contended, first, that the plaintiff had acted as an apothecary; and, secondly, that whether he had so acted or not, the true question for the jury was not whether he had charged the charges of a chemist, or whether he had charged the charges of an apothecary, but whether he had *acted* as an apothecary or a chemist; whether, in fact, he had acted as an apothecary, though he had charged as a chemist. It was quite clear on the trial that, according to law, the plaintiff was acting as an apothecary. His lordship should see the bill. Mr. Fry's argument, that they were not apothecaries' charges, was fallacious.

Mr. Justice WIGHTMAN: You know the bill shows nothing: so far as that goes the charges are consistent with his being called a chemist.

Mr. CHAMBERS: If he was, within the meaning of the statute, going beyond compounding and dispensing, and acting as a prescriber, then the plaintiff ought to have been nonsuited at the trial.

Mr. Justice WIGHTMAN: The only doubt I entertain is, whether the case should have gone to the jury. Have you any case in which the judge took upon himself to determine the question at once, whether the chemist was acting as an apothecary, without referring it to a jury? for in all my experience it has been left to the jury, and ought to be. However strongly the judge may give his intimation to them, still it is a question for the jury. In the present case, the judge could not very well take it upon himself to say that in furnishing those boxes of ointment the plaintiff was acting as an apothecary.

Mr. CHAMBERS: But on looking at the bill it will be seen, that whenever a box was taken away there always went powders or medicines with it; so that the result is quite undoubted.

Mr. Justice WIGHTMAN: That may be strong to go to a jury.

Mr. CHAMBERS: All that was the effect of the youth having consulted him as to what was necessary for the disorder.

Mr. Justice WIGHTMAN: That is for the jury to determine. It may be strong proof, but I doubt if it is for the judge to decide the question. I don't think it is.

Mr. CHAMBERS, on adverting to the nature of the charges in the bill, was asked by

Mr. Justice WIGHTMAN if he thought the jury had understood that part of the question which hinged on the charges for medicines being those of an apothecary or those of a druggist. He himself (Mr. Justice W.) hardly knew what that question was.

Mr. CHAMBERS: For instance, an apothecary may charge 1s. 6d. for a bottle of medicine, while a chemist might sell it over the counter for 1s. The jury look at the charges in the bill, and are asked are they chemists' or apothecaries'? But that would not settle the question, because every chemist would

then resort to the subterfuge. The jury, on looking at the bill, may have said, "He keeps a chemist's shop; his charges are those of a chemist; and he brings his action as a chemist." But if they had been asked, "Do you think he was acting as an apothecary towards the youth?" they might have said, "Yes, he was, though he charged as a chemist."

Mr. Justice WIGHTMAN: I am unwilling to grant a new trial in a case of so small an amount; but as it is a case of misdirection I am bound to do it, if misdirection is proved. If it is said, "Are these apothecaries' charges or chemists' charges?" it may be that the charges are only chemists' charges—he only may have *charged* as a chemist; but I think the question is, whether he acted as a *chemist* or as an *apothecary*. It seems to me that there has been a miscarriage, and that there must be a new trial.—Rule absolute.

* * Some extraordinary, even ludicrous, blunders have been exhibited in this case, in which the judge, the counsel, and the solicitors all appear to be equally implicated. Be it known to them that the plaintiff *did not act as an apothecary at all* in the treatment of the two diseases specified, both diseases being "surgical;" and such is the state of the law in this country, that any man may undertake the treatment of such cases, and sustain an action in a court of law for the recovery of a reasonable demand for his medicines and services,—that is, provided the judge, the counsel, or the jury could be made to understand the question at issue.

MR. WELCH'S MODE

OF

STOPPING ILLEGAL MEDICAL PRACTICE.

To the Editor of THE LANCET.

SIR,—In THE LANCET for July 10th, 1841, there appeared a letter from me, with a copy of a handbill advertising for patients. You did not insert the names and addresses of the parties named in the bill, for reasons which you then stated; but, perhaps, you will not object to do so now, on perusing the following account of what has happened to the parties since that period:—

Dr. Farman, of Hollybush-gardens, Bethnal-green-road, left the parish very shortly afterwards.

