

## BOOK REVIEW

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### A Review of: The Death of Old Man Rice

“One of the most remarkable trials in all history.”

“—a gripping tale of murder and intrigue.”

Its elements include “the influence of the popular press, the purchase of expert witnesses,—the issue of the death penalty, and the advantage of wealth.”

The O. J. Simpson case, right? Wrong!

*The Death of Old Man Rice (A True Story of Criminal Justice in America)* by Martin L. Friedland, Professor of Law at the University of Toronto, relates the controversial circumstances surrounding the death in New York City of William Marsh Rice, the founder of Rice University, reputed to be “the wealthiest Texan in the United States” at the time he was found dead in his Berkshire building apartment by his valet on September 23, 1900. His personal physician attributed the death of his 84 year old patient to “Old age and weak heart; immediate cause, indigestion followed by collicotue (sic) diarrhea with mental worry.” An attorney, Albert Patrick, took charge of the funeral arrangements and requested “that the body be cremated as soon as possible, without embalming.” However, when the undertaker explained “that at least twenty-four hours would be required to get the furnace at the crematorium to the required temperature,” and that the Indian summer weather New York was experiencing would produce decomposition problems, Patrick readily agreed to have the body embalmed. (Interestingly, embalming had gained widespread acceptance in the U.S. during the Civil War when it proved necessary to preserve the remains of dead soldiers who were being transported to their hometowns. When President Lincoln was embalmed, the procedure gained even greater legitimacy. Then, as now, embalming was used much less frequently in Europe.) This event turned out to be the most crucial, extensively studied, and hotly disputed evidentiary item in the development of a criminal case that dragged on until Patrick, who had been convicted of first degree murder and sentenced to death, was granted a full pardon by Governor Dix on November 27, 1912. (One cannot help but draw an investigative comparison between the technical studies of the Zapruder film over the past three decades in the assassination of President John F. Kennedy, and the extensive experiments performed by numerous medical and scientific experts who testified at the original Patrick trial and in subsequent appeal proceedings concerning the effects of brachial artery embalming on the lungs.)

As soon as it became known that Rice’s will had essentially left the bulk and control of his huge estate to Patrick, Rice’s longtime Houston attorney, James A. Baker (grandfather of James A. Baker, III, the former Secretary of State) demanded that an investigation be undertaken and a post-mortem examination be performed. Despite a substantial difference of opinion among several medical examiners and other physicians, it was ultimately ruled that Price had died as a result of chloroform poisoning. The appearance of the lungs was the anatomical basis for that conclusion. At the trial (and in later hearings), much testimony was given by various specialists for both the prosecution and the defense, including several of the most eminent medical school professors and clinical practitioners of that era. The New York Medico-Legal Society conducted numerous studies and proved to be Patrick’s most formidable ally throughout the years of his incarceration. So convincing were their efforts that nearly 3500 physicians in New York State signed a petition in 1906 asking the Governor to appoint “an independent commission of inquiry into the medical aspects of the case.”

Professor Friedland weaves a fascinating tale in a clear and objective fashion, despite the legal and medical complexities of this case. He reviewed extensive trial records, library and archive materials, and personal correspondence at various sources in New York, Texas, and elsewhere, in order to present the entire fabric of this bizarre case. Baker and his colleagues undoubtedly catalyzed the investigation and allegations against Patrick. Tens of millions of dollars were at stake, and the establishment of a great university in Houston depended upon the conviction of Patrick for murder and his removal as executor of Rice’s estate. Numerous political careers were established (and in a few instances, tarnished) by the aggressive pursuit of the charges against Patrick. Another intriguing dispute that was a key issue in this case was the validity of Rice’s signature on several checks and other important legal documents. A host of questioned documents examiners gave conflicting testimony at the original trial and in subsequent appeal proceedings in analogous fashion to the forensic scientific and medical controversies that swirled around the post-mortem detection of chloroform and embalming effects on the lungs.

Fortunately for Patrick, he had a multimillionaire brother-in-law, as well as several loyal friends and dedicated scientists, who stuck by his side and provided the financial, psychological, and political basis and strength for the protracted appeals that led to his full pardon and release from Sing Sing Prison 12 years after Rice’s death.

Much has changed since the turn of the century. In 1902, there were only 11 murder convictions in New York City, and only three

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in the first degree! On the other hand, much has remained the same. Murder trials with complex medical and scientific issues involved; politically ambitious prosecutors and clever defense attorneys; prominent (and well-paid) experts for both sides; aggressive newspapers with screaming, eye-catching headlines and emotionally-charged editorials (no TV or radio then, for better or worse!); the need for huge sums of money by a defendant and the difference that money can make in the criminal justice system; and of course, the unpredictability of the jury system and judges

(both elected and appointed) all remain essentially the same a century later.

All these intellectually delectable ingredients are contained in Professor Friedland's excellently written book. Numerous photographs and sketches liberally scattered throughout this volume add to the pleasure and interest of the reader. Anyone who likes a good murder(?) plot, an array of fascinating characters, controversial medical problems, and dynamic adversarial legal proceedings will be in for a treat by reading *The Death of Old Man Rice*.