

# A short account of the coroner in early Singapore (1819-1869)

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Readers who wish to know more about the authority, jurisdiction and other legal aspects of the Coroner in early Singapore are referred to my article in the July 1972 issue of the *Malaya Law Review*<sup>(1)</sup>. This article will concentrate on the features which will be of interest to members of the medical and related professions. There are many quotations from primary sources to paint a more vivid picture of the times and to make more interesting reading. Readers may find the English of the early 19<sup>th</sup> Century different and quaint.

In the official documents and newspapers referred to, the term "native" meant "non-European", whether an inhabitant or a transient sojourner. The old Straits Settlements comprising Singapore, Penang and Malacca, were British possessions for nearly 130 years. Penang and Malacca are now constituent States in Malaysia, and Singapore is an independent sovereign island Republic.

Sir Francis Light in 1786 took possession of Penang Island in the name of the British Crown and re-named it Prince of Wales Island. It was administered as a Residency under the Presidency of Bengal. On January 28, 1819, Sir Stamford Raffles landed in Singapore, chosen for its excellent natural harbour and strategic geographical position, and on February 6, 1819, the Union Jack was hoisted over Singapore. Finally, by the Anglo-Dutch Treaty of 1824, Malacca was transferred to the British in exchange for Bencoolen on the west coast of Sumatra. Thus, by 1824, the three Settlements which later formed the Straits Settlements were already established.

In 1826, the three settlements became the Incorporated Settlements of Prince of Wales Island, Singapore and Malacca, under the Bengal Government, with Prince of Wales Island as its capital. In 1832, the capital was transferred to Singapore because of its strategic position and rapid growth. In 1851, the Settlements came under the direct control of the Governor-General of India; in 1858, under the India Office, and in 1867, were transferred to the Colonial Office as a Crown Colony.

Since Prince of Wales Island (Penang) was founded 33 years before Singapore, and was the seat of Government in the Straits for 46 years (1786 - 1832), reference will have to be made to developments in Penang (which were later mirrored in Singapore), in this study of Coroners in Singapore. With this general background, one can trace the development of the office of Coroner during the first fifty years of the history of modern Singapore. The Coroner's main function was to investigate violent and unnatural deaths.

Early records of Penang are meagre. The first Coroner appointed was William Young who assumed office on December 24, 1808<sup>(2)</sup>. One Johnstone McIntyre was appointed Coroner of Prince of Wales Island in November 1819. In 1824, he came "bereaved of reason" and had extended sick leave<sup>(3)</sup>. When the Governor wanted to appoint the Superintendent of Police (the highest Police rank then) in place of Mr McIntyre, there were objections from Mr Clubley, a member of the Governor's Council, who was of the opinion that one person could not efficiently perform the duties of both Superintendent of Police and Coroner, and that the separate appointment of a Coroner was indispensable, and should without further delay be filled<sup>(4)</sup>. (The same problem arose in Singapore in 1862).

The inconvenience experienced for want of a Coroner ("a highly important office") was resolved by the appointment of Mr Normal McIntyre (brother of Johnstone) as Coroner on July 7, 1825<sup>(5)</sup>. An account of the Coroner in early Penang would not be out of place as the state of affairs was not very different in early Singapore. On July 25, 1825, the new Coroner reported his first case to the Governor<sup>(6)</sup>:

*"An inquest was held before me at the General Hospital at Tulloch Aier Rajah on the 22<sup>nd</sup> instant on view of the body of Panda, on which occasion a Buggy and Horse being forfeited as a Deodand, and were put under charge of the Head Constable of George Town where the accident by which the said Panda came to his death, occurred."*

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One of the curious survivals in English Law was that of deodand, or article which caused death by misadventure. Thus, if a man was killed by a falling beam, it was the duty of the Coroner's jury to find the value of the beam, in order that the Crown might claim it as a forfeiture originally to be applied for pious purposes. (Deodand means a thing given to God). This was abolished in 1846.

On April 19, 1826, he wrote to the Governor for an increase in salary<sup>(7)</sup>:

"..... *The Coroner here is from the constitution of the Native Juries possessing different Religions and Languages, and who are for the most part unenlightened and ignorant of their duty and of the very first principles of British law and examination of Evidence, not only constrained to instruct them as far as consistent in the nature of their duty in the first instance, but in fact obliged to exercise a degree of minuteness, circumspection and care altogether laborious and which would never possibly be required of a Coroner, if he presided over more intelligent juries, and to enable him to do this effectually, a correct acquaintance with the principal native languages is to be considered an essential qualification.*

*The nature of a Coroner's duty obliging him frequently to proceed over to the opposite Province, exposes him to inclemence and other Dangers, which I dare assure the Honourable the Governor in Council are by no means imaginary. Lastly, I beg leave to state that the salary of Coroner is fixed on a par with the most subordinate European Peace Officer, by which the respectability of the office is considerably diminished if not entirely destroyed."*

No decision was taken.

The conditions of Singapore in the early years were similar to those of early Penang. The island was sparsely populated, and apart from the "Town" and Cantonment and a few acres under cultivation, was thickly covered by jungle. From February 1819 to December 1822, there were no proper courts or a regular Police Force in Singapore. Colonel William Farquhar, who was the Resident and Commandant, maintained law and order with his troops and the co-operation of the Headmen of the various native communities. Martial law prevailed within the limits of the Cantonment.

When Raffles returned to Singapore in 1823, he found that the Settlement had developed to such an extent that certain laws should be passed. Six Regulations were passed to regulate land registration, the port, gaming, slave trade, police and the administration of justice respectively. Regulation VI, inter alia, set up the Resident's Court and a

Magistrate's Court with Rules for the conduct of legal and judicial business, and with a list of Crimes and their punishments. The Assistant Resident was to be the Registrar of the Resident's Court.

It was only after the passing of Regulation VI that there was record of the performance of a Coroner's duty. Dr John Crawford, who succeeded Colonel Farquhar as Resident in June 1823, wrote in November to Mr S G Bonham, his Assistant, who was the Registrar of the Resident's Court and officiated as the Coroner, the following order<sup>(8)</sup>:

*"On receipt hereof you are directed to summon and warn twelve good men, one half thereof British-born subjects, and the other half Asiatics, being resident inhabitants of Singapore, to act in the manner of a Coroner's Inquiry in your presence touching all such things as may relate to the death of Jaffir, a native of Bengal.*

*Given under my hand at Singapore, this 19<sup>th</sup> day of November, 1823.*

*J. CRAWFURD, Resident."*

The earliest existent record of proceedings of a Coroner's Inquest in Singapore, that which was held on February 3, 1824, ran as follows:

*"We, the undersigned, at the requisition of S G Bonham, Esq., having assembled at the Court House of Singapore to investigate the circumstances attendant on the deaths of Captain John Hale, Commander of the Brig Philotax, and James Young, seaman of the same vessel, from the evidence hereunto annexed, are of opinion, that the said Capt. John Hale and James Young did come to their deaths by the means in the evidence aforesaid, accidentally and casually and by misfortune and not otherwise.*

<i>A. Guthrie</i>	<i>D. S. Napier</i>
<i>J. Morgan</i>	<i>Chas Scott</i>
<i>John Purvis</i>	<i>Hugh Syme</i>
<i>T. H. Campbell</i>	<i>A. L. Johnston</i>
<i>Claude Queiros</i>	<i>Chas Thomas</i>

#### **Evidence**

*Dr Tainsh, after examining the bodies, gives it as his opinion that the death of Capt John Hale was caused by suffocation, and that of James Young by severe burns.*

*Thomas Rutherford being called, stated that he is Chief Mate of the Brig Philotax, that about 5 o'clock yesterday afternoon, Capt Hale and some of the seamen were examining the bottom of the Brig where the sand had been dug away for the purpose, that the earth giving way the Brig fell over and buried Capt Hale and James Young under her, and that the bodies though attempts were made to extricate them, could*

not be extracted till 12 o'clock, by which time they were perfectly dead.

