

THE CORONER IN EARLY SINGAPORE (1819 -1869)*

The old Straits Settlements comprising Singapore, Penang and Malacca were British possessions for nearly one hundred and thirty years. Penang and Malacca are now constituent States in Malaysia, and Singapore is an independent sovereign island Republic.

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 from its foundation till 1805 when its status was elevated to that of a Presidency. On 28th January 1819, Sir Stamford Raffles landed in Singapore, chosen for its excellent natural harbour and strategic geographical position, and on 6th February 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.

From 1819 to 1823, Singapore was a Dependency of Bencoolen (Sir Stamford Raffles was then Lieutenant-Governor of Bencoolen). It then became a Dependency of the Indian Government. The Treaty of 1824 was ratified by 5 Geo. IV c. 108; and section 21 of 6 Geo. IV c. 85 (1825) authorised the East India Company to annex Singapore and Malacca to Penang.

In 1826, the two new settlements were incorporated into the Presidency, which became known as the Incorporated Settlements of Prince of Wales Island, Singapore and Malacca, with Prince of Wales Island as its capital. This "independence" was short-lived, as the Settlements were downgraded to a Residency under the Bengal Government in 1830. 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.

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 in this study of Coroners in Singapore.

* Abbreviations of References in this Article:

S.S.R. = Straits Settlements Records. Microfilm. National Library Holdings, Singapore.

CHR = Singapore Chronicle. Microfilm. National Library Holdings, Singapore.

S.F.P = Singapore Free Press. Microfilm. National Library Holdings, Singapore.

S.T. = Straits Times. Microfilm. National Library Holdings, Singapore.

D.T. = Daily Times. Microfilm. National Library Holdings, Singapore.

It is not the purpose of this article to discuss when and how English law was introduced into the Straits Settlements, and what laws and statutes (English and Indian) were in force at different periods of time. It is the general opinion that Common Law took root in Penang and Singapore from the moment of their foundation as British Settlements.¹

Act 13 Geo. III c. 63 (1773) established the Supreme Court of Calcutta, and in 1800, Act 39 & 40 Geo. III c. 79 extended the jurisdiction of the Court to Penang, and later to Singapore and Malacca. It is possible therefore that the law administered by the Supreme Court of Calcutta was in force in the Straits before the grant of the first two Charters of Justice, in 1807 for Penang, and in 1826 for the three Settlements. In 1887, in *Ismail bin Savoosah v. Madinasah Merican*,² the law of Singapore was stated to be (a) the law of England as at 1826; (b) Indian Acts having reference to the Colony; (c) Ordinances of the Colony and (d) English statutes in terms applicable to the Colony.

With this general and legal 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 is to investigate violent and unnatural deaths.

A good point to start from would be to quote section 157 of Act 33 Geo. III c. 52 (1793) entitled "An Act for continuing in the East India Company for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the government of the said territories, and the better administration of justice within the same...":

Section 157. And whereas it is expedient that Coroners should be appointed for the settlements in India, for taking inquests upon view of the bodies of persons coming, or supposed to have come to an untimely end: be it enacted, That the Governor-General in Council at Fort William, and the Governors in Council at Fort St. George and Bombay, within their several presidencies, and the governments respectively, shall have full power and authority, by orders in council, from time to time to nominate and appoint so many coroners, being British subjects, as they shall respectively think fit, or as shall be limited by the Court of Directors of the said Company, and by like orders to supersede and remove the persons so nominated, and taking and subscribing, before one of the judges of the Supreme Court of Judicature, or one of the Major's Courts, the like oaths as are directed to be taken by the coroners in the Counties in England, shall and may, by force of this Act, have, do, execute, perform and exercise the like powers, authorities and jurisdiction within the presidency or settlement for which they shall be so respectively nominated and appointed, as by law may be had, done, executed, performed and exercised by coroners elected for any country or place in England, and not otherwise or in any other manner; and that such coroners shall have and be entitled unto such reasonable fees and allowances, for the performance of the duty of their said office, as shall be limited or prescribed by the said respective governments in that behalf.

This would appear to have been in force in Penang before the grant of the first Charter of Justice by Letters Patent on 25th March, 1807, which constituted the Court of Judicature of Prince of Wales Island.

1. See, e.g., M.B. Hooker, "The East India Company and the Crown", (1969) 11 Malaya L.R. 1.
2. 4 Ky. 311.

The Charter had only one reference to Coroners under the heading "Jurisdiction of the Court":

And it is Our further Will and Pleasure, That the said Court of Judicature of Prince of Wales Island and the several Judges of the said Court, shall severally and respectively be, and the said Court is, and they are all and each, and every one of them is hereby appointed to be Justices and Conservators of the Peace and Coroners, within and throughout the said Settlement of Prince of Wales Island, and the places now or at any time hereafter to be subordinate or annexed thereto....

Early records of Penang are meagre. One Johnstone McIntyre was appointed Coroner of Prince of Wales Island in November 1819.³ In December 1822, he reported to the Governor in Council that the goods of a suicide were forfeit to the Company as a Deodand. The goods were sold under the supervision of the Police and the amount credited to the Treasury.⁴ In 1824, he became "bereaved of reason", and his two brothers, Anthony and Norman McIntyre, petitioned the Governor in Council in July 1824 for an extension of his sick leave.⁵ By this time, doubts were expressed as to the legality of the office of Coroner, and the Governor wrote to the Court of Directors of the East India Company in London for clarification and guidance on 31st July 1824:

The situation of Coroner which under the Charter of Justice and where a Court of Judicature is established, is an important and indispensable office, but totally unprovided for in His Majesty's Charter. A question has lately arisen wherein doubts have been entertained regarding the legality of the appointment in consequence of the Charter not providing for the same.⁵

He urged that the matter be "set right" and that "interruption of that highly important office be prevented.

The problem was somehow resolved and in February 1825, the Governor wanted to appoint the Superintendent of Police, Mr. Caunter, as Coroner in place of Mr. McIntyre who was still sick. There were objections from Mr. Clubley, a member of the Council, who was of the opinion that one person could not efficiently perform the duties both of Superintendent of Police and of Coroner, and he said, "While the Court of Judicature is in existence at this Presidency, the separate appointment of a Coroner is indispensable, and that such an appointment ought without further delay to be efficiently filled up."⁶

After receiving a medical report on Mr. Johnstone McIntyre, "the Board taking into consideration the inconvenience experienced for want of a Coroner, resolved that Mr. Norman McIntyre be appointed Coroner upon the allowances attached to that office and the Registrar of the Court be advised accordingly," on 7th July, 1825.⁷

3. S.S.R., A. 19, 1824. The first coroner appointed under the charter was William Young who assumed office on the 24th December 1808. (See Prince of Wales Island Gazette vol. 3, No. 148.).
4. S.S.R., A. 16, 1822.
5. S.S.R., A. 19, 1824.
6. S.S.R., H. 13, 1825.
7. S.S.R., A. 18, 1825.

An account of the Coroner at Penang would not be out of place as the conditions were somewhat similar in early Singapore. On 25th July 1825, the new Coroner reported his first case to the Governor:

An inquest was held before me at the General Hospital in Tulloch Aier Rajah on the 22nd instant on view of the body of Panda, on which occasion a Buggy and Horse being forfeited as a Deodand,⁸ 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.⁹

On 19th April, 1826, he wrote to the Governor for an increase of salary:

I hope the insufficiency of the Salary hitherto granted for the arduous and responsible office of Coroner will appear to the Governor-in-Council when His Honour is made acquainted with the following facts. The jurisdiction of the Court of Judicature of this Island, when compared with that of either of the other Presidencies, is equally if not more extensive. 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 is infact 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.¹⁰

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 nor 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. The residences of the European merchants were outside the Cantonments, but were considered to be within the limits of the Cantonment "as a mere object of Police, and as far as their Protection and Security from depredation may be concerned."¹¹ Martial law prevailed within the limits of the Cantonment. Civilian government servants serving with the troops, menial servants and shopkeepers in the Cantonment, and anybody else found committing theft, assault, rioting, etc.

