Mr. Williams for the defendants. The action was brought to recover the sum of £7 for attendances &c. in cases of puerperal maladies, under clause 183 of the medical order, contained in the consolidated order of the Poor-law Board, Somerset House. The pleas urged by counsel resisting the payment were, first, that they were "ordinary illness," and came under my contract; and secondly, that the attendances in two cases were without orders, and that they were not paupers.

The only evidence adduced was my own, supported by the testimony of Daniel Macnamara, Esq., surgeon, a practitioner for upwards of forty years, and who has never been connected with any union, who corroborated my testimony, that the cases enumerated were puerperal maladies. No evidence whatever, of any kind, was offered by the board of guardians.

On the summing-up of the judge the jury retired for a short time, and on their return delivered the following verdict:—"We find for the plaintiff for the entire amount of his bill;" concluding with the following observation, which was read from a paper to the court by the foreman, — Price, Esq., of East-cot,—"We desire to record our regret at the absence of evidence on the part of the Eton board of guardians for rejecting Mr. Rayner's claims." Upon the jury delivering their verdict a burst of applause, which was kept up for some minutes, immediately succeeded, until suppressed by the officers of the court. I should state that the jury were summoned at the request of the defendants, who stated, through their counsel, that they should be perfectly satisfied with their verdict, and ready to pay the account, should they so determine; nevertheless, the moment the jury delivered their verdict, and order was restored, the defendants' counsel urged the judge to grant them a new trial, which was answered by the judge requesting time to consider.

I feel assured you will add your congratulations on my success to that of my neighbours, which I have already received, and although the two trials have occasioned me considerable expense and anxiety, I do not repine; while I am induced to hope that the interests of my brother medical officers have been strengthened rather than impaired by my proceedings.

I remain, Sir, your obedient servant,

Uxbridge, June, 1849.

WILLIAM RAYNER.

P.S.—In my account I had inadvertently charged £1 in each case, when I should have charged £2 in three of the cases referred to, so that the debt should have been £10 instead of £7. I could not correct the error when once made, and was content to abide by it. The error was mentioned by me in court.

THE COLLEGE OF SURGEONS.—THE "HUNTER CLUB."

To the Editor of THE LANCET.

SIR,—As I cannot but suppose that you would wish to make use of your influence as a journalist, in a legitimate way, and have your statements based on truth, I trouble you with this, that you may have an opportunity of putting yourself right with the profession in the next number, with regard to the club, to which some fellows of the College of Surgeons belong, which you in your last (clearly on an *ex parte* statement) have greatly misrepresented. In the first place, as a member of that club, allow me to state, that nothing is farther from the wish of the members than secrecy, (publicity was one of the objects of its foundation.) I have no doubt that if you were to make application, the names of the members would be furnished you; you would indeed confer a favour on them by so doing, as it would save them some trouble; you may at the same time state, (what they are anxious all the fellows should know,) whom they intend to support at the ensuing election of the College of Surgeons. So far from it being an object of the club, "that none but hospital surgeons should be elected," it happens to be just the contrary; their only object, and one they intend to pursue at all hazards, (even should it meet with your opposition,) is to do all that lies in their power to promote the election only of the most fitting person, and who is most likely to maintain the dignity and honour of the college, quite regardless whether he may be "an hospital surgeon" or not. As an earnest of this, let me tell you, that previous to your last number appearing, the club had agreed to support, and they intend doing so with all their proper and legitimate influence, first, Mr. Luke, who goes out of office, but is eligible for re-election; there are two more vacancies caused by death; (there should be another vacancy if the council will do their duty, and declare one of the present council ineligible, having ceased to practice, *bonâ fide*, his profession since his election, which the new charter gives them

the power of doing.) Then there would be three vacancies, without Mr. Luke retiring. The club have decided to support, and support only, (after Mr. Luke,) Mr. Hodgson, Mr. Kiernan, and Mr. John Dalrymple, not one of them hospital surgeons, and only one in any way connected with the club, who, it can scarcely be necessary to say, did not attend the meeting at which this discussion was come to;—and why do they intend to do so? because, by so doing, they think they will be best advancing the interests of the college, and most honestly discharging their duties as electors. It is necessary to state, that three gentlemen have, for the present, been passed over, on account of ineligibility, (according to the charter,)—Messrs. Perry, Gulliver, and Owen; but it can scarcely be necessary to state how proud and glad they will be to see such gentlemen in the council, when they shall have made themselves eligible. In arriving at this decision the members of the club have been influenced but by one motive—viz., to do what they might consider their duty, whatever umbrage or dissatisfaction it may give to some parties. They have not supported their personal friends, whom they regard with esteem for their private or social qualities, but have selected those whom they conscientiously thought were *bonâ fide* the best men, and most likely to do justice to their selection. The club do not think that merely because a gentleman may have been for a long period attached to an hospital, therefore he is an eligible candidate for the Council of the College of Surgeons. On the contrary, should he not have taken advantage of such a position, and in some mode have advanced either the practice or science of his profession, that would be a reason for not supporting him. Or though a gentleman may have been a teacher for a long period, if by his teaching he has not attempted to raise the scientific as well as moral station of his pupils, but if his mode of teaching may have had a contrary effect; that would be a valid reason for not supporting him, in their opinion. The club are quite aware that their proceedings are likely to meet (and they are quite prepared to meet) with opposition from those whose position may not have entitled them to their support; but they have arrived at this conclusion—that to prevent every one, whether eligible or not, or, indeed, some most ineligible, creeping into the council according to seniority, that it was absolutely necessary to do all that lay in their power to remove this stigma from themselves, as electors of so important a body as the council of the College of Surgeons.