*John Saul, Carpenter of the brig Donis, being examined, stated that he was at work at the Brig Philotax about 5 o'clock yesterday evening, that an alarm was given that the Brig was falling over, on hearing which he sprung from the Brig, and escaped, that few minutes before he saw Capt Hale and James Young at work under the bottom of the brig, and that he was present when the bodies were extricated, which took place about 12 o'clock at night, at which time they were perfectly dead.*

*(Sd) S. G. BONHAM.  
Assistant to the Resident  
attending the Inquest."*

The first Coroner of Singapore appointed was Mr Andrew Farquhar<sup>(10)</sup>. His appointment was announced by a notice on the front page of the Singapore Chronicle (the only newspaper at the time) on December 20, 1827, and in the two subsequent fortnightly issues<sup>(11)</sup>:

*"Public notice is hereby given that Mr Andrew Farquhar has been appointed to perform the duties of Coroner of this Island, and all persons are hereby required to observe this Proclamation, and to obey the lawful commands of the said Andrew Farquhar accordingly.*

*K. MURCHISON  
Resident Councillor.  
Singapore, the 17<sup>th</sup> December, 1827."*

The first important inquest held by the Coroner was on the body of a Chinese prisoner on the January 16, 1828<sup>(12)</sup>. This man had escaped from jail the previous night with five others. He was "killed by the Police officers in attempting to apprehend him". A police peon (constable) was indicted for manslaughter but was acquitted on May 22, 1828<sup>(13)</sup>.

In the early days of Singapore, being a "frontier town", death by violence was common, and so were crimes of passion as the local population then consisted of far more men than women. The Coroner tried to do his duties as a Coroner in England, i.e. holding an inquest near the place where the body was found. He invariably sat with a jury, composed whenever possible of men of the same race as the deceased. For instance, it was reported:

*"On the 24<sup>th</sup> May 1828, as the crew of one of the China junks in the Roads were employed in getting up her foremast, some of the ropes by which it was supported slipped and the mast fell striking five of the people, two of whom instantly died. Verdict of the*

*Coroner's Jury, consisting of Chinese, was 'Accidental Death'<sup>(14)</sup>."*

Mr Andrew Farquhar fell ill in January 1829, and died soon after<sup>(15)</sup>. Mr J. Clark was appointed in his place<sup>(16)</sup>.

The Coroner's duties, however, were not strictly carried out as these two incidents will demonstrate. A letter to the Editor of the Singapore Chronicle on April 28, 1831 stated<sup>(17)</sup>.

*"Having heard from a very good authority that two murders were committed on Sunday last, probably you may be able to inform me how far the report is true as no Inquest was held on the Bodies. Far from me, that I should attribute this neglect to any functionary, but it appears singular, as no secret was made of it by the Chinese who were casing them for interment on the Public Road and in the presence of the Night Watch on Sunday evening."*

The official reply was that there was no murder, and that "the two men were drowned accidentally, and as no report was made to the Authorities by the friends of the parties, an Inquisition was not held"!

In June 1831, a grass cutter was found murdered in the jungle. "The Coroner summoned a native jury to hold an inquest on the morning after the discovery, and appointed a place where all should meet. They met accordingly, but having waited some time under a scorching sun, the person who was to direct them to the spot where the body was, not making his appearance, the Coroner and jury unanimously agreed to return to town<sup>(18)</sup>."

It was also at this period that religious prejudices against necropsies were recorded. On the night of January 30, 1832, a band of Chinese attacked some Malays who were repairing their boat. At the Inquest:

*"Dr Oxley, sworn, deposed to having examined the bodies of the two Malays; that on the body of one of them who appeared to have been an elderly man, he found an incised wound in an oblique direction across the back about 12 inches in length and sufficiently deep to divide the spinous processes of the vertebrae. That upon the body of the younger man there were several bruises and other marks of violence, but nothing sufficiently obvious to discover the immediate cause of death. The prejudices of his friends prevented a post-mortem examination<sup>(19)</sup>."*

The Coroner then either had no authority or did not know he had authority to order post-mortem examination in all cases of violent deaths. It could

be that he was prudent in not wanting to antagonise the Malay population.

The next three years (1833-1835) saw the beginning of some of the Coroner's duties as we know them today. On October 27, 1833, a Coroner's inquest was held on the body of a man who had been taken to the police house (station) for drunken behaviour and was found dead the next morning in the lock-up cell. A post-mortem examination showed that the deceased had died of cerebral haemorrhage – a common occurrence when signs of cerebral pathology are mistaken for drunkenness in a person who has had alcoholic beverages. The verdict of the jury was "Died by visitation of God<sup>(20)</sup>."

The verdicts in murder cases up till 1833 had always been "wilful murder against person or persons unknown." On November 15, 1833, an Inquest was held on the body of a Chinese man who had been stabbed to death the previous night. This time the murderer was known, and the verdict was "wilful murder against Kim Ling", and a warrant was issued for his arrest, "but the Police had not yet been able to apprehend him<sup>(21)</sup>."

A verdict of "Accidental Death" was recorded in 1833 at an inquest on George Lavorice, who fell while intoxicated, and bled to death when the gin bottle which he was holding broke and cut his arm<sup>(22)</sup>. "Justifiable Homicide" was the verdict when a party of Chinese bandits attacked a Bugis house and one of them received a "spear wound through the heart<sup>(22)</sup>."

At an Inquest held on March 11, 1834, there was recorded for the first time the use of chemical tests for the detection of poisons in cadavers. Two Malays had thrown some white powder into the cooking pot of some Chinese, two of whom ate the rice from the pot, vomited and died:

*"Dr Oxley having examined the bodies, ..... the contents of the stomach having been carefully preserved, and a portion having been subjected to the two delicate trial tests of the ammoniacal nitrate of silver, and the sulphate of ammonia, with a view of forming the arsenite of silver and sulphate of arsenic, had precipitates highly indicative of those substances; the latter test, more particularly, threw down its characteristic precipitate of a fine lemon colour<sup>(23)</sup>."*

A verdict of "felo de se" (self-murder) was first recorded on June 5, 1834 at an inquest held in the convict jail on the body of a convict who had hanged himself. The verdict of "felo de se" was a survival from the days when a felo de se (in England) could be dispossessed of his goods and buried in unconsecrated ground. How this could have been carried out in early Singapore, when the only few

European inhabitants were Christians is not known. This verdict of "felo de se" was done away with in England in 1882.

Deodand was first mentioned in Singapore at an inquest held on December 15, 1834 at the Pauper Hospital. An elderly Chinese had been run over by a horse carriage and the verdict was "Manslaughter against two Malays and a Deodand of \$10 on each of the ponies<sup>(24)</sup>."

Mr Clark, the Coroner, went on leave in March 1836, and Mr Thomas Herbert Bell was appointed by the Governor to officiate in Mr Clark's place<sup>(25)</sup>. There is no record when Mr Clarke reported back for duty. There is, however, mention of him as Coroner in 1841, 1845 and 1848.

On July 15, 1836, an inquest was held on the first body ever to be exhumed in Singapore<sup>(26)</sup>. A Malay, Si Dool, attacked another Malay with a kris, but was speared to death by his intended victim. "He was speedily buried by his friends and had to be disinterred previous to the Inquest." This time, the Coroner did not take into consideration religious scruples, holding the view that the law superseded all other considerations.

The second time an inquest on a man shot by the Police was held on August 25, 1837. A Bugis man ran amok, wounded and killed many people, burnt his own house and ran out throwing spears at the Police and bystanders. He was shot by the police constables in the left hip and left chest, "then his countrymen despatched him with spears and crises<sup>(27)</sup>."

The Civil Medical Officers in the Government Service in the Straits Settlements did not have the same advantages as the Military Medical Officers. Their private practice was also poor. They submitted a memorial to the Governor to give them part-time jobs as Coroners<sup>(28)</sup>. This petition was not acceded to.