8. See p. 114, below.

9. S.S.R., A. 18, 1825.

10. S.S.R., A. 26, 1826.

11. S.S.R., L. 19, 1823.

within the limits of the Cantonment, were all under Martial law.¹² All this was in accordance with the following instructions issued by Raffles to Farquhar on 11th February 1819:

With regard to Police and the Administration of Justice, it does not appear to me necessary in the present state of the Settlement that any precise regulations should yet be laid down. As Resident you are necessarily vested with the authority of Chief Magistrate, and will of course exercise that authority, as is usual in places subject to British control, but where British laws may not have yet been introduced. As also the larger portion of the population may in a certain degree be considered as campfollowers and consequently subject to your military authority as Commandant, it will be left to your discretion to act in either of these capacities according to circumstances, by which with the assistance of the native authorities, you will be fully competent to provide for an efficient police and the settlement of such matters as do not require a more regular judicial proceeding. The Chinese, Buggese and other foreign settlers are to be placed under the immediate superintendence of chiefs of their own tribes to be appointed by you, and those chiefs will be responsible to you for the police within their respective jurisdictions.¹³

When Raffles returned to Singapore in 1823, he found that the settlement had developed to such an extent that certain laws should be passed. From January to August 1823, six Regulations were passed to regulate land registration, the port, gaming, slave trade, police and the administration of justice respectively.¹⁴ Regulation III (January 1823) "for the Establishment of a Provisional Magistracy and the Enforcement of a due and efficient Police at Singapore, with certain Provisions for the Administration of Justice in cases of Emergency," and Regulation VI (June 1823) "in furtherance of the Objects of Regulation No. III, of 1823, and containing additional Provisions for the Magistracy and Administration of Justice at Singapore" are the relevant ones in the context of this article. Regulation VI, *inter alia*, set up a Resident's Court and a Magistrates' Court with Rules for the conduct of legal and judicial business together 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 Col. 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, the following order:¹⁵

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
19th day of November, 1823.

J. CRAWFURD, Resident.

12. S.S.R., L. 19, 1823.

13. S.S.R., quoted in D. & J. Moore, *The First 150 years of Singapore*, at p. 48. 1969, Singapore.

14. See reprint of Raffles' Singapore Regulations — 1823, (1968) 10 Malaya L.R. 248.

15. S.S.R., L. 19, 1823.

The earliest existent record of proceedings of a Coroner's Inquest in Singapore — that which was held on 3rd February, 1824 — ran as follows:¹⁶

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.

A. Guthrie	D.S. Napier
J. Morgan	Chas Scott
John Pruvis	Hugh Syme
J.A. Maxwell	C.R. Read
T.H. Campbell	A.L. Johnston
Claude Queiros	Chas Thomas

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 bruises.

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, and 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 Second Charter of Justice which constituted the Supreme Court of Judicature of Prince of Wales Island, Singapore and Malacca was granted by Letters Patent on 27th November, 1826. To resolve all doubts about the legality of appointing Coroners as experienced in Penang in 1824, this new Charter, besides incorporating the section in the Charter of 1807 which contained a mere reference to coroners,¹⁷ now included further provisions taken from section 157 of 33 Geo. III c. 52¹⁸ with only minor modifications (e.g. Coroner need not be a British subject but had to take oath of allegiance):¹⁹

16. S.S.R., BB. 2, 1824.

17. Set out at p.105, above.

18. See p.104, above.

19. S.S.R., B. 9, 1828.

And we do hereby further grant, declare and ordain that the Governor-in-Council of the said Settlement of Prince of Wales Island, Singapore and Malacca, shall have full Power and Authority, by Orders in Council, from Time to Time to nominate and appoint so many Coroners as they shall respectively think fit, or as shall be limited by the Court of Directors of the said Company, and by like Orders to supersede and remove the Persons so appointed, as Occasion may appear to require; and that the Persons so nominated, and taking and subscribing, before one of the Judges of the said Court of Judicature, the Oath of Allegiance and the like Oath of Office as is directed to be taken by the Coroners of Counties in England, shall and may have, do, execute, perform and exercise the like Powers, Authorities, and Jurisdictions within the said Settlement, as by law may be had, done, executed, performed or exercised by Coroners elected for any County or Place in England, and not otherwise or in any other Manner; and that such Coroner shall have and be entitled to such Reasonable Fees and Allowances, for the performance of the Duty of their said office, as shall be limited or prescribed by the said Court of Judicature in that Behalf. . . .

The first Coroner of Singapore appointed under the new Charter was Mr. Andrew Farquhar. He was appointed by the Resident Councillor, Mr. K. Murchison, on 17th December, 1827, on a salary of 100 Rupees a month, and the usual oaths of office and allegiance were administered.¹⁹ The appointment was confirmed by the Governor-in-Council in Penang on 22nd December, 1827.²⁰ Mr. Farquhar's appointment was announced by a notice on the front page of the *Singapore Chronicle* (the only newspaper at the time) on 20th December, 1827 and in the two subsequent fortnightly issues:²¹

NOTICE

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 17th
December, 1827.

The first important inquest held by the Coroner was on the body of a Chinese prisoner on 16th January 1828.²² This man had escaped from the 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 22nd May 1828, when a "session of Oyer and Terminer and Gaol Delivery was held before the Honourable the Governor and the Honourable K. Murchison, Esq., Resident Councillor, being the first Court of the kind that was assembled in Singapore."²³

In the early days of Singapore, being a "frontier town", death by violence was common, and so were crimes of passion as the local popula-

20. S.S.R., A. 43, 1827.

21. CHR., 1827.

22. S.S.R., N. 4, 1828.

23. CHR., 1828.

tion then consisted of far more men than women.²⁴ The Coroner tried to do his duties, as required by the Charter, as a Coroner in England, e.g. holding an inquest near the place where the dead 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 24th 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 and the three others were severely injured. Verdict of the Coroner's Jury, consisting of Chinese, "Accidental Death."²⁵

In January 1829, Mr. Andrew Farquhar fell ill, and in asking the Resident Councillor to grant him six months' leave, he wrote:²⁶

Being strongly advised by the Doctor to leave this Settlement for change of air, may I request your permission to allow me to proceed to Java in the "Mercury", and to grant me leave of absence on account of sickness for six months, the Doctor's Certificate herewith I beg leave to enclose.

Mr. J. Clark, with your permission, will officiate for me during my absence, and he will be ready to subscribe to the usual oath at any time you may be pleased to administer to him.

A. FARQUHAR, Coroner.

Singapore, 19th January 1829.

I do hereby certify that Mr. Andrew Farquhar is in a very bad state of health, and that I am of opinion he would be much benefitted by a short residence in the interior of Java.

J. CASWELL

Singapore, 19th January 1829.

This request was complied with and the proposed arrangements approved. Andrew Farquhar died not long after.²⁷

By 1829, the expenditure of running the Settlements was proving to be excessive, and there were moves to economise by abolishing a few government posts. Governor Fullerton on 8th October 1829, however, recommended that the post of Coroner of Singapore should not be abolished.²⁸

On 30th June 1830 because of rising costs the Settlements were as mentioned above downgraded from a Presidency to a Residency under the Government of Bengal. The titles of officials, who were also Judges, under the Charter, being changed and consequently different from their designations in the Charter, Governor Fullerton was of the opinion (later proved to be erroneous) that abolition of the Presidency also

24. In 1827, there were 20,614 males to 7,286 females (exclusive of the military). CHR., 1827.

25. CHUR., 1828.

26. S.S.R., N. 5, 1829.

27. CHR., 1829.

28. S.S.R., A. 62, 1829.

abolished the Court of Judicature.²⁹ From July 1830 to April 1832, there was no Court of Judicature in the Straits with all its attendant inconveniences. The title of Governor was changed to that of Commissioner for the affairs of the Settlements of Prince of Wales Island, Singapore and Malacca, and the Resident Councillors became Deputy Residents.

