets and reprints of periodical articles, but also theses and a surprisingly high number of books such as George Edward Male's pioneer work on the history of English medical jurisprudence, *Elements of Juridical or Forensic Medicine* (2nd ed., 1818). The other three volumes (nos 15 to 17) consist of hundreds of extracts from several 'current awareness' periodicals of the time, spanning the years 1844 to 1865. These extracts contain mostly abstracts of periodical articles, reviews of books, and editorials, and as they include more than one feature each, it is impossible to determine exactly what was of interest to Taylor. The present survey, therefore, concerns mainly the 400 or so separately published items that were individually selected by Taylor.

Taylor did not usually attempt to classify his medico-legal tracts; he evidently thought his contents tables sufficed, and the extracts, by virtue of their very miscellaneous contents, were unclassifiable anyway. For the purposes of the present survey, however, the tracts may be conveniently described as covering all the major aspects of medical jurisprudence, roughly as set out in Taylor's own *Manual of Jurisprudence and Principles and Practice of Medical Jurisprudence*, viz. generalities (including the teaching and status of forensic medicine); medical evidence; poisons and poisoning; wounds and injuries; asphyxia; obstetric jurisprudence; infanticide; rape; and insanity. Where citations are given, only short titles have normally been supplied and, unless otherwise stated, the place of publication is London.

The teaching of forensic medicine was struggling for recognition in the English medical syllabus when Taylor was appointed as the first professor of the subject at Guy's Hospital in 1831. These lectures by Taylor were among the earliest in England, although John Gordon Smith (1792-1833) had been appointed to the chair of medical jurisprudence at the 'London University' (now University College, London) two years previously, after lecturing on the subject at the Royal Institution of Great Britain in 1825 and 1826. Taylor's interest in the question of the training and professional status of medical jurists is shown by the inclusion in his Collection of a few items selected from among the sparse literature on the subject, such as *A Syllabus of Lectures on Medical Jurisprudence in the University of London* by Anthony Todd Thomson and Andrew Amos (1830).

The establishment of medical evidence, and its use at the various stages of the proceedings in a criminal case, gave much ground for discussion at that time. Calls for reform in the conduct of coroners' inquests were voiced by Taylor and others, and are represented in the Collection by pamphlets like J. J. Dempsy's *The Coroner's Court: Its Uses and Abuses* (2nd ed., 1859). The Collection also includes numerous items dealing with the causes of death, as well as the much debated question of the signs of death. As fears of premature burial were rampant in those days, there was no shortage of works like the 352-page *Recherches Médico-légales sur l'Incertitude des Signes de la Mort*, by Jean-Sébastien-Eugène Julia de Fontenelle (Paris, 1834).

Taylor had a personal interest in chemistry, which he taught at Guy's Hospital from 1832 to 1870, and was therefore predisposed towards the study of poisonous substances and their effect on the human body. His deep concern for toxicological topics is obvious to anyone browsing through the Collection, for over half of it deals with poisons and poisoning, ranging from the therapeutic use of poisonous substances to reports of famous trials and even historical enquiries into the deaths of Kings Charles II and James I.

Countless abstracts of articles in the Collection relate specific cases of wounds and injuries, but the separately published items on the subject deal mainly with the examination of wounds and the evidence gathered from the circumstances surrounding certain injuries. Taylor was deeply concerned with the all-important matter of the evidence to be drawn from marks of blood on artifacts like weapons and clothing. Many questions then remained unanswered; it was not until 1901 that the German bacteriologist Paul Theodor Uhlenhuth was successful in his experiments to distinguish between human and animal blood, thereby laying the foundations for forensic serology. Taylor's contributions to this field include his *On the Guaiacum Process for the Detection of Blood in Medico-Legal Cases* (1867).

In connection with wounds and injuries, Taylor could not fail to show interest in homeopathy and mesmerism, two subjects which were associated, in their opponents' eyes, with quackery and criminal activities. Suits for malpractice were not infrequently brought against homeopathic physicians, and mesmerism (or hypnotism, as it was increasingly known after 1843) was of concern to nineteenth-century legal medicine because it was widely believed that people under the influence of hypnosis could be forced to commit crimes. This is why Taylor collected half a dozen separately published items on the nature of homeopathy and the rivalries it occasioned between Hahnemann's followers and their adversaries, such as Sir James Young Simpson (1811-70), President of the Royal College of Physicians of Edinburgh (cf. his *Speech at the Medico-Chirurgical Society, Relative to Homoeopathy*, Edinburgh, 1851); and seven items on mesmerism attracted Taylor's attention, including the 609-page *Physico-Physiological Researches* by Karl von Reichenbach, in John Ashburner's translation (1850).

The various aspects of asphyxia—drowning, hanging, strangulation, suffocation, gaseous poisons, death from lightning—are all well represented in the abstracts of articles in the Collection, but the separately published items on the subject concern mainly the Kirwan trial. This led Taylor to write *On the Medical Evidence of Death from Drowning* (Dublin, 1853).

Because of their relevance to matters such as abortion, and feigned and concealed pregnancy and delivery, over twenty separately published items on medical jurisprudence in relation to the course of pregnancy and to general midwifery and obstetrics are included in the Collection. An example is the 524-page *Médecine Légale Relative à l'Art des Accouchemens [sic]* by Joseph Capuron (Paris, 1821). Of course, there are also scores of items on abortion—criminal and due to disease—as well as on infanticide, rape and related matters.

Taylor lived in an age when the scope of forensic psychiatry was not yet fixed. It is not surprising, therefore, that far from limiting his reading to the criminal insane and to court cases involving the question of 'insanity', he demonstrated his wide-ranging professional interests by making room in his Collection for works on the care and treatment of the insane, as well as on diseases of the nervous system and on mental disorders. Thus works like Sir William Charles Hood's *On the Condition of the Blood in Mania* (1862) are found with items on delirium tremens, puerperal insanity, paralysis of the insane, and apoplexy. The famous 279-page *Narrative of the Treatment Experienced by a Gentleman*, by John Thomas Perceval (published anonymously in 1838) is but one of eight items on the treatment and care of the insane.

The works on the criminal insane and the legislation of insanity are very miscellaneous, and include two items on the important trial of Daniel M'Naghten, which led to a re-definition of the common law of insanity and to the M'Naghten Rules on defence on the ground of insanity.

Through the variety of its contents, Taylor's Collection of medico-legal tracts is of interest for its biographical aspects, as well as from the point of view of the historical development of nineteenth-century forensic medicine; it also includes much material of relevance to the social historian. Access to the hundreds of tracts it contains is now possible through the card catalogue of the Royal College of Physicians of London Library.

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