The Civil Medical Officer was the Coroner's Surgeon, and this sometimes interfered with the running of the Medical Service which was very modest, there being a Senior Surgeon and an Assistant Surgeon in Singapore, and an Assistant Surgeon at Penang and Malacca respectively. Mr Oxley, the Assistant Surgeon at Singapore, was transferred to Malacca in December 1837, but by January 20, 1838, he still had not reported for duty at Malacca, and the Governor had to write this letter of explanation to the Bengal Government:

*"As Coroner's Surgeon he is a material witness in several cases which will be brought before the ensuing Court of Oyer and Terminer, which I expect will be held in about a fortnight from this time, and as his presence is positively necessary to ensure substantial justice being done in certain cases, I have*

*thought advisable to detain him until after the sitting of the Court<sup>(29)</sup>.*"

By 1841, due to increase of population and more ships calling at Singapore, the shortage of staff in the Medical Department was acute, and one reason advanced by the Senior Surgeon in his request for more staff was that of "frequent attendance upon Coroner's Inquest<sup>(30)</sup>."

A woman died on November 15, 1843, but was exhumed three days later by order of the Superintendent of Police because of reports of her having been poisoned;

*"Dr Oxley, the Assistant Residency Surgeon, was called upon to examine the body, but he reported that it was in such an advanced state of decomposition that he could not make an examination or give a professional opinion on the subject; that the extraordinary extrication of gases and the liquefaction of the solids under the heat and moisture of the climate render post-mortem examination dangerous and impracticable, besides obliteration of all traces of morbid action, which remain for weeks in a colder climate, but are thus annihilated here in a few days<sup>(31)</sup>."*

Forensic medicine was primitive then, but the Jury's verdict was even more surprising – "Died by visitation of God."

By 1844, private medical practitioners were called in to assist the Coroner as the Government doctors were not always available. This move was, however, frowned upon by the Governor. When Mr Little, a doctor in private practice, presented a bill for \$50 "for the examination of five bodies at the requisition of the Superintendent of Police and the Coroner, as he was the nearest practitioner available", it was rejected by the Governor, who wrote this reprimand to the Resident Councillor:

*"No necessity for the services of Mr Little being required. There are two Medical officers especially appointed by the Government for the Public Duties of so confined a Settlement as Singapore, and whilst they are effective, I must have a stronger reason than any at present advanced for sanctioning the payment of a Private Practitioner<sup>(32)</sup>."*

A most amusing case of wrong identification occurred at the Inquest held on October 27, 1845<sup>(33)</sup>. On 25th October, three men and a woman while on a pleasure boat trip were attacked and presumed murdered by a gang of Malays. A boy who was with the party jumped overboard and escaped. A woman's body was later found and the boy identified it as the "murdered woman", and a verdict of "wilful

murder against some person or persons unknown" was recorded. On the evening of the Inquest, after a funeral attended by nearly a thousand natives, the three men and the woman turned up at their homes!

A few days later, a man reported to the Magistrate that his sister had been missing for some days and that he suspected she had been murdered by her husband. He said that he could identify his sister by her broad black teeth, scars on one arm, and one hand being smaller than the other, and suggested that the woman who was buried after the inquest (held on October 27) could be his sister. So the Magistrate with some policemen and the man went to the burial ground, and the body was disinterred and identified. The Magistrate and police rushed to the husband's house to arrest him, but on arrival, his wife appeared before them, hale and hearty, but with the same details of identity! It was a most embarrassing week for the Coroner and his Jury, the Magistrate and the Police.

In the first half of the 19<sup>th</sup> century, forensic medicine was not very advanced in Singapore, and apart from gross morbid changes and a few simple chemical tests, the Coroner and his Jury could not get much help from the doctors. In 1846, they could not distinguish between death by hanging and death by strangulation. On New Year's Day, the Coroner's Jury recorded a verdict of "Found dead, supposed by hanging or strangulation against some persons unknown<sup>(34)</sup>."

Another grouse was that native juries were uneducated and ignorant of English law. It was the practice to have native juries when the deceased was a native, and a European jury when the deceased was a European, and also for difficult cases involving natives. There was also discrimination in recording verdicts. If a native took his own life, the verdict was either "felo de se" or "suicide". For a European, the verdict was "Temporary Insanity."

1846 also saw the first instance of members of the public refusing to attend the Coroner's summons to serve as Jurors<sup>(35)</sup>. Senior members of European firms on being summoned, said they were busy and sent their clerks as proxies. But their clerks were also on the jury list, and when their turn came, they said that they had already served! When they (the merchants and their clerks) were brought before the Court for neglect to comply with the Coroner's summons, the Recorder did not accept their excuses and told them that it was a duty which belonged to British subjects in common.

Sometimes, the Police were over-zealous in the performance of their duties. In November 1846,

they stopped a group of Chinese carrying a coffin “under suspicious circumstances<sup>(36)</sup>”. A post-mortem examination by Mr Oxley showed that the deceased had died from natural causes, and permission was given to inter. In February 1845, however, the suspicions of a police constable were well founded. He had stopped a funeral procession, the coffin of which had emitted a foul odour, and the corpse was found to have seven cuts on his skull, having been killed in the swamps some days previously<sup>(37)</sup>.

The Senior Surgeon, Mr Oxley, wrote to the Governor in December 1846, recommending that a laboratory be set up and equipment bought to assist in the detection of poisons in medico-legal cases<sup>(38)</sup>.

In February 1847, one Etam, Jemandar of the Court of Requests, was tried for attempting to bribe Henry Lloyd, Apothecary of the Pauper Hospital, a non-Briton, to give false medical evidence before the Police Magistrate. As a result of this case, the Governor gave instructions that all medico-legal cases should be seen as early as possible by the Senior Surgeon or the Assistant Surgeon, and not by their subordinates, to ensure that all temptation to tender or receive bribes be prevented. “The evidence of an Apothecary is not to be taken except in very extraordinary and extreme cases<sup>(39)</sup>.” (This was blatant racial prejudice, as the posts of Medical Subordinates, e.g. Apothecaries and Apprentices, were held by non-Britons, usually Eurasians.)

The Government doctors were conscientious. They did post-mortem examinations on all patients when they were not sure of the cause of death, and frequently discovered evidence of foul play, as this extract of a letter, written on May 28, 1847 from the Senior Surgeon to the Resident Councillor, shows<sup>(40)</sup>:

*“I have the honour to report the following circumstances relative to the death of a convict named Hummadaz, which appear sufficiently suspicious to call for some inquiry.*

*Hummadaz, convict, lately working in Shangei (Changi), admitted at 9pm on the 24<sup>th</sup> May in a state of insensibility.*

*Head shaved, blister applied to the neck. Symptoms those of apoplexy. Died 1pm on the 25<sup>th</sup>. Body examined: viscera of the thorax and abdomen healthy. Severe bruise was observed on the right side of the chest; another severe contusion over the right side of the frontal bone; brain covered with a large coagulum of blood from the rupture of a blood vessel, probably occasioned by a blow, which makes me suppose that the man received ill-treatment before he was brought into hospital. It is perfectly clear that*

*the rupture of the blood vessel and the consequent haemorrhage was the cause of death.”*

The Straits Times of July 22, 1848 reported that a Chinese was found dead at Sungei Jurong (Jurong River). The Police had to fight their way there to get the body as they were resisted by other Chinese in the locality. When seen by Dr Traill, the body was in an advanced state of decomposition, and the cause of death could not be ascertained, and no inquest was held. The Editor thundered: “Why no Coroner’s Inquiry was held, we are utterly at a loss to discover<sup>(41)</sup>?” This led to an official inquiry.

As a result of the inquiry, the Governor, Colonel Butterworth, dismissed the Coroner, James Scott Clark, from his post on October 11, 1848<sup>(42)</sup>, “regarding the very imperfect performance of your duties as Coroner. ... I have been anxious to avoid by every possible means short of losing sight of my duty to the community, the painful task which is now imposed upon me of acquainting you that I am under the necessity of appointing some other person to hold the office at this Station.”