To resolve doubts, the Deputy Resident at Singapore, Mr. K. Murchison, wrote to the Commissioner, Mr. Fullerton, on 19th July 1830, regarding the Coroner in the light of the supposed abolition of the Court of Judicature. The reply, dated 3rd August 1830, was that "It seems to be the general opinion that Magistrates may legally continue to act, as well as the Petty Court, the Coroner and the Sheriff, the latter up to the 29th September next."³⁰ Further, the Commissioner apparently acted on this review as was shown by his remarks made on 13th November, 1830, on the estimates for the next year, which included this item: "Coroner Singapore — 110 Rupees per month (Coroner 100 Rupees, Peon 10 Rupees)... the office of Coroner had better be continued with reference to future cases of murder...."³¹

During this period between July 1830 and April 1832, Coroner's inquests continued to be held, but those committed to stand trial for manslaughter or murder languished in Jail as there was no Court to try them.

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 28th April 1831 stated:³²

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 particular 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 convict 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 un-animously agreed to return to Town. This was not as it should have been. Had a Jury sat however, the result in all probability would have been the same — total ignorance of the murderer or murderers."³³

29. CHUR., 1831.

30. S.S.R., Z. 6, 1830.

31. S.S.R., V. 4, 1830.

32. CHUR., 1831.

33. CHR., 1831.

It was also at this period that religious prejudices against necropsies were recorded. On the night of 30th January 1832 a band of Chinese bandits 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, which wound he believes to have been the cause of death.

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.³⁴

The Coroner then either had no authority or did not know he had authority to order post-mortem examinations in cases of violent deaths. It could also be that he was prudent in not wanting to antagonise the Malay population who invariably went about armed with kris.

In the issue of the Singapore Chronicle of 5th April 1832 was a Government Notification regarding the continuation of the Charter of Justice. It also stated that the Governor and Resident Councillors (restoring their original titles) would be appointed on 10th April.³⁵ On 19th April, it was announced that the Governor and Resident Councillor at Singapore had taken their Oaths as Judges, and that the Court of Judicature would open on the 23rd April. The first session of Oyer and Terminer was held on 7th May 1832.³⁶

The next three years (1833-1835) saw the beginning of some of the Coroner's duties as we know them today. On 27th October 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.³⁷ A post-mortem examination showed that the deceased had died of a 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".

The verdicts in murder cases up till 1833 had always been "Wilful murder against person or persons unknown". On 15th November 1833, an Inquest was held on the body of a Chinese man who had been stabbed to death the previous night.³⁸ 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."

34. CHR., 1832.

35. CHR., 1832.

36. CHR., 1832.

37. CHR., 1833.

38. CHR., 1833.

On 16th November, 1833, at another inquest on a murdered Chinese man, was the first recorded instance of a Dying Declaration having been taken :³⁹

Baba Seang, Chinese Interpreter to the Court of Judicature was the first witness, and stated that he was walking at about 8 o'clock the previous night in Church Street, when he saw four or five persons standing round a shop outside which the deceased was lying. He asked the latter, who was then alive and able to speak, who had stabbed him. He replied Tung Keat had. He then asked his name, as also the motive of Tung Keat in committing such an act. The deceased answered that he could not tell, but thought that Tung Keat had stabbed him because he, the deceased, would not live with him. He likewise stated that he had been in Eo Sin Wat's opium shop, when Tung Keat entered and stabbed him; that persons belonging to the house lifted him up and placed him in the street.

Tung Keat was found guilty at the first session of Oyer and Terminer of 1834, and was sentenced to be executed and his body given for dissection.⁴⁰

The first verdict of "Accidental death" was also recorded in 1833 at an inquest on one George Lavorice, who fell while intoxicated, and bled to death when the gin bottle which he was holding broke and cut his arm.⁴¹ "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".⁴¹

At an Inquest held on 11th March 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, 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.⁴²

A verdict of "felo de se" was first recorded on 5th June 1834 at an Inquest held in the Convict Jail on the body of a convict who had hanged himself.⁴³ 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 few European inhabitants were the only Christians, is not known. In England, the Forfeiture Act 1870⁴⁴ and the Interments (felo de se) Act 1882⁴⁵ have done away with the necessity of this kind of verdict.

39. CHR., 1833.

40. CHR., 1834.

41. CHR., 1833.

42. CHR., 1834.

43. CHR., 1834.

44. 33 & 34 Vict. c. 23.

45. 45 & 46 Vict. c. 19.

Deodand⁴⁶ was first mentioned in Singapore at an Inquest held on 15th December 1834 at the Pauper Hospital.⁴⁷ An elderly Chinese had been run over by a horse, and the verdict was “manslaughter against two Malays and a deodand of \$10 on each of the ponies”.

In March 1836, Mr. Clark, the Coroner, went on leave and Mr. Thomas Herbert Bell was appointed by the Governor to officiate in Mr. Clark’s place.⁴⁸ There is no record when Mr. Clark reported back for duty. There is mention of him as the Coroner in 1841, 1845 and 1848.

On 15th July 1836, an Inquest was held on the first body ever to be exhumed in Singapore.⁴⁹ 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 supersedes all other considerations.

The second inquest on a man shot by the police was held on 25th August 1837. A Bugis man ran amok, wounded and killed many people, burnt his 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”. The Jury resolved to bring to “the attention of the Magistrates that Malays and Bugis go about with crises”.⁵⁰

The Civil Medical Officers in the Government service in the Straits did not have the same advantages as the Military Medical Officers or the Civil officers serving elsewhere in India. Their private practice was also poor. They submitted a memorial to the Governor, which was strongly supported by the Senior Surgeon, Mr. Montgomerie, who wrote on 28th January 1837:

I would however beg leave respectfully to suggest that giving them employment in such situations as Commissioners of the Courts of Requests or as Coroners when vacancies occur, would add to their limited income without detriment to the public service or increase in expenditure.⁵¹

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

46. 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 uses. (Deodandum means a thing given to God.) This was abolished in 1846 (9 & 10 Vict. c. 62).

47. CHR., 1834.

48. S.S.R., Z. 10, 1836.

49. S.F.P., 1836.

50. CHR., 1837.

51. S.S.R., W. 3, 1837.

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 20th January 1838, he had still 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 it advisable to detain him, until after the sitting of the Court.⁵²

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 Inquests".⁵³

A woman died on 15th November 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.⁵⁴

Forensic medicine was primitive then, but the Jury's verdict was even more surprising — "Died by the 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 not approved of by the Governor. When Mr. Little, a surgeon in private practice, presented a bill for \$50 "for the examination of five bodies at the requisition of the Superintendent of Police and Coroner", as he was the "nearest practitioner available", it was rejected by the Governor who wrote this to the Resident Councillor:

No necessity for the services of Mr. Little being required. There are two Medical Officers especially appointed by Government for the Public Duties of so confined a Settlement as Singapore, and whilst they are effective, I must have stronger reason than any at present advanced for sanctioning the payment of a Private Practitioner.⁵⁵

Mr. Oxley was promoted Senior Surgeon in the Straits when Mr. Montgomerie retired at the end of 1843. When a new recruit to the department, Mr. W. Traill, reported for duty in August 1845, Mr. Oxley gave him detailed instructions about his duties, which included "attendance to all requisitions for the Departments of Sheriff, Coroner and Police".⁵⁶

52. S.S.R., R. 4, 1838.

53. S.S.R., W. 6, 1841.

54. S.F.P., 1843.

55. S.S.R., U. 10, 1844.

56. S.S.R., BB. 61, 1845.

A most amusing case of wrong identification occurred at an Inquest held on 27th October 1845.⁵⁷ On the 25th October, three men and a woman while on a pleasure boat trip were murdered by a party of Malays. A boy who was with the party jumped overboard and escaped. A woman's body was found and the boy identified it as that of 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! "The woman, on the view of whose body, the Coroner's Inquest was held yesterday, must have been that of some other person than the evidence received by the Coroner went to establish, and consequently the gentlemen of the Jury who patiently inquired into the cause of death of the deceased, will be a second time called upon to discharge the painful duty for which their talents so eminently qualify them". A few days later, a man reported to the Magistrate that his sister had been missing for some days and that he suspected that 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 unidentified woman who was buried after the inquest could be his sister. So the Magistrate with some policemen and the man went to the Muhamadan burial ground and the body was dis-interred 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 and for the Magistrate and Police.