Mr. Tennison, of Broughton-place, Hackney-road, has been prosecuted by the Apo-

Society, who have obtained a verdict against him.

Mr. Edward Moore, of Bethnal-green, issued a placard offering a reward of £100 on conviction of the publishers of the "Medical Certificate," which I answered in another placard, and offered a reward of £100 for his diploma, for which reward, I regret to say, I had no applicants. This occasioned a great deal of blustering on Mr. Moore's part, with terrible threats of law-proceedings,—a storm that was soon succeeded by a calm; for in a letter from Mr. T. J. B., clerk to the Apothecaries' Society, dated Jan. 26th, 1842, I am informed that the society instituted proceedings against Mr. Moore some time since, and obtained judgment against him.

Mr. J. B., of ———, has not been prosecuted, and, with Messrs. Moore and Tennison, still practises, which, I think, would have been prevented had I been permitted to follow my own plans, by a continued and more general circulation of my handbills. I have the honour to remain, Sir, your obedient servant,
CHARLES WELCH.
Bethnal-green, Feb. 7, 1842.

THE MICROSCOPE.

In some instances, long practice, and the accumulated experience of centuries, have conducted the profession to the proper mode of treating certain morbid lesions, although it is to the microscope we are indebted for having since shown not only in what manner the treatment is effectual, but the real nature of the morbid lesions themselves. Thus, although the cause of inflammation and suppuration is to the mass of practitioners unknown,—although they may never have heard of the inflammatory and pus globules,—they yet apply the very treatment which those who have studied them would propose should be followed. In the same manner, practitioners have successfully treated the porrigo lupinosa, or favosa,—one of the forms of scalled head, with caustic and detergent applications, without knowing anything of its real nature. Some considered the disease to reside in the bulbs of the hair, others in the follicles of the skin. Microscopic observations, on the other hand, have demonstrated that it consists of minute plants or fungi growing on the human scalp; in short, that it is a species of mildew which covers the skin. Now, we know that caustic and detergent applications are fatal to vegetable life, and these are exactly what medical men have long employed to cure the disease.—*Dr. J. H. Bennett's Lecture on the Microscope.*—[In extolling his instrument the "doctor" falls into the common slang of his brother dubs about the ignorance of all his medical brethren who are *not* dubs—the "great mass" of practitioners. It is wrong enough in the old, but wrong and impudent, too, in the young.]

THE LANCET.

London, Saturday, February 19, 1842.

THE medical profession have now, we learn from Mr. GUTHRIE, and from the declaration of Sir JAMES GRAHAM, to look to Sir ROBERT PEEL'S Government for redress from the grievances inflicted by the new Poor-law and the Medical Corporations. The medical arrangements of the unions will be settled in March next for the ensuing year; whatever is done therefore by the *Poor-law Commissioners* must be done quickly, and, let us add, to be of the slightest use, must involve a radical change. The Commissioners have all the materials of a sound and satisfactory system in their possession; they know precisely the average cost of medicines and the remuneration of the medical officers in various departments of the public service; they are well acquainted with the views of the medical profession; and they have had a large experience of the dreadful sufferings of the poor in workhouses as well as out of them, under the tender and low-price schemes which they and their Assistant-Commissioners ignorantly sanctioned and promulgated. We have thought it latterly right to devote several articles to the exposure of the daily abuses of the law, and shall never relax our vigilance until it be abolished, or its worst features be removed. But we have always considered the medical arrangements the most objectionable. The medical relief of the poor of the country is in itself a question of immense magnitude. Looked at simply as a question of humanity, it is assuredly important that the two or three millions of our fellow-countrymen who are entirely dependent upon the public for relief in sickness, should obtain medical attendance in the way most likely at once to be efficient and grateful to their feelings. Then the policy is not less evident. The health of the lowest of the people is a matter in which the interests of the highest, and the welfare of the country, are concerned. Their health regulates the