Dr Robert Little was appointed on October 12, 1848<sup>(43)</sup>. There was no doubt that this appointment was a popular one. The Editor of the Singapore Free Press wrote on October 19, 1848 as follows:

*“On Friday last a special Court was held by the lay Judges, for the purpose of swearing in Mr Little, Surgeon, as one of the Coroners for the Settlement of Prince of Wales Island, Singapore and Malacca. The appointment of Mr Little cannot be looked upon but as a very judicious one, and it is to be hoped that Government will in their appointments generally seek to carry out the principle which seems to have guided them in this instance, namely, to nominate those possessing the best qualifications for office, instead of allowing other considerations, not connected with fitness for the required duties, to have a paramount influence<sup>(44)</sup>.”*

The first inquest held by Mr Little was on October 14, 1848 on a case of death by poisoning. Mr Traill, the Assistant Surgeon, found about half a teaspoonful of white powder in the stomach of the deceased, and he stated that

*“Some of the powder was thrown on heated charcoal. It caused a strong odour like garlic, so far resembling arsenic; more I cannot determine until I have further tested the powder. The rice shown to me by Constable Hill showed parts of a similar looking powder<sup>(45)</sup>.”*

As more and more inquests were held, the strain was felt by the Medical Department. Court

attendances interfered with the work of the department. There were also times when one member had to attend Court to give evidence, while others had to serve as Jurors on the same case. Senior Surgeon Oxley wrote to the Resident Councillor on November 21, 1848, setting forth his problems, and his recommendation that the doctors be exempt from jury duty<sup>(46)</sup>:

*"I have the honour to bring to your notice that the Coroner sent the enclosed summons for Apothecary Lloyd this morning, whilst Dr Traill sent for him to assist in making a post-mortem examination on the body at the same moment. It is obvious a man cannot obey conflicting orders of this description, and as one of my apothecaries is invariably called off to every Inquest, I would take leave to suggest that they be spared the necessity of acting as Jurymen."*

Mr Little was an efficient and conscientious Coroner, always willing to adapt to the circumstances, but nevertheless he soon fell foul of the Authorities and resigned less than a year after his appointment.

Mr Little's quarrel with the Assistant Resident, Mr L S Jackson, who was also the Superintendent of Police, started over the request by the Coroner for Interpreters for his court. It became official when he lodged a complaint to the Governor about "the repeated insults the Assistant Resident had heaped upon me as Her Majesty's Coroner<sup>(47)</sup>."

The Governor's reply began by reprimanding the Coroner for not using the "usual channels" for his correspondence. He said that he would not countenance the tone of superiority assumed by the Superintendent of Police, but noted that the Coroner's letters to the Superintendent were not conciliatory but offensive. He ordered that no direct correspondence should be necessary between them, and that they both should write to the Resident-Councillor, should there be disagreements<sup>(48)</sup>.

The quarrel did not end, for continuous "sniping" and seemingly unintentional provocations persisted.

Another incident aggravated the situation. The body of a Chinese supposed to have been murdered was brought to the Pauper Hospital by the police. When the Coroner and his Jury assembled there, they were told that there were cases of smallpox in the hospital. The Coroner informed the Superintendent of Police that he could not hold the inquest there and asked the body to be removed to "where an inquest can be commenced and conveniently held<sup>(49)</sup>."

The reply was that "the removal of dead bodies is not, to my knowledge, within the range of my duties, nor can I indicate any place for holding an

inquest having no premises fit for the purpose at my disposal<sup>(50)</sup>."

The Resident Councillor intervened by authorising the Coroner in future cases to ask the Superintendent of Convicts for men required, or in an emergency, to hire coolies on the spot, to remove bodies to a place suitable for holding inquests. He also informed the Coroner that a room was available for him in the Court of Requests:

*".....It is, I believe, usual to hold inquests at the nearest convenient spot where the body is found. Whenever however you may deem it expedient to have the inquest in Town, I beg to inform you that an apartment in the Court of Requests is at your disposal for that purpose<sup>(51)</sup>."*

Not satisfied, back came the Coroner's reply five days later:

*"If a body should be found at a distance in the country, at Buddoo (Bedok), and the relations refuse or there are none to bring the body to Town, what time is there left to send to Town, wait on the Superintendent of Convicts, and then to despatch the men to where the body is. If a medical examination is necessary, such a waste of time by allowing of decomposition to advance will much diminish its accuracy and so defeat the ends of justice, and as you have limited me to extreme emergent cases for employing coolies without specifying such emergency, I will never take upon myself the responsibility of determining what you consider extremely emergent. .... You inform me that 'it is usual to hold inquests at the nearest convenient spot where the body is found'. I am aware that such is the custom in England, but I consider that when I order the body to be removed to Town from the country, I take it to be the nearest convenient spot. There is no parallel between this country and England, for in the latter, where a body is found, you can have on the spot or near it: (a) a respectable jury, (b) a convenient place of meeting as a public house, (c) roads to enable you to reach the spot, and (d) medical men within hail. But here I have had cases in parts of the country where no jury could be got, where no house and accommodation could be obtained and no roads to reach it, where I had to walk miles in the jungle, and where if I had not acted as a medical man myself, no Inquest could have been held for want of one. (? irregular and illegal).*

*If the recommendation is intended by you as a means of saving expense, I am afraid you will find it not to be the case, as the conveyance of jury, interpreters and medical staff will absorb all that could be saved from coolie hire.*

*In conclusion, I beg to inform you that I, as Coroner, am the best judge whether it is requisite to*

*hold an Inquest on the spot or not, and moreover that I will never for a moment consider the expense or trouble that may be incurred in removing a corpse to Town as I consider by so doing a better examination medically can always be made and an inquisition much more satisfactorily held, while it will be a great saving of time to me, as unless when justice is interfered with, I will always look upon my duties as Coroner subservient to my professional engagements until the Government place it upon equal footing with the other officers of the Court of Judicature. .... I have no doubt you will furnish accommodation for the proper execution of the honourable office I hold, at the same time, befitting a respectable Jury to assemble in. .... The delay in answering your communication has been occasioned by private business, but of such importance to me as to occasion this postponement of the consideration of your official letter to this date<sup>(52)</sup>."*

With this letter, things were fast moving to a head. The next move in this feud was when the Coroner ordered the dissection of a body in the stables of the Police Office (headquarters)<sup>(53)</sup>. The Superintendent retaliated promptly, countermanding the order and had the body removed to the Pauper Hospital. The Coroner protested and threatened:

*"This contempt of my order as Her Majesty's Coroner is not to be borne and I beg you will make an immediate examination into the circumstances as until the body is brought back to the Police Office, I shall consider my official duties suspended<sup>(54)</sup>."*

This threat put the back of the Authorities up. On the same morning (September 11) senior Government officials met the Governor, and the Coroner was told of the decision that he should hold inquests at the Hospital, but he refused, and the Resident Councillor tried to compromise:

*"That functionary is decidedly opposed to hold Inquests at the hospital for several reasons, but principally on account of the serious objection to assemble a Jury and witnesses in premises occupied by persons with Infectious Diseases. The Senior Surgeon fully concurs with the Coroner. .... Under these circumstances it will be necessary to provide the Coroner with a Room immediately under the office of the Court of Requests and to erect a Dead House in the vicinity<sup>(55)</sup>."*

The Governor agreed and immediately gave instructions for the construction of the Coroner's room and the conversion of "one or two of the covered sheds at the corner of the police compound

into a Dead House (mortuary) with a separate entrance<sup>(56)</sup>." This was to be a temporary Dead House until a permanent one was ready.

But on September 12, 1849, the Governor voiced his displeasure to the Resident Councillor:

*"I regret very sincerely the tone assumed by the Coroner. ...."*

*Should the Coroner not deem the office on such a footing as to ensure his cordial performance of the duties required of that office, I shall be prepared to make other arrangements after the ensuing Criminal Sessions<sup>(57)</sup>."*

On receipt of a copy of the Governor's letter, Mr Little, uncowed, had no alternative but to resign, which he promptly did on September 14, 1849, with this defiant statement:

*"As the Executive Government of this Settlement sanction, in my opinion, undue interference with the duties of the Coroner incompatible with their proper discharge, I cannot again hold a Coroner's Court, and therefore pray that a successor be immediately appointed that the course of public justice be not impeded<sup>(58)</sup>."*

The news of Mr Little's resignation spread like wild fire all over town. Nevertheless, Mr William Willans, nephew of the Resident Councillor and a Civil Servant, was sworn in as Coroner at half past five on Monday the September 17, 1849, and immediately proceeded to hold an inquest<sup>(59)</sup>.