Any number of gentlemen meeting together to decide how they can best promote the interest and welfare of a body to which they may belong, and after due deliberation determining how they shall act, is, in my opinion, quite a legitimate proceeding; and allow me to say that I think you have stepped out of your province in attempting, on an *ex parte* statement, to put down so laudable an object. But of this I do not complain; for by your so doing the club is put, by this answer, in its true colours before the profession.

You cannot, I think, with any show of justice, refuse admission to this in your next number. The great object of the club is publicity, that the fellows in the country may have an opportunity of informing themselves of the qualifications of the different candidates before the election. The club have no wish or intention to dictate to any one; but they reserve to themselves to do what they think, in their opinion, may be best for the college, and to use their legitimate influence in furthering such an object, and leave the fellows to form their opinions also.

I am, Sir, yours obediently,

June, 1849.

J. H. C.

INQUESTS IN CASES OF DEATH CAUSED BY CHOLERA.

The General Board of Health,
Gwydyr House, Whitehall, 5th June, 1849.

SIR,—I am directed by the General Board of Health to forward to you herewith a copy of the reply which they have written, in answer to a letter from the Clerk of the Keynsham Union, informing them that the Rev. J. R. Harding had refused to bury the corpses of five persons who died of cholera, until an inquest had been held upon the bodies.

I am, Sir, your obedient servant,

T. Wakley, Esq., M.P.

ALEXANDER BAIN,
Assistant Secretary.

(COPY.)

General Board of Health,
Gwydyr House, Whitehall, 4th June, 1849.

SIR,—I am directed by the General Board of Health to acknowledge the receipt of your letter, of the 1st instant, in

which you inform the board that the Rev. J. R. Harding has refused to bury the corpses of five persons who have died from attacks of cholera, until an inquest has been held upon the bodies, contrary to the opinion of the committee of guardians and of the medical officers, and I am to state, in reply, that by the common law, the occurrence of mortal disease through causes known to be within control, and therefore preventible, is a case to which, by possibility, criminal culpability may attach, and therefore a legitimate subject of inquiry.

The commissioners for the consolidation of the criminal law have adverted to the principle in the following terms:—

"1. The law takes no cognizance of homicide, unless death result from bodily injury, occasioned by some act, or *unlawful omission*, as contradistinguished from death occasioned by an influence upon the mind, or by any disease arising from such influence.

"2. The terms *unlawful omission*, comprehend every case where any one being under legal obligation to apply food, clothing, or other aid or support, or to do any other act, or make any other provisions, for the sustentation of life, or prevention of injury to life, is guilty of any breach of such duty.

"3. It is homicide, although the effect of the injury be merely to accelerate the death of one labouring under some previous injury, or infirmity, and although if timely remedies or skilful treatment had been applied death might have been prevented."

The occurrence of deaths known, or suspected, to be from epidemic disease, that is, disease produced or aggravated by causes which are preventible, and the prevention of which may have been charged, as a special duty, on some particular officer or officers, implies a probable culpability on the part of some person or other, and therefore forms a proper subject of legal investigation; especially when the deaths in question have happened among paupers, or any class under the charge of a public body, responsible for their proper treatment.

The results of the greater number of coroners' inquests held on cases of the description now alluded to, have, as it appears to the board, been such as fully to justify the holding of inquiries as a general rule. Almost without exception they have displayed the existence of preventible causes of disease and death, even though from technical or other obstacles they may have failed to attach the legal responsibility for the fatal result to particular individuals. But apart from any inculpatory proceedings, the inquiries into the causes or immediate antecedents of death have been very beneficial, and well worth the expense, for the sake of the public information as to the means of preventing disease and mortality. A writer on the preservation of health has expressed, in the following passage, the importance of arousing public attention to the existence of removable causes of sickness.