Members of the Coroner's Jury were unsure of their duties. On 27th November 1845, an Inquest was held on the body of an Indian man who had been poisoned, and the verdict was "wilful murder against some person or persons unknown". A letter to the Editor, written on 1st December 1845, appeared in the 6th December issue of the Straits Times:⁵⁸

Will you or any of your correspondents be so kind as to inform me whether the Court of Judicature takes cognisance over the Coroner's Court, as it was with this impression on my mind, and I believe, in the minds of several of the Jurors in the case of the Kling man at Dr. Montgomerie's Plantation who died of poison being administered to him, that I consented to the verdict recorded, although there was suspicion attached to the party at whose home the deceased ate his last meal. Your throwing a light on this subject will be the means of enlightening a few who may in future be called to serve on Inquests, to be wary and cautious that they do not err in the same conviction as led.

In the first half of the 19th century, forensic medicine was not very advanced, 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".⁵⁹

57. S.T., 1845.

58. S.T., 1845.

59. S.F.P., 1846.

Another complaint 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 an European jury when the deceased was an European, and also for difficult cases involving natives.

On a verdict on 17th March 1846 of "Wilful Murder" was signed by three Chinese and three Klings but six other Klings affixed their marks.⁶⁰ There was also discrimination in recording verdicts. If a native took his own life, the verdict was either "felo de se" or "suicide". For an 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.⁶¹ On 1st May 1846, "Messrs. C.A. Dyce and T.R. Kerr appeared in the Court of Judicature to show cause against a rule nisi why they should not be amerced". Mr. Dyce's excuse was that as a member of the Grand Jury, he was not liable to serve on an inferior Jury, and that this was the practice when he was resident in Calcutta. Mr. Kerr pleaded that this was his first offence; that he was very busy at the time of the summons, and that he had been very regular in attending summons and that his last attendance was three days previously. In answer to a question from the Recorder, Mr. Clark the Coroner stated that in selecting the jurors for each inquest he had regard to public interests, and all took turn from a list furnished by an officer of the Court. He summoned gentlemen as they stood on the list, but it frequently happened that on being summoned, they sent their clerks as proxies, and when it came to the turn of the latter, he put in the warrant the names of the principals (deeming that the proxies had already served their proper turn), upon which the gentlemen complained that they were summoned oftener than ought to be. The list furnished to the Court comprised about sixty names.

The Recorder stated that as it was the first case of the kind which had been brought to his notice, he would not impose the fine which neglect to comply with the Coroner's summons demanded. He knew of no privilege which exempted members of the Grand Jury from attendance on a Coroner's Jury. It was a duty which belonged to British subjects in common. He thought that the Coroner was fair in his method of summoning jurors.

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".⁶² 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 stopped a coffin from which a foul odour emitted, and the corpse was found to have seven cuts on his skull, having been killed in the swamps some days previously.⁶³

60. S.T., 1846.

61. S.T., 1846.

62. S.T., 1846.

63. S.F.P., 1845.

In December 1846, the Senior Surgeon, Mr. Oxley, wrote to the Governor recommending that a laboratory should be set up and equipment bought to assist in the detection of poisons in medico-legal cases.⁶⁴

In February 1847, one Etam, Jemadar of the Court of Requests, was tried for attempting to bribe Henry Lloyd, Apothecary of the Pauper Hospital, to give false medical evidence before the Police Magistrate.⁶⁵ As a result of this case, the Governor ordered 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 would be prevented. "The evidence of an Apothecary is not to be taken except in very extraordinary and extreme cases".⁶⁶

The 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 an extract of a letter written on 28th May 1847 from the Senior Surgeon to the Resident Councillor shows:⁶⁷

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

Hunmadaz, convict lately working at Shangei (Changi), admitted at 9 p.m. on the 24th May, in a state of insensibility. Head shaved, blister applied to the neck. Symptoms those of apoplexy. Died 1 p.m. on the 25th. Body examined: viscera of 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 some 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.

Indian Act IV of 1848 for regulating Coroner's Juries⁶⁸ was passed on 26th February 1848, and was extended to the Straits Settlements by Act XXVI of 1848.

64. S.S.R., W. 11, 1846.

65. S.S.R., AA. 18, 1847.

66. S.S.R., CC. 18, 1847.

67. S.S.R., BB. 68, 1847.

68. This Act was entitled "An Act for regulating Coroner's Juries". S. 1 prescribed that on inquests in Calcutta, Madras and Bombay, not more than 5 jurors to be necessary. S. 2 imposed liability on a person summoned as juror, upon his non-appearance and proof of service of summons, to a fine by the Coroner. S. 3 made provision for preventing inquisitions from being quashed for want of form. S. 4 provided as follows: "And it is enacted, that it shall be lawful for each of the Coroners... from time to time to appoint, by writing under his hand and seal, a fit and proper person, such appointment being subject to the approval of the Governor... to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other acts performed by any such Deputy Coroner, under and by virtue of any such appointment, shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made. Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause. Provided also that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made."

The Straits Times of 22nd July 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!"⁶⁹ This led to an official inquiry.

In the meantime, the Recorder at the second session of Oyer and Terminer, directed the attention of the Grand Jury to the neglect of the Police to take up cases of murder where the Coroner had held an inquest. He also said that this was decidedly wrong as the inquiry by the Coroner was a mere formal or *ex parte* inquiry and by no means superseded the necessity of investigations being promptly and thoroughly entered into by the Police.⁷⁰

As a result of inquiries, the Governor, Colonel Butterworth, dismissed the Coroner from his post on 11th October, 1848:⁷¹

To James Scott Clark, Esquire, Coroner.

I have the honour to transmit for your perusal the accompanying letter, No. 153 of 9th October, 1848, from the Resident Councillor at Singapore, regarding the very imperfect performance of your duties as Coroner.

Soon after my arrival in the Straits and subsequently from time to time, I have received complaints on this head. I found also by a letter to your address from the late Governor, Mr. Bonham, dated the 14th September, 1841, that great dissatisfaction had been expressed by that Gentleman with your proceedings and that your removal from office was therein contemplated.

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.

Mr. Clark wrote to the Governor to ask for the reasons of such a step, and received this reply on 12th October, 1848:⁷²

The previous censure recorded by my predecessor, coupled to the several complaints which have been made to me from time to time, added to the recent observations from the Bench, and the communication sent for your perusal from the Resident Councillor have left me powerless to continue you in office.

Under these circumstances, I am pained beyond measure to reiterate my former decision, and to acquaint you that Dr. Little has this day been appointed Coroner at Singapore to whom you will be pleased to hand over the records of that Office.

To complete the records for posterity, it is set out in the following all the official documents relating to the appointment of a Coroner in 1848:⁷³

69. S.T., 1848.

70. S.F.P., 1848; S.T., 1848.

71. S.S.R., V. 13, 1848.

72. *Ibid.*

To Robert Little, Esquire, Surgeon.

Sir,

I have the honour to transmit for your information the accompanying Order appointing you Coroner for this Station.

Intimation to the above effect has been given to Her Majesty's Court of Judicature, by whom the usual Oath of Office will be administered to you at 11 o'clock tomorrow.

I have the honour, etc.

W.J. BUTTERWORTH.
Governor.

Singapore, 12.10.1848.