On September 28, 1849, Mr Little made public his disagreement with the Government by writing a letter to the Singapore Free Press, enclosing copies of the correspondence he had with the Government, which were published with appropriate editorial comments. Evidently public opinion was on the side of Mr Little. The editorial comments were significant, stating bluntly that Mr Little had been sacked because he had been a thorn in the side of the Executive<sup>(60)</sup>:

*"The influence which the Assistant Resident exercises over his superiors is most mysterious. The Resident Councillor assigns the Coroner accommodation in the Police Office, the Assistant Resident takes it upon himself to set this arrangement aside, beards the Coroner in his own Court, orders bodies awaiting inquest to be removed from the Police Office to another quarter of the Town without the knowledge of the Coroner, and yet because the latter remonstrates ..... He is told that his conduct is disapproved of, and arrangements will be made for relieving him of his office..... The fact seems to be that an officer who dared to be independent and to insist on being allowed to discharge his*



*functions without subserviency to others who had no proper right of interference with him, was a phenomenon so unusual and so inconvenient and such an alarming example to others that it was resolved to get rid of him at all hazards, and the first opportunity was therefore seized for accomplishing this purpose....."*

By 1850, it was still not yet defined what were to be the Coroner's cases. On August 5, 1850, a Chinese was found dead in an empty house. The Police assumed that he had died of starvation, and he was buried without an inquest by the Coroner<sup>(61)</sup>.

Inquests on poisoning cases were common, partly because of the ease with which poisons could be obtained. A man went to a dispensary and asked for arsenic. When his request was turned down by the apothecary, he retorted, "No matter, I can get it anywhere in the bazaar<sup>(62)</sup>." There was even an editorial in the Singapore Free Press on September 6, 1850 on this subject:

*"Attempts to poison and deaths from the same cause are not of rare occurrence to this Settlement. Without mentioning many very suspicious deaths which have happened at short intervals during the last few years, the Police Books prove that a number of informations have been laid in cases of poisoning, but every facility being given by the local customs to conceal the perpetration of such horrid crimes, the Police could not, and it was impossible ever to trace the chain of events which would have been required to substantiate the charges ..... In all the small Kling stalls throughout the whole town, we may see arsenic exposed and offered for sale openly, this poison lying close and often being in contact with tamarinds, onion, salt, sugar, etc<sup>(63)</sup>."*

The Coroner on January 27, 1851, wrote to the Resident Councillor regarding the very confined state of the Dead House. He also pointed out the danger to the doctor performing a post-mortem examination on a decomposing body in a confined space:

*"During the junk season in particular, it occasionally happens that two, three or even four bodies are conveyed to the Dead House in the 24 hours, and remain there together until an inquest is commenced; in fact, the Surgeon has more than once recorded his opinion that it would be extremely dangerous to life to remain for anytime in the present Dead House for the examination of a corpse in the state of decomposition, and that no Medical Officer could make a post-mortem report on a body for the want of the requisite space<sup>(64)</sup>."*

A new Dead House was built on the outskirts of town, at the foot of Pearl's Hill, in the vicinity of the European Seamen's and Pauper Hospitals in June 1851<sup>(65)</sup>.

In June 1852, the Governor on the recommendation of the Senior Surgeon indented for two sets of chemical tests for the detection of poisons. These were necessary as no chemical analysis performed in Calcutta or Madras was of value owing to the inability of the Analyser to appear in court to give his evidence<sup>(66)</sup>. The standard of medico-legal work was gradually improving.

The Grand Jury on April 16, 1853 made this Presentment on the perennial problem of unrestricted sale of poisons:

*"The Jurors present that the unrestricted sale of arsenic (and other poisons) in the Bazaar, where they are found placed side by side with condiments and other articles used in cooking, is highly objectionable and dangerous to the community. The Jurors are of the opinion, that the sale of such articles should be restricted to persons licensed by the Superintendent of Police, and that they should be bound to keep a Register of all sales, and of the purchasers' names<sup>(67)</sup>."*

(The Poisons Ordinance was not passed until 1905 - 52 years later).

Mr Dunman, the Sitting Magistrate, was appointed Deputy Coroner, when Mr Willans went on leave on June 16, 1853<sup>(68)</sup>.

On April 24, 1854, Mr Christopher Robert Riggs was appointed Coroner when Mr Willans resigned<sup>(69)</sup>.

Riots among the Chinese broke out on May 5, 1854. This brought extra work for the Coroner and his jury.

In June 1855, two Chinese were murdered by Malays. An European jury was summoned to investigate the circumstances, but at the opening of the Inquest, the Superintendent of Police deposed to the effect that not only were the bodies too far decomposed for surgical skill to trace the wounds, but that it was endangering the health of the jury to view them. The jury was then dismissed without being sworn<sup>(70)</sup>. It is a mystery why the Superintendent of Police was allowed to give "medical evidence", as a result of which, no inquest was held. The Coroner's practice in 1855 was still irregular. (Or was it because a European jury was involved?)

Another important case in which a European jury was summoned was recorded in September 1855. They acquitted themselves well this time. The bodies of four male Chinese were washed ashore at Tanah Merah, presumably murdered by pirates. On receipt of the information, Mr Rigg, the Coroner, Dr Cowpar,

the Assistant Residency Surgeon, and a European Jury, immediately proceeded to the spot by boat. They got lost in the darkness, but returned the next morning to conduct a formal inquiry on the advanced decomposing bodies<sup>(71)</sup>.

The sick in Singapore were occasionally abandoned by their relatives and friends. One case in question was recorded in 1856. A sick Chinese man was tied up in a mat and thrown into the burial ground by his "friend" who had wrapped him up on the pretence of bringing him to hospital. Unfortunately, this was seen by a policeman who was near the graveyard. The sick man died two days later in hospital, and the verdict of the Coroner's jury was "Death by natural causes", but the police arrested the "friend" on a criminal charge. The plea in mitigation was that "he could not look after the sick man in his house<sup>(72)</sup>."

C R Rigg resigned as Coroner to join the Municipal Commission, and Dr Charles Julius Curties, a private practitioner, was appointed in his place on January 13, 1857<sup>(73)</sup>.

One incident will be mentioned when the European community tried to interfere with the performance of their duties by the Coroner and the Commissioner of Police. This occurred in February 1857. There was a clash between the police and some Indians, one of whom was shot dead and twelve others injured. The verdict was "Justifiable Homicide", and the jury praised the action of the police. Two European inspectors, however, were dismissed by the Commissioner of Police. The European community held a public meeting to protest against the action and appealed to the Governor to over-rule the Commissioner of Police. The reply from the Governor's Secretary was: "The Governor does not consider that a verdict of a Coroner's Jury necessarily affects the estimation in which a member of the Police Force is held by the Chief of that Force<sup>(74)</sup>."