"The people in general do not, and cannot, know that the occurrence of a case of fever, not obviously dependent on some localized inflammation of adequate severity, is *prima facie* proof that there is, in the district, some removable source of atmospheric impurity, which, although possibly producing only one case of fever, or only a few cases of fever, and although perhaps attracting little notice, and not affecting, under the name of fever, the tables of mortality, or even adding directly to the local rates, under the guise of widowhood or orphanage, gives rise necessarily to numberless cases of lesser disease, amounting to fever only in those who have been predisposed to suffer largely from the operation of such causes, owing to debility or functional derangement, however induced, or in those who have been most exposed to the miasmatic matter, which has so far poisoned the air.

"People do not, and cannot, know such facts as these, or nothing less than a hue and cry would be raised on the occurrence of fever, the sources of impurity would be anxiously investigated, and every matter for suspicion would be promptly and carefully removed."

The facts that deaths have been caused by epidemic disease, instead of being conclusive against the need of inquiry, forms, of itself, a *prima facie* case for investigation, when the fatality has arisen in a public establishment. The present occurrence of deaths from cholera in a Union house, in the opinion of the board, justifies the clergyman of the parish in his refusal to inter the bodies until a public inquiry, by a coroner's inquest, has been held. The general board presume that the guardians themselves have done all that was incumbent upon them, or that was reasonably to be expected of them, in the performance of the duties of their office, and that they desire to have this made manifest; but they should avail themselves of the opportunity which the proceeding may afford, to ascertain

whether there has been any neglect, on the part of any responsible person, in enforcing the measures of precaution duly notified and published in anticipation of the present calamitous visitation.—I am, Sir, your obedient servant,

To T. Oxford, Esq., Clerk to
Union, Keynsham.

(Signed,)

ALEX. BAIN,
Assistant-Secretary.

PHYSICIANS AND GENERAL PRACTITIONERS OF ENGLAND.

To the Editor of THE LANCET.

SIR,—Among all the anomalies that exist in the medical profession, as it is practised in England, (and there are not a few,) none has struck me more forcibly than the peculiar position that the general practitioner seems to hold in reference to the consulting physician—a position, I should advisedly repeat, quite incredible and astounding to any one who has not witnessed its operation. It is not so in any part of the continent of Europe where I have had opportunity of getting acquainted with the working of the profession; it is not so in Ireland; and that it is not so in Scotland will be learnt from the lucid and practical answers of Dr. Christison, in his examination before the Parliamentary Committee, as reported lately in THE LANCET. There they seem to manage matters better, as well for the dignity and peace of mind of the profession as for the good of the lieges. I allude to that state of perfect nonentity, or at least of abject deference, which the general practitioner is expected to assume, when the aid of the physician is requested in any particular case. The physician is looked upon as a being of a superior order, with whom the family practitioner has nothing in common,—resorted to in emergency, or under any doubt or distrust either on his part or that of his patient. The physician is then expected independently to examine the patient, prescribe, and receive his fee; while the regular attendant looks on, almost a passive spectator, perhaps envious of the large fee, having for the time handed over his patient to the physician, much as the sailing-master does his ship to the pilot on entering the Thames, not daring to convert the interview into a "consultation," as the patients may wish, and the world believes, such meetings to be.

That a physician, in the hurried interview generally allotted to a consultation (?), can acquire that knowledge of a case so as to warrant him thus unceremoniously to break in upon the plan of treatment that may have been laid down by the attendant, is to me strange and incredible; and yet the physician must (will) interfere or "write" for his fee! This must often be the case, too, where the general practitioner is conscious that his knowledge of disease and practical medicine is superior to that of the physician, who, to use another seafaring simile, too often "comes in at the cabin window instead of through the fore-castle," where the necessary discipline and knowledge of his profession can alone be gained. For there can be no doubt that the experience acquired in the hospital or dispensary, combined with the closest research in the study, are but inefficient in conferring that tact and nice discrimination on the physician, compared with the advantages enjoyed by the family practitioner. The latter must feel degraded in his own mind to have his treatment interfered with, even in appearance, although every care be taken in announcing this to the patient or his friend, that "the change is but trifling" or "slightly modified." The sensitive mind of the patient, too, as well as the anxieties of friends, is very apt to be led to conclude, that where there is room for a change, all had not been done previously that might or ought to have been done, and the attendant suffers in consequence, by diminished confidence from the patient, or in dismissal. All this, too, be it remarked, for a matter of custom or form that can serve no end but the perpetuating of abuse and injustice, equally ruinous in its consequences to the profession as to the community.

My attention has more particularly reverted to this subject while perusing the leading article of THE LANCET, where a short account of Dr. Crisp's (then Mr. Crisp) difference with Dr. Todd is given. In the consultation referred to, the patient was a near relative of Dr. Crisp, who, moreover, had diagnosed a disease with which we are to suppose he was peculiarly conversant. And surely nothing but the baneful influence of this custom could have allowed the latter to succumb to Dr. Todd on a point of such vital importance and interest to him, without either being convinced of his own error or calling in the aid of additional advice, before he could consent to so vital a change; and surely this was in the power of Dr. Crisp in such a case. No doubt, at last, a third opinion