ORDER

Singapore, 12th October 1848

By virtue of the power vested in the Governor in Council of the Settlements of Prince of Wales Island, Singapore and Malacca, by His Majesty's Charter of Justice of the said Settlement, We do hereby order that Robert Little, Esquire, Surgeon, be and he is hereby nominated and appointed a Coroner for the Station of Singapore in the room of James Scott Clark, Esquire, removed from that Office, and We do now direct that before entering on the duties of such Office, the said Robert Little shall appear before one of the Judges of Her Majesty's Court of Judicature and take and subscribe the Oath of Allegiance and the usual Oath of Office.

W.J. BUTTERWORTH, Governor.

T. CHURCH, Resident Councillor.

To A.J. Kerr, Esquire, Registrar of the Court of Judicature.

Sir,

I beg to request you will do me the favour to inform the Judges of Her Majesty's Court of Judicature that Robert Little, Esquire, Surgeon, has been appointed by Government, Coroner at Singapore in the room of James Scott Clark, Esquire, removed from that office.

I have the honour, etc.

W.J. BUTTERWORTH.
Governor.

Singapore, 12.10.1848.

I, Robert Little, do swear that according to the best of my skill and knowledge, I will faithfully and truly execute and discharge the Office of Coroner to which I have been appointed at Singapore.

Sworn in open Court
at Singapore, this
13th day of October 1848.

So help me God,

R. LITTLE, Surgeon.

Before Mr.

I, Robert Little, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria the First.

Sworn in open Court
at Singapore, this 13th
day of October, 1848.

So help me God,

R. LITTLE, Surgeon.

Before Mr.

GOVERNMENT NOTIFICATION

It is hereby notified that Robert Little, Esquire, Surgeon, has this day been appointed Coroner at Singapore, vice James Scott Clark.

W. J. BUTTERWORTH.

Governor of Prince of Wales Island,
Singapore and Malacca.

Singapore, 12.10.1848.

The Government Notification regarding Mr. Little's appointment was published weekly in the Singapore Free Press of 19th and 26th October and 2nd November. There was no doubt that this appointment was a popular one. The Editor of the Singapore Free Press wrote on 19th October 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 to the Office 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.

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.

The first Inquest held by Mr. Little was on 14th October 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.⁷³

As more and more inquests were held, the strain was felt by the Medical Department as one member had to attend Court to give evidence, while others may have to serve as Jurors on the same case. Senior Surgeon Oxley wrote to the Resident Councillor on 21st November 1848, setting forth his problems and his recommendations:⁷⁴

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.

73. S.T., 1848.

74. S.S.R., BB. 74, 1848.

Although the law regarding “deodands” was abolished in England in 1846,⁷⁵ in Singapore, in February 1849, non-human objects were still forfeited as deodands at Coroner’s Inquests.⁷⁶

Persons being killed by tigers was an almost daily occurrence in Singapore since its founding in 1819. In the first six months of 1849, 400 Chinese were carried off by tigers. On 18th April 1849, Mr. Little, the Coroner, alarmed by the increasing number of inquests on persons killed by tigers, particularly in the Bukit Timah and Tanah Merah districts, waited upon the Governor to submit his report personally.⁷⁷ As a result of the efforts by Mr. Little who was the first Coroner to take a personal interest in this matter, the Governor ordered the Resident Councillor to start a campaign to exterminate the tigers. Another matter which engaged the Coroner’s mind was the number of murders permitted to take place in Singapore with impunity. One example will be quoted from the newspapers: “The body of the Chinese man was cut up in a most horrible manner and his hands were tied behind his back. There was no trace of the murderer or murderers, and the verdict as usual.”⁷⁸

Mr. Little’s quarrel with the Assistant Resident, Mr. L.S. Jackson, who was also the Superintendent of Police, became official when he lodged a complaint to the Governor by a letter dated 3rd July 1849⁷⁹ in which he wrote “I will await your answer before taking any steps to wipe away the repeated insults he had heaped upon me as Her Majesty’s Coroner.” The Governor’s reply, sent on 9th July, 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 over the Coroner, but noted that the Coroner’s letters to the Superintendent were not conciliatory but offensive. He ordered that in future there should “be no necessity for any correspondence between you and the Superintendent of Police”; they were both to write to the Resident Councillor. He suggested that the question of Interpreters which was one of the matters in dispute could be easily resolved without recriminations, but that the Coroner should state the language he needed interpreting.⁸⁰

The Superintendent of Police when asked for his comments, denied that he was rude, and that whatever “superiority” was elicited by the grossest provocation. He made the following suggestions regarding Interpreters:⁸¹

I earnestly press upon you the following arrangement. The Court of Requests holds only two sittings in a week, and for only a few hours at a time. An apartment in that Court and its establishment of Interpreters may therefore

75. See fn. 46, above.

76. S.F.P., 1849.

77. S.S.R., U. 17, 1849.

78. S.F.P., 1849.

79. S.S.R., W. 14, 1849.

80. S.S.R., V. 15, 1849.

81. S.S.R., BB. 77, 1849.

be always and fairly reckoned as available for the Coroner's Inquests when held in Town as they almost Universally are. These, moreover, are a regular judicial establishment paid by the East India Company, from whom the Coroner is in terms of the Charter entitled to aid. The Police Interpreters, on the other hand, are paid under the Municipal Committee out of the Assessment Fund, and would not therefore appear to be liable to attend Inquests. The Court of Requests Interpreters would doubtless cheerfully undertake this additional duty for the gratuity heretofore sanctional for the purpose.

The quarrel did not end, for continuous 'sniping' and seemingly unintentional provocations persisted. The Coroner wrote to the Assistant Resident on 15th August, 1849:⁸¹

I have the honour to inform you that a Chinese supposed to be murdered has been brought to the Pauper Hospital. When the Jury and myself assembled there this morning, we were informed that a case or cases of smallpox were in the hospital.

I and my Jury cannot therefore hold our Inquest in such a place and we beg you will remove the body to where an Inquest can be commenced and conveniently held.

The reply sent on the same day was:

The removal of dead bodies is not, to my knowledge, within the range of my duties, nor can I indicate any place for the holding of an Inquest having no premises fit for the purpose at my disposal. I regret therefore that I cannot comply with your wishes, but I shall lose no time in forwarding a copy of your letter and of my reply for the consideration of superior authorities.⁸²

The letters were transmitted to the Resident Councillor, who wrote to Mr. Little on 18th August, as follows:⁸³

Whenever it may be considered necessary to remove a corpse previous to any inquest, and the relatives and friends are unwilling to perform that office, you will indent on the Superintendent of Convicts for the number of men required, or in the case of extreme emergency, cause coolies to be hired on the spot.

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.

The Court of Requests holds only two sittings in a week, and for only a few hours at a time, the apartment may therefore be always fairly reckoned on as available for Coroner's Inquests when in Town.

Back came the Coroner's reply on 22nd August, 1849:⁸⁴

If a body should be found at a distance in the country, at Buddoo (Bedok), and the relations refuse or there are none, what time is there left to send to Town wait on the Superintendent of Convicts, and then to despatched 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

82. *Ibid.*

83. S.F.P., 1849.

84. S.S.R., BB. 77, 1849.

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: (i) 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]

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.

Things were fast moving to a head. On 29th August 1849, the Coroner discharged from the custody of a police constable, one Yacob who had been given to his charge by the Magistrate. The Assistant Resident demanded to know "the circumstances under which you considered yourself authorised to act in that manner as such an act is irregular in law, and might be highly inconvenient in practice."⁸⁵ The reply was "... I am not, Sir, answerable for the faults of your subordinates, and if he (Yacob) was committed by the Sitting Magistrate, the Head Constable ought to have known better than to have given him up, however just or unjust, his detention might have been."⁸⁵

To even up, the Coroner on the next day complained to the Resident Councillor that he "indented for a Chinese Interpreter to attend an Inquest now holding", but "the Police Interpreter came and left without notifying his departure, leaving a man as his substitute who barely speaks Chinese."⁸⁵

After about ten days, of "peace", the Assistant Resident, who was also the Superintendent of Police, fired another salvo by writing to the Resident Councillor on 10th September, 1849:⁸⁶

On Saturday last (8th September), the Coroner, without any previous communication to me, gave orders for the dissection of a body in part of the open stables attached to the Police Office, which in consequence of the lowering of the compound wall, are open to public view in almost every direction....