The first newspaper article on the Coroner appeared in the Straits Times of March 13, 1858, portions of which will be quoted to show the conditions and thinking of the day<sup>(75)</sup>:

*"We have repeatedly drawn the attention of the Authorities to the existing practice in cases of violent and sudden deaths from whatever cause occurring in the country districts. What number of deaths take place in the rural districts, in the widely scattered village or the solitary hut, in the almost impenetrable jungle, we have no means of ascertaining. The prevailing custom of compelling relations to bring into Town the bodies of persons killed by tigers is extremely revolting in itself and fraught with danger*

*to public justice. Is it not enough that the poor Chinese settler has lost his relative or friend or servant without shocking his feelings by forcing him to bring the body of the deceased several miles and possibly detaining the afflicted creature until an Inquest is completed? There are few persons under such circumstances who would report violent and sudden deaths to the Police. .... Then again if the bodies of deceased persons are not brought to Town, how and where are the Coroner's Inquests to be conducted? There can be no doubt that the ends of justice are best served by the inquiry being carried out in or near the place where the violent death, casualty or misadventure occurred..... A correspondent writing on the subject inquires, 'Can a gentleman be expected to go into the jungle at all hours after such tiger cases, on a salary allowed the Coroner? All this could be avoided if the Police have authority to act in the matter, say, the Deputy Commissioner of Police or Inspector of Police viewing the body, and having no doubt of the cause of death, might with safety be entrusted with such authority, reporting the same to the Coroner?' Our correspondent's recommendations are quite impracticable in the existing state of the law, which allows not the Coroner to view even for the Jury, or the Jury for the Coroner, but requires that officer and the jurors, each to view for themselves. By section 3 of Act IV of 1848, it is provided that the inquisition shall not be valid..... This Act however does not provide any remedy for the grievances of which all ill-paid and under-paid Coroners, like the Straits functionary, have just cause of complaint, except by allowing for the appointment of Deputy Coroners for the country districts, which is here at Singapore very much needed..... As the suggestion of our correspondent cannot be carried out, the Authorities must either seek the aid of the legislature to appoint district or deputy coroners, or set apart a fair and remunerative sum of money for the performance of the duties of a single Coroner. It cannot for a moment be expected that any gentleman should discharge the entire duties of Singapore on a salary of 100 Rupees a month and still less ought we look for zeal or efficiency on the part of a deputy coroner who, foresooth, has to divide the wretched pittance with his principal. We would much like to see the office of Coroner salaried as it deserves to be."*

The Governor, finding the existing system unworkable, recommended on November 1, 1858, the abolition of the office of Coroner or the limitation of the office, with the Police taking on some of the duties of investigating and certifying the cause of death. (This practice existed in parts

of rural Singapore up to the middle of the 20<sup>th</sup> century.) He wrote to his superiors in India, emphasising that the office of Coroner was indigenous to England. It was part of the culture, heritage and history of the English people. He was of the opinion that it was unsuitable for the British overseas possessions where the people, their culture and history were different<sup>(76)</sup>:

*“The office of Coroner is peculiar to England. It has grown up with the Constitution and Judicial System of the country. It is familiar to and perfectly understood by the people who appreciate its occasional value, and reverence it for its antiquity. There is never any difficulty in the execution of its duties ..... The whole works well ..... In the Stations, however, under the Straits Government, the whole country subject to our rule, is under the jurisdiction of the Queen’s Courts, and as the interior of these Stations is mostly covered with dense forest jungles, sparsely inhabited, and unintersected by roads or rivers, it is easily understood that the office of Coroner must often be difficult of execution and sometimes impossible. It is not, however, for this cause that I advocate the abolition of the office. It is on account of the grievous hardship, loss and injustice inflicted on the poor people, attended frequently with deeply wounded feelings caused by the single execution of the duties of the office of Coroner..... The vast amount of injury inflicted on the people by an institution which, after all, cannot point to any one single benefit that it confers either on the lives or liberties of the people or on the administration. It is in my opinion, quite a disgrace to our judicial system to see, as I have myself seen, a bailiff running about to catch persons to serve on the Coroner’s Jury, and the people flying from him in all directions. Such a Jury can be of no possible use in investigating the cause of death, and they consider their compulsory attendance as a sore grievance.*

*All that the institution of Coroner is supposed by English law and practice to effect, may be not only easily, but far more effectively executed by the Magistrates and by the Police. An intelligent officer of that Force visiting a dead body on the spot where it lies and already ascertaining the cause of death, may deliver it up to friends; or if he sees or hears any ground for suspicion of foul play, he can report the circumstances and proper measures taken for an investigation. .... I feel perfectly convinced that the intense dread and disgust caused to the native population by the enforcement of the duties of Coroner are the cause of many cases of sudden death, even where suspicion may exist, being kept secret.*

*Under this circumstance, I venture to submit a draft of an Act for the abolition of the office of Coroner in the Straits Settlements, or if that be deemed too*

*great an innovation on the judicial system, for its limitation to the precincts of the Towns only of the several Stations.”*

This recommendation did not find favour with the superior authorities in India.

Dr Curties died on June 5, 1860, and Dr John Scott, another private practitioner, was appointed Coroner on the same day<sup>(77)</sup>.

In late 1860, a new Dead House was built in the grounds of the General Hospital, which in the 1860s, was in the Kandang Kerbau district<sup>(78)</sup>.

At this time, the public were becoming more critical of the Coroner. On April 20, 1861, there was an article in the Straits Times which demanded to know why 48 hours had to elapse before the Coroner, a medical man, who should have known better, but could have put his private practice before his public duty, held an Inquest on a man who had been murdered on board a junk and thrown into the sea<sup>(79)</sup>:

*“It seems strange that a medical man should thus leave a corpse to decompose for 48 hours on shore after it had been 12 hours in the water. After such delay, we believe it to be impossible for any surgeon or jury to say whether the man was murdered before he was thrown overboard, or whether he died from drowning. Were the Coroner not a M.D., we should be inclined to attribute his neglect to ignorance, but such not being the case, we must protest against his or any public servant allowing even the most successful private practice (which we believe our worthy Coroner is favoured with) to interfere with the timely and proper discharge of their public duties.”*

The Coroner objected to the libellous statements. He replied that the Inquest was held 23 hours after the case had been reported to him, and that it was the usual practice to hold an inquest the day following that on which a report was made to the Coroner. The newspaper apologised on April 27, 1861, but stated that they had received the wrong information from the Acting Commissioner of Police and hinted that “We will on a future occasion resume the subject of Coroner’s Inquests, as we honestly believe that a little discussion on the matter will result in good<sup>(80)</sup>.”

The Editor did not delay, and two days later, a long article entitled “The Office of Coroner” appeared. It stressed why lawyers and especially medical men should not be Coroners because of conflict of interests<sup>(81)</sup>:

*“That the person filling the office of Coroner should be one who would make this speedy and effectual investigation (into violent and sudden deaths)*

*his first duty is so evident that we may be excused for saying he should be a gentleman, the nature of whose private profession would not make the performance of his professional and private duties as pressing as his public one. .... The law itself considers that the performance of the private professional duties of the doctor and lawyer is of paramount importance to the performance of any public duty, and for this reason, the law exempts them from attendance on juries in all cases and in all places where the ends of justice can be well-served by the attendance of non-professional men. We need say no more to show that in appointing a medical man or a lawyer to the office of Coroner, the Government inflicts on the public an injury, provided that medical man or the lawyer be actively engaged in the pursuit of his profession at the time of his appointment. .... In Singapore, the salary attached to the office is too inconsiderable to induce any qualified professional man to relinquish the practice of his profession for its sake. .... We shall embrace an early opportunity of pointing out the evils of the present lax system of holding inquests. We shall consider and discuss the subject under the head of "The Duties of the Coroner", showing how those duties are understood and performed in England, and many of the colonies, and the way in which they are misunderstood and hence left unperformed here."*

As promised, the next issue of the Straits Times (May 4, 1861) carried the article "The Duties of the Coroner<sup>(82)</sup>", once again emphasising that a practising medical practitioner should not be a Coroner as conflicts of interests might arise. It was also claimed that the practice of Coroner's Inquests in Singapore placed too great a reliance on the post-mortem examination by a doctor and that that was illegal and irregular, and compared it with the practice in England:

*"We will now draw attention to another great and insuperable objection to the office of Coroner being filled by a medical man engaged in the practice of his profession. Cases have occurred in many countries and at various times, in which the mistaken treatment of a disease by a medical man has led to the death of the patient. The friends of the deceased consider an inquest necessary. In such cases the law could not have been carried out had the Coroner been the medical attendant of the subject of the Inquest. .... We will proceed to notice the peculiar duties which appertain to the Coroner. These duties are clearly defined by law, and hence in comparing the practice here with the practice elsewhere, if we show that the law has been violated, the fault lies not with us but with those who*

*have misunderstood the duties and responsibilities of the office voluntarily taken.*

*According to Blackstone, the duty of Coroner consists in 'inquiring when any person is slain or dies suddenly or is poisoned, concerning the manner of his death'. To perform this duty he must on notice of such death being given him, order the constable of the township to summon a jury (consisting in England of not less than twelve men), who are to be sworn and charged by the Coroner to inquire how the party came to his death. This inquisition must be had super visum corporis in all possible cases. .... The body having been viewed by the jury, they may then proceed to hear such evidence as is offered upon oath, and having heard such evidence, the Coroner may, if it be deemed necessary, order a post-mortem with or without analysis of the contents of the stomach or intestines, 'provided however that if a statement be made on oath before the Coroner to the belief of the parties sworn that the death was caused entirely or in part by the improper or negligent treatment of any person, such person (a qualified medical practitioner) shall not be allowed to perform or assist in the post-mortem examination.' .... After the body has thus been viewed, the Jury may adjourn elsewhere, but to some locality sufficiently near the spot to admit of ready attendance of witnesses, and when the evidence of such witnesses has been received, it is competent for the Coroner at the desire of the Jury to order a post-mortem examination. .... How tallies the practice in Singapore with the law thus laid down by Blackstone and by Chief Justice Hale? The reply is that it is the very reverse. We believe it is officially on record that the practice of the Coroner in Singapore has been and is as follows:*

*As soon as intimation of any death is given to him, he immediately directs the removal of the body to the Government Dead House, and at once issues his mandate to the Surgeon to hold a post-mortem thereon. This done, his conscience is satisfied. Should the case be reported at 10am, a writ is issued by the Coroner's Constable to summon a jury for 2 or 3pm tomorrow. At the appointed hour the Jury assemble; they are sworn (generally) not in view of the body as the law directs, but in the verandah of the shed used as the Dead House. Their oaths are mere matters of form, for the body in the great majority of instances having been operated upon by the Surgeon and his assistants. The wounds, if any, having been probed into and the corpse having been rudely handled by the natives in charge, ecchymoses are apparent thereon, thus giving to it the appearance of violence before death, though such appearance may be produced by rough usage after death (vide, Taylor's Medical*

*Jurisprudence)..... After being sworn, the Jury proceed to view the body, by no means an agreeable duty where an interval of generally 24 hours and often longer has elapsed since death took place..... They then adjourn to the Coroner's Office to hear the evidence which for the chief part consists of the testimony of the Surgeon who has performed the post-mortem. .... We respectfully submit that the foregoing mode of procedure in performing the duties of Coroner is more calculated to frustrate than facilitate the ends of justice. Apart from the utter illegality of the system pursued, it restricts the evidence as to the cause of death to that of one man, the surgeon who performed the post-mortem. .... This practice we contend renders the convening of a Jury unnecessary, and throws the entire responsibility of the important duties of the Coroner on the shoulders of the medical practitioner who makes the post-mortem and analysis. It is therefore objectionable and should be abolished. .... and the formal sham of a Jury and Inquest be dispensed with in toto. As matters are mismanaged at present, the ends of justice would be as well served by the Police sending information of any sudden or violent death to the Surgeon in charge of the Pauper Hospital. Let this gentleman at once proceed to make a post-mortem, and let the witnesses, if any, other than the surgeon, attend with him at the Police Court, testify to whatever they know before the Magistrate, who has power to commit the accused or suspected parties to the Criminal Session. This mode would be infinitely better than the present and would equally fulfil the intent of the law. But as it would be an apparent violation of the constitution, and an innovation which might lead to oppression, we disclaim any intention of intimating it should be put in practice, and have merely cursorily alluded to it here as decidedly preferable to the present lax mode of discharging the duties of Coroner."*

This proves once again that it is folly to have a dispute with the Press. Posterity, however, has gained. We have an excellent description of the Coroner's practice in 1861, which is somewhat similar to that of the present day except that the Coroner now sits without a jury.

After reading the Straits Times report of April 20, 1861, the Governor asked the Coroner for an explanation. After receiving the Coroner's report, the Governor exonerated him from blame, but still reprimanded him in these words:

*"By his own statement considerable delay was allowed to take place in assembling the Jury. .... As a general rule, in a tropical climate, no inquest should be postponed after receipt of the death beyond*

*the few hours absolutely necessary for obtaining the attendance of the Jury and the witnesses<sup>(83)</sup>".*

After this incident, Dr Scott and other officials had a private discussion with the Governor about mis-statements in the Press (this proves that it is not a present-day phenomenon), and the Governor stated that he was "prepared to prohibit persons connected with the Press from obtaining information from the Police Office, if mis-statements were made in the papers ostensibly on official authority and never contradicted<sup>(84)</sup>".

A situation predicted by the Editor of the Straits Times on May 4, 1861 occurred on July 9, 1861<sup>(85)</sup>. Mr Christopher Thomas, a patient of Dr Scott's died on the night of July 9. The Commissioner of Police requested an inquest, but Dr Scott as Coroner refused as he did not think it necessary. Later, he changed his mind and held an Inquest but without a post-mortem examination. The Jury's verdict was "death by natural causes", and the Coroner ordered the body to be buried. Four days later, on 13<sup>th</sup> July, the Resident Councillor ordered an exhumation, and the post-mortem examination conducted by three Government doctors showed "extensive and long-existent disease".

The Singapore Free Press not to be outdone by the Straits Times, took up cudgels on July 18, 1861, attacking the Resident Councillor and his exhumation order<sup>(86)</sup>:

*"Consider it as one of those illegal acts by which the Executive Officers of Government from time to time astonish and affright the public, leading us to doubt whether we really live in a place where the law of England is said to be administered, and where regular Courts of Justice are established.*

*It is scarcely necessary that we should explain that the powers and duties of Coroners are well defined and regulated by law, and that where a Coroner is thought to have failed in the performance of his duty, there is a plain course open to obtain a remedy. In England, this course is by an application to the Court of Queen's Bench, supported by affidavits setting out the facts on which it is sought to impugn the Coroner's conduct. In Singapore, the Court of Judicature exercise the functions of the Queen's Bench, and therefore, if in the case under remark, it was imagined that the Coroner has failed to do his duty, the Court of Judicature should have been applied to in the regular manner to compel him to do what was requisite. .... The course adopted by the Resident Councillor must therefore be viewed as having been ..... taken by him as an Executive Officer of Government, and was wholly beyond his competency and consequently illegal.*

*In his proceedings, he usurped the functions of the Court and was thereby guilty of a flagrant contempt of its authority. We do not believe that this was done designedly, but only in ignorance and for some strange misconception of his position, and it is only therefore another illustration added to the many we have had before, of the danger of entrusting even the semblance of judicial powers to persons unfitted by education and training for the exercise of them. This officious interference with the authority of the Court of Judicature will no doubt incur the censure of the Honourable the Governor, and elicit from him such explanations as will prevent its being inferred that this infringement on the functions of the Court was in any way countenanced by him."*

Juries of local inhabitants were often criticised in the Press for their ignorance. On December 11, 1861, Dr Scott defended them in public saying that they were not more stupid than European juries, and were often helpful in matters of which Europeans knew nothing about:

*"It is not my business to defend the decisions of juries, my duty is to record them. It is however the fashion to declaim against the intelligence of native juries, and contrast them disadvantageously with Europeans. I think anyone who reads the verdicts of English juries at home, will come to the conclusion that they are often as guilty of great absurdities as those of natives. .... It is all very well to talk of the propriety of having European juries on Inquests, but you little know of the difficulty of getting them when they are wanted, and you are very much mistaken if you suppose that native juries do not often afford the Coroner great assistance in investigating circumstances of which Europeans have no knowledge<sup>(87)</sup>."*

In June 1862, Dr Scott went on leave for one month, and Mr Jonas Daniel Vaughan, the Police Magistrate, acted for him<sup>(88)</sup>.