85. *Ibid.*

86. S.S.R., BB. 77, 1849.

A vast number of Chinese assembled in the neighbourhood looking on. There was much excitement and a riot very nearly ensued. Having an opportunity of speaking to the Coroner, I suggested the propriety of having post-mortem examinations at the Hospital where the Jury could view the body, that gentleman replied very abruptly 'certainly not, we cannot (or I cannot) be at the trouble of adjourning from one place to another'. I do mention this by way of complaint but in order to urge respectfully upon you the necessity of making some certain provision for these matters for the convenience as well for the Coroner himself or of his Office and the public generally.

The next day, the Coroner complained that the Superintendent of Police had:

Taken upon himself the responsibility of removing a body from the Police Office to the Pauper Hospital, after my precept had gone forth for the holding of my inquisition at the Police Office in the apartment belonging to the Coroner's Court. 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 office duties suspended.⁸⁷

This threat put the back of the authorities up. The Assistant Resident denied that the body was removed, although he did propose removing it to the Hospital as the body was 48 hours dead, had been carried ten miles in the heat of the day, and was in a most offensive condition, distinctly perceivable in his office. But as the Coroner had objected, he abandoned his intention.⁸⁷

On the same morning (11th September) senior government officials met the Governor to discuss the Coroner, and the Coroner was told of the decision that he should hold inquests at the Hospital, but the Resident Councillor reported:

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.⁸⁸

The Governor immediately ordered the Coroner's Room to be constructed, and the conversion of "one or two of the covered sheds at the corner of the Police Compound into a Dead House with a separate entrance."⁸⁹ This was to be a temporary Dead House until a permanent one was ready.

But on 12th September 1849, the Governor wrote to the Resident Councillor signifying his satisfaction with the Assistant Resident's explanation. He also stated:

I regret very sincerely the tone assumed by the Coroner on this occasion as well as in the correspondence with yourself in August on the subject of Inquisitions being held in the vicinity of the spot in which the body may be found. There are doubtless difficulties in doing this on all occasions, but to bring a body in a state of decomposition to Town is highly objectionable,

87. *Ibid.*

88. S.S.R., CC. 23, 1849.

89. *Ibid.*

and I trust will be avoided as much as possible. 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.⁹⁰

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

As the Executive Government of this Settlement sanction, in my opinion, undue interference with the duties of 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.⁹¹

A copy of the Assistant Resident's explanatory letter of 12th September did not reach Mr. Little until the 15th of September, the day after he had resigned. He wrote to the Resident Councillor on the same day to clarify matters:⁹²

Previous to the occurrence on the 8th September 1849, the Assistant Resident, while I was holding my Court, entered, and in such a manner far from courteous, interrupted my proceeding, and expressing his dissatisfaction at my having a dead body in an empty horse stall in the Police Compound, which body was ordered there by the Deputy Superintendent of Police. This contempt of court would have entitled me to have committed the said Assistant Resident.... If there is no proper accommodation in the Police Compound, that is not my fault. Sufficient length of time has elapsed for the Executive Government here to have done what they are only now intending to do, viz. to build a Dead House.

Regarding the Assistant Resident's insistence that dead bodies should be sent to the Pauper Hospital, Mr. Little said:

Rather than his delicacy should be shocked, inflict all the evil he complains of, on above 100 inmates of an Hospital, who would be much nearer the said decomposing body than the Assistant Resident, and who, sick and helpless, have no opportunity of removing from the nuisance. As a man, I would be ashamed of such want of feeling, and as an official, have ever protested against it; now would I summon a Jury to the Hospital wherein the only room they could have, patents with most virulent and contagious diseases might be, as it was on one occasion, nor would I think of asking a Jury to view a body, nor a Medical Gentleman to examine it, in a place used as a Dead House and a Public Necessary.

After Mr. Little's resignation, the news of which spread like wild fire all over Town, there was an application for his post on 15th September.⁹³ This was the only instance of an application for the office of Coroner; all previous incumbents were nominated. The applicant, Mr. John Cadman Heap, was admitted an Attorney of H.M. Courts at Westminster on 16th June, 1843, and was also admitted as a Law Agent in Singapore on 28th April, 1849. His application for the coronership of Singapore was rejected by the Governor who wrote.⁹⁴ "I regret I cannot

90. S.F.P., 1849.

91. S.S.R., W. 14, 1849.

92. S.S.R., BB. 77, 1849.

93. S.S.R., W. 14, 1849.

94. S.S.R., V. 15, 1849.

hold out any hope of your being appointed Coroner at this Station, which office demands a knowledge of the manners and customs of the people." Mr. Heap thus lost the opportunity of supplementing his income while trying to establish a practice in the Straits.

Mr. William Willans Willans, nephew of the Resident Councillor and a Civil Servant, was sworn in as the Coroner at half past five on Monday, the 17th September 1849, and immediately proceeded to hold an Inquest!⁹⁵

On 28th September 1849, Mr. Little wrote a letter to the Singapore Free Press, enclosing copies of the correspondence he had 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:⁹⁶

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 him 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 that 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 "Coroner's cases". On 5th August 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.⁹⁷

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 bazar."⁹⁸ There was even an editorial in the Singapore Free Press on 6th September 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 publicly, this poison lying close and often being in contact with tamarinds, onion, salt, sugar, etc.⁹⁹

95. S.F.P., 1849.

96. S.F.P., 1849.

97. S.F.P., 1850.

98. S.F.P., 1850.

99. *Ibid.*

On 27th January, 1851, the Coroner wrote to the Resident Councillor regarding the very serious public inconvenience resulting from the very confined state of the Dead House, which was 40 x 15 square feet in area and built of bricks and tiled roof. He submitted an estimate (by the Superintending Engineer) of Rupees 862-13-6 for a new Dead House for the use of Coroner's Inquests, including 85 rupees for a Dissecting Table, 10 x 12 feet, to be covered with lead. He also pointed out that:

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.¹

The estimates for the new Dead House to be built on the outskirts of Town, at the foot of Pearl's Hill in the vicinity of the European and Pauper Hospitals, were approved by the Governor on 1st April 1851,² and confirmed by the Government of India on 17th May 1851.³ The building of brick and chunam (lime) and tiled roof was completed in June 1851. Its dimensions were 24 x 24 x 12 feet.

In June, 1852, the Governor on the recommendation of the Senior Surgeon indented for two sets of Chemical Tests for the detection of poisons in substances. These were necessary as no chemical analysis performed at Calcutta or Madras was of value owing to the inability of the Analyser to appear in Court to give his evidence.⁴ The standard of judicial work was gradually improving.

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

The Jurors present that the unrestricted sale of arsenic (and other poisons) in the Bazar, 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.⁵

Mr. T. Dunman, the Sitting Magistrate, was appointed Deputy Coroner, when Mr. Willans went on leave on 16th June, 1853.⁶

Riots among the Chinese broke out on 5th May 1854. This brought work for the Coroner and his Jury.

On 24th April 1855, Mr. Christopher Robert Rigg was appointed Coroner when Mr. Willans resigned.⁷

1. S.S.R., AA. 22, 1851.
2. S.S.R., U. 21, 1851.
3. S.S.R., S. 18, 1851.
4. S.S.R., T. 3, 1852.
5. S.F.P., 1853.
6. S.S.R., U. 25, 1853.
7. S.S.R., U. 29, 1855.

In June 1855, two Chinese were murdered by Malays. A 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 were then dismissed without being sworn.⁸ 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 an European Jury was involved?)