There were moves to amalgamate the posts of Coroner and Commissioner of Police for the sake of economy in August 1862. The Straits Times carried an article entitled "Our Coroners" protesting against this move. Many objections were raised. It maintained that

*"It is in all cases objectionable to amalgamate two appointments which bear such a relation to one another, that the holder of one might at anytime be called upon to pass censure upon the other ..... This is the chief objection to be urged against the absorption of the Coroner's appointment into that of the Commissioner of Police, namely, that a wholesome, nay, almost necessary precaution against the neglect of the ends*

*of justice will be altogether done away with. The other objection is that one person could not possibly discharge the duties of both appointments efficiently, and one or both would have to suffer<sup>(89)</sup>."*

The Editor rounded off his argument with this paragraph again objecting to doctors as Coroners:

*"We may while on this subject observe that there appear to us to be serious objections to the retention of the post of Coroner by a medical practitioner, for the reasons analogous to those we have quoted with regards to the Police, and especially in places of such limited practice as the Straits Settlements."*

The Editor's objections were of no avail, and on January 14, 1864, Dr J Scott was summarily dismissed as the Coroner by the Governor as his post was to be taken over by the Police:

*"Under instructions from the Supreme Government in India, it will be necessary to remove you from the 1<sup>st</sup> proximo from the office of Coroner, which is to be abolished as a paid appointment, and the duties will devolve on the Deputy Commissioner of Police."*

To soften the blow, the Governor also mentioned that Dr Scott had hitherto performed the duties of Coroner to the satisfaction of Government<sup>(90)</sup>.

Mr Kenneth Bruce Stewart, Deputy Commissioner of Police of Singapore became Coroner on February 1, 1864<sup>(91)</sup>, while Mr Charles B Waller, the Deputy Commissioner at Penang became the Coroner there. The new Coroner under the existing law had authority to select a deputy, and he nominated Mr F H Gottlieb as Deputy Coroner for Singapore<sup>(92)</sup>. This appointment was approved by the Governor the next day as the Coroner could not cope with the duties of two offices.

In 1865, the Crown Counsel brought up the question of the legality or otherwise of holding inquests on a Sunday. According to the Common Law, Sunday was *dies non juridicus*<sup>(93)</sup>. The Governor straightaway wrote to the Government of India recommending that a law be passed to resolve this question, and to allow the Coroner to act without a jury, as not being able to hold inquests on Sundays and a Jury being necessary, posed almost insurmountable difficulties under local conditions:

*"As there appears no reason to doubt the correctness of the Crown Counsel's opinion, the fact of its being illegal to assemble a Jury on a Sunday would certainly, in the Straits Settlements, where the jurisdiction of a Coroner generally extends over several hundred square miles, and the place where the body of the deceased person may be found is*

*often far distant from any village, afford an additional plea for vesting Coroners without Juries, with the same power as with Juries, the necessity of which has already been brought to the notice of the Supreme Government with a view to the introduction of a short Bill to that effect before the Council of the Governor-General for making Law and Regulations<sup>(94)</sup>.*"

When asked for more details, he replied on August 10, 1865 (mentioning also that the Coroner sitting without a jury could always get expert advice when required)<sup>(95)</sup>:

*"In the Straits Settlements, the Deputy Commissioners of Police, being ex-officio Coroners of their respective Stations, at times serious inconvenience might accrue to the Public Service in the event of a Coroner, being as has already occurred on one or two occasions, compelled to absent himself, possibly at a distance of 20 or 30 miles from the Headquarters of the Residency, for a period of three days owing to his having reached the locality where a death may have taken place too late on the Saturday afternoon to admit of his assembling a Jury, whilst even when the Inquest may be held in the immediate vicinity of one of the three Towns, the Coroner generally does not derive the slightest assistance from the Jury, composed either of Europeans discontented at their being summoned from their own business, who fail to take the slightest interest in the proceedings, or of Natives who cannot possibly understand them. There are, of course, special cases of which the Coroner himself would be the best judge, in which he would find the services of gentlemen, expressly selected for the duty from professional qualifications, of great value and, of their services he could still avail himself even though he were vested with power to act without Juries on ordinary occasions.*

*Under the present system consequent on the necessity for assembling a Jury, every Inquest is attended both with delay and expense, but this would of course be a minor consideration, were it found that the ends of justice even in the smallest degree burthened by not having the arrangement. This however is not so. On the contrary, in some instances, the reverse would almost appear to have been the case."*

Complaints against the Coroner appeared in a letter to the Editor of the Straits Times on October 26, 1865<sup>(96)</sup>. A gentleman who signed himself "Ratepayer", took a walk one early morning near the Race Course which was next to the General Hospital, then in the Kandang Kerbau district, and when he came near the Dead House, he was "nearly knocked down by the extremely offensive smell

emanating therefrom". The doctors were performing a necropsy on a Chinese who had been killed in a gang fight 41 hours earlier, and were waiting for the Coroner. The "Ratepayer" then sarcastically observed, "I am aware that we are provided with a Coroner and a Deputy Coroner who could not both be unable to attend to this duty before six this morning. Certainly this does not appear as if the Coroners have any regard to the commonwealth."

The Coroner's practice was still in a state of evolution by 1866. There still were irregularities. In March of that year, a Chinese in advanced decomposition was found, and since nobody could identify it, the Commissioner of Police ordered it to be buried<sup>(97)</sup>. And again in August, when the body of a dead Kling pauper was found by the Police, and as there were no marks of violence on it, the Coroner gave directions for it to be interred<sup>(98)</sup>.

On Monday, September 3, 1866, the Daily Times (daily edition of the Straits Times) carried an article very critical of the Deputy Commissioner of Police as the Coroner<sup>(99)</sup>. It claimed that the experiment had been a failure, and that the appointment of another Government official as the Deputy Coroner, had resulted in two government officials performing their duties negligently.

These charges of slipshod work were soon substantiated when a Chinese man who had been murdered, was reported to, and believed by, the Police as having been killed by a tiger. The matter came into the open when residents in the locality insisted on being members of the Jury at the Inquest, as they were alarmed at the thought of tigers in their neighbourhood. The Daily Times gave full prominence to this incident and ended with this sentence: "It certainly seems singular that the comments which were lately made upon the evil consequences of the office of Coroner here being held by a member of the Police Force should have been so quickly followed by such a striking illustration<sup>(100)</sup>."

Mr Thomas Dunman was Commissioner of Police for the Straits Settlements from 1867 to 1871. Whenever he went on leave, the Deputy Commissioner at Singapore, Mr Robertson, acted for him, and the Deputy Commissioner at Penang, Mr C B Waller, acted as the Deputy Commissioner at Singapore. The same arrangements (Waller acting for Robertson) were made when Mr Robertson went on leave. Thus the Coroner at Singapore from 1864 to 1869 was either Mr Robertson or Mr Waller, depending on who was the Deputy Commissioner of Police at Singapore, at the particular time. The Deputy Coroner was either Mr F H Gottlieb or Mr J D Vaughan when Mr Gottlieb was away.

1867 was the year of the long-awaited Transfer. After many years of agitation by the community, mainly the British merchants, the Straits Settlements were transferred from the India Office to the Colonial Office, and the Straits Settlements became a Crown Colony on April 1, 1867 with its own Legislative Council (subject to control by the Secretary of State for the Colonies.)

After the Transfer, the first Ordinance relating to the Coroner was enacted by the Governor with the advice and consent of the Legislative Council on May 30, 1868. It was the Coroner's Inquests Ordinance 1868 (Ordinance II of 1868), and it removed any doubts about the legality of holding Coroner's Inquests on Sundays.

In 1884, an Ordinance to amend the law relating to inquests of deaths was enacted. Under this Ordinance VII of 1884, the Coroner could hold inquests without a Jury. It took more than 20 years to have the law amended to suit local conditions.

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Abbreviations used:

CHR = Singapore Chronicle.  
DT = Daily Times.  
SFP = Singapore Free Press.  
SSR = Straits Settlements Records.  
ST = Straits Times.

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