Another important case in which an European Jury was summoned was recorded in September 1855. 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 an 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.⁹

The third Charter of Justice for the Straits Settlements was granted on 10th August 1855, and the section on Coroners was similar to the 1826 Charter with minor changes.¹⁰

In 1856, there was no provision for the registration of deaths, and the cause of death need not be stated, even in the death report of Europeans. This might have contributed to the manner in which some inquests were conducted or not conducted. In February of that year, the Court of Directors of the East India Company ordered that the causes of death should be recorded in the periodical returns of death of Europeans submitted by Chaplains and Christian Ministers of all denominations. All doctors, civil and military, were then required to state the cause of death in the death report of Europeans prior to interment.¹¹ Deaths among the non-European population did not concern the authorities in London.

It is recalled that in 1848, the Recorder criticised the neglect of the Police for not investigating cases which had appeared in the Coroner's Court. The Police evidently pulled up their socks after that. In May 1856, a Javanese sailor was killed in a fight with his captain. The Coroner's Jury returned a verdict of "Justifiable Homicide", but the captain was committed by the Sitting Magistrate on a charge of manslaughter.¹²

8. S.F.P., 1855.

9. S.F.P., 1855; S.T., 1855.

10. The section on Coroners is similar to that of the 1826 Charter, with minor modifications: "And We do further ordain... [same as 1826]. .. Court of Directors of the East India Company under the direction and control of the Board of Commissioners for the Affairs of India, and... [same as 1826]... for the performance of the Duty of their said office as have been heretofore authorised in that behalf, or shall from time to time be authorised under the provisions hereafter in that behalf contained...."

11. S.S.R., S. 23, 1856.

12. S.T., 1856.

Another incident was recorded at the same time. 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 he 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."¹³

C.R. Rigg resigned as Coroner to join the Municipal Commission of Singapore, and Dr. Charles Julius Curties, a private practitioner, was appointed in his place on 13th January, 1857.¹⁴

Another incident of the Coroner's Jury's verdict not affecting administrative and police action, occurred in February 1857. There was a clash between the Police and some Indians, one of whom was shot dead and twelve others wounded. 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."¹⁵

The first newspaper article on the Coroner appeared in the Straits Times of 13th March 1858, portions of which will be quoted to show the conditions and the thinking of the day:¹⁶

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 who under such circumstances would report violent and sudden deaths to the Police.... Then again if the bodies of deceased persons are not brought into 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 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 re-

13. S.F.P., 1856.

14. S.S.R., V. 22, 1857.

15. S.S.R., R. 31, 1857; S.F.P., 1857.

16. S.T., 1858.

commendations 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 grievance of which all ill-paid and under-paid Coroners — like the Straits functionary — have just cause of complaint, except by allowing 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 by 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 system unworkable, recommended on 1st November 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 — a practice which still exists in the rural parts of Singapore. In his letter to the Government, Governor Blundell wrote:¹⁷

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.... Will, I think, satisfy the Council of 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 of justice. 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

17. S.S.R., R. 33, 1858.

too great an innovation on the judicial system, for its limitation to the precincts of the Towns only of the several Stations.¹⁸

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

Dr. Curties died on 5th June 1860, and Dr. John Scott, another private practitioner, was appointed Coroner on the same day. The Order appointing Dr. Scott was exactly the same as that of Mr. Little, only this time, the Governor was Colonel Orfeur Cavenagh, and the Resident Councillor was Mr. H. Man. They signed the Order.¹⁹

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. The Senior Surgeon reported:

I have seen the plans for a Dead House to be erected near and attached to these buildings [General Hospital], and for a Morgue, to which all dead bodies, will be brought and examined by the Medical Officer in medico-legal cases. This has long been a desideratum at this Settlement, and when finished, will have a handsome appearance. The present building (Police Dead House at the foot of Government Hill) used for the above purpose is very unsatisfactory and in too public a place.²⁰

It was also required for conversion into a Lascar Barracks.

On 20th April 1861, there was an article in the Straits Times which demanded to know why 48 hours had to elapse before the Coroner held an inquest on a man who was murdered and thrown into the sea.²¹

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 other 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.

18. The draft he submitted was as follows:

Draft of An Act for the abolition of the office of Coroner (1858)

Whereas the office of Coroner is found to be incongenial to the feelings and ideas of the native population of the Straits Settlements, cumbrous in its execution, and useless and often injurious in its effects, it is enacted as follows:

From and after the.....all that part of the Letters Patent for reconstituting the Court of Judicature of Prince of Wales Island, Singapore and Malacca, under date the 10th August 1855 relating to the appointment, duties and powers of Coroner under the said Charter is repealed (except as the same relates to the Towns of Penang, Singapore and Malacca as limited under Section 2 of Act XIV of 1856).

All necessary investigations into the cause of death within the jurisdiction of the Court of Judicature of Prince of Wales Island, Singapore and Malacca hitherto held before a Coroner and Jury, shall henceforth be conducted by the officers of Police at the several stations in the Straits of Malacca in such a manner as may best conduce to the ends of justice.

19. S.S.R., V. 31, 1860.

20. S.S.R., W. 36, 1860.

21. S.T., 1861.

The Coroner protested against the libellous statements. The Inquest was held 23 hours after the case had been reported to him, and it was the usual practice to hold an inquest the day following that on which a report was made to the Coroner. The newspaper on 27th April 1861 apologised, 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."²²

Two days later, the Editor wrote a long article entitled "The Office of Coroner" on why lawyers and especially medical men should not be Coroners:²³

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.

The next issue of the Straits Times (4th May 1861) carried the article promised by the Editor, "The Duties of the Coroner":²³

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 use 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

22. S.T., 1861.

23. S.T., 1861.

upon oath, and after hearing 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 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 the Recorder of Prince of Wales Island, Singapore and Malacca, 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 10 a.m., a writ is issued to the Coroner's Constable to summon a jury for 2 or 3 p.m. 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 a 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 is 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 having been 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 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 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 Police 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 would 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 feud 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 20th April, 1861, the Governor asked the Coroner for, "an explanation of the circumstances under which it is alleged that a delay of 48 hours was permitted before

assembling an Inquisition".²⁴ 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 report of the death beyond the few hours absolutely necessary for obtaining the attendance of the Jury and the witnesses.²⁵

After this incident, Dr. Scott and other officials had private discussions with the Governor about mis-statements in the Press, 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." Dr. Scott repeated this to the Editor of the Straits Times (probably as a threat), and received a severe censure from the Governor for divulging confidential matter without prior consent.²⁶

A situation predicted by the Editor of the Straits Times on 4th May 1861 occurred on 9th July 1861.²⁷ Mr. Christopher Thomas, a patient of Dr. Scott's, died on the night of 9th July. 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 13th July, the Resident Councillor ordered an exhumation, and the post-mortem examination conducted by three Government Medical Officers showed "extensive and long existent disease".

The Singapore Free Press, not to be outdone, took up cudgels on 18th July 1861, attacking the exhumation order of 13th July:²⁸

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 exercises the functions of the Queen's Bench, and therefore, if in the case under remark, it was imagined that 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

24. S.S.R., W. 37, 1861.

25. S.S.R., W. 37, 1861.

26. S.S.R., V. 28, 1861.

27. S.T., 1861.

28. S.F.P., 1861.

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 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.

Dr. Scott was evidently not as popular with the Press as Mr. Little. On 11th December 1861, a Chinese fell through Coleman's Bridge and was drowned. The Straits Times asked why a verdict of manslaughter against the persons who built or repaired the bridge was not recorded.²⁹ Dr. Scott wrote to the Editor on 14th December, stating that although he was not in the habit of replying to any strictures on his official conduct; he had to defend the Chinese Jury which had been assembled by him, and by whom a verdict of "Found drowned" was recorded. He also had this to say:

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 any one 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.³⁰

In May 1862, the Governor issued orders to the Senior Surgeon, the Commissioner of Police and the Coroner, that as the building used as a Dead House at the foot of Government Hill would be taken over by the Military, "bodies will therefore be carried for examination to the Dead House attached to the General Hospital."³¹

In June 1862, Dr. Scott went on leave for one month, and Mr. Jonas Daniel Vaughan, the Police Magistrate acted as Coroner.³²

In August 1862, there were moves to amalgamate the posts of Coroner and Commissioner of Police for the sake of economy. The Straits Times carried an article entitled "Our Coroners" protesting against the intention of Government as soon as opportunity offered to pursue this course.³³ Many objections were raised. It maintained the view that:

It is in all cases objectionable to amalgamate two appointments which bear such a relation to one another, that the holder of the one might at anytime be called upon to pass censure upon the other. . . . This is the chief objection

29. S.T., 1861.

30. S.T., 1861.

31. S.S.R., V. 35, 1862.

32. S.T., 1862.

33. S.T., 1863.

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 objections were that one person could not possibly discharge the duties of both appointments efficiently, and one or both would have to suffer. The Editor rounded off his argument with this paragraph: "We may while on this subject observe that there appear to us even to be serious objections to the retention of the post of Coroner by a medical practitioner, for reasons analogous to those we have quoted with regard to the Police, and especially in places of such limited practice as the Straits Settlements."

On 14th January 1864, Dr. J. Scott was summarily dismissed as Coroner by the Governor who wrote to him:

Under instructions from the Supreme Government [in India] it will be necessary to remove you from the 1st 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.

The Governor also mentioned that Dr. Scott had hitherto performed the duties of Coroner to the satisfaction of Government.³⁴

Mr. Kenneth Bruce Stewart, Deputy Commissioner of Police of Singapore became Coroner on 1st February,³⁵ while Mr. Charles B. Waller, the Deputy Commissioner at Penang became Coroner there. At the same time, Mr. T. Braddell became the first Crown Counsel of Singapore. As will be seen, this appointment had some impact on the law of Coroners in Singapore.

On 14th April 1861, the new Coroner nominated Mr. F.H. Gottlieb as Deputy Coroner for Singapore in accordance with Section 4 of Act IV of 1848.³⁶ This appointment was approved by the Governor the next day, as it was found to be necessary because the Coroner could not cope with the duties of two offices.

On the same day, the Coroner recommended that the two peons attached to his office be dismissed, so that the money saved could be used to employ a permanent Chinese Interpreter. He had experienced great difficulty in obtaining a competent Chinese Interpreter at short notice whenever he was holding inquests on Chinese bodies. As Deputy Commissioner of Police he could make use of Police peons to perform the duties of the Coroner's Peons.³⁶

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 is *dies non juridicus*.³⁷ The Governor straightaway wrote to the Government of India recommending that a law be passed to resolve this question, and that the Coroner be allowed to act without a Jury:

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

34. S.S.R., X. 59, 1864.

35. *Ibid.*

36. S.S.R., X. 59, 1864.

37. *Machalley's case* (1611) 9 Co. Rep. 65b at 66b.

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 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.³⁸

The reply from Simla, in the traditional civil service manner, was despatched on 5th July, 1865, asking for more detailed information:³⁹

To inquire whether practical inconvenience has ever yet been found for the supposed inability of the Coroner to hold an Inquest on Sunday; and what practical result it is supposed would ensue if, under the necessity of the case, the Coroner did swear the Jury, and the Jury did view the body on a Sunday.... You will be good enough to state the other grounds to which you refer as shewing the necessity for enabling Coroners to act without Juries....

The Governor replied on 10th August 1865:⁴⁰

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 although 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 the arrangement. This however is not so. On the contrary, in some instances, the reverse would almost appear to have been the case.

The question of the abolition of Coroner's Juries was in the first instance brought under the consideration of the Supreme Government by Mr. Blundell (November 1858), and was subsequently referred to in the correspondence relative to the proposed alterations in the Letters Patent for reconstituting the Courts of Judicature. Vide this Office's despatches Nos. 44 & 125, dated respectively 16.4.1862 and 20.7.1863.

Complaints against the Coroner again appeared in a letter to the Straits Times on 26th October 1865.⁴¹ A gentleman who signed himself "Ratepayer", took a walk one early morning near the Race Course which

38. S.S.R., R. 44, 1865.

39. S.S.R., S. 33, 1865.

40. S.S.R., R. 44, 1865.

41. S.T., 1865.

was next to the General Hospital, then in the Kandang Kerbau district. 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 previously, and were waiting for the Coroner. The "Ratepayer" then 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. In March of that year, a Chinese corpse in advanced decomposition was found, and since nobody was able to recognise it, the Commissioner of Police ordered it to be buried.⁴² And again in August, the body of a dead Kling pauper was found by the Police, and as there were no marks of violence found, the Coroner gave directions for it to be interred.⁴³

On Monday, 3rd September, 1866, the Daily Times (daily edition of the Straits Times) carried an article very critical of the Deputy Commissioner of Police as the Coroner.⁴⁴ It claimed that the experiment had been a failure, and that the appointment of the Commissioner of the Court of Requests 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 by the police as having been killed by a tiger. This matter came into the open, when residents in the locality insisted on being members of the Jury at the Inquest, as they were alarmed about 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."⁴⁵

On 26th November 1866, the Daily Times reported that the police discovered a corpse, and Inspector Cox proceeded to the spot and examined the body, but found no marks of violence upon it. The case was reported to the Commissioner of Police who ordered the body to be interred.⁴⁶

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 were made whenever Mr. Robertson went on leave. Thus the Coroner at Singapore from 1864 to 1869 was either Mr. Robertson or Mr. Waller, depending on who

42. S.F.P., 1866.

43. D.T., 1866.

44. D.T., 1866.

45. D.T., 1866.

46. D.T., 1866.

was the Deputy Commissioner 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 Settlements became a Crown Colony on 1st April 1867 with its own Legislative Council (subject to control by the Secretary of State for the Colonies).

On 10th January 1867, the Governor submitted to the Government of India a draft Bill "to alter and amend the law relating to Coroners and Coroners' Inquests in the Straits Settlements". The Governor urged "the propriety of vesting the Coroner with the power, in ordinary cases of acting without the aid of Juries".⁴⁷ Nothing was done as the Transfer was in the offing.

After the Transfer, the first Ordinance relating to Coroners was enacted by the Governor with the advice and consent of the Legislative Council on 30th May 1868, to remove doubts about the legality of holding Coroner's Inquests on Sundays. It was the Coroners' Inquests Ordinance, 1868.⁴⁸

Indian Act I of 1867, entitled "An Act to provide for the appointment of Public Officers" passed on 1st April 1867, did not apply to the Coroner as is clear from its provisions:

The appointment of all officers heretofore acting under the Government of India, in the said Settlements shall, from the passing of this Act, be void and of no effect:

Provided always that nothing in this Act contained shall be held to apply to officers under Her Majesty's Letters Patent for reconstituting the Court of Judicature of Prince of Wales Island, Singapore and Malacca, dated the 10th day of August 1855.

In 1871, the Indian Coroner's Act to amend and consolidate the law relating to Coroners was passed. In Singapore, it was only in 1884 that an Ordinance to amend the law relating to inquests of death was enacted. Under this Ordinance, VII of 1884, the Coroner could hold Inquests without a Jury.⁴⁹ It took more than twenty years to have the law amended to suit local conditions.

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47. S.S.R., R. 44, 1867.

48. Ordinance II of 1868. Section 1 thereof declared that: "It shall be lawful to hold Coroners' Inquests, and all proceedings connected therewith, on Sundays, as well as on all other days."

49. S. 4 thereof provided thus: "After the passing of this Ordinance it shall not be necessary for any Coroner upon holding an inquest of death to summon a Jury, but he may hold any such inquest by himself without a Jury, and every inquisition found at any such inquest by a Coroner alone with a Jury shall be as valid and effectual to all intents and purposes as if the same had been found by a Jury."

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