

several subordinate matters. These heads are—Dressings after operations and accidents;—topical medicaments, consisting in cataplasms, fomentations, baths, gargarisms, dashes, (douches,) injections, fumigations, liniments, embrocations, cerates, ointments, plasters;—bandages of every variety;—trusses;—artificial ulcerations, as blisters;—issues, setons, cauterics;—simple operations, as bleeding, cupping, leeching, vaccination, catheterism, reduction of hernia;—wounds;—ulcers;—abscesses;—hemorrhages.

We have risen from a hasty inspection of this work with impressions entirely in favour of it; it certainly must be a great acquisition to any medical library, and we earnestly hope, that for the benefit of persons not acquainted with French, an English version may be prepared.

W. E. H.

XXIII. *Hints for Examination of Medical Witnesses.* By JOHN GONNOR SMITH, M. D. &c. Professor of Medical Jurisprudence in the University of London. London, 1829, pp. 138, 12mo.

Few writers have been more zealous in the prosecution of their enquiries, or more indefatigable in their exertions to promote a general diffusion of their favourite branch of study, than the author of this small treatise. Until the appearance of Dr. Smith's *Principles of Forensic medicine*, there was no work in the English language exclusively devoted to medical jurisprudence; some few tracts it is true appeared at intervals, which, however valuable in themselves, were rather sketches of the numerous subjects embraced by that science, than works to which the physician and jurist could refer with confidence.

Dr. Smith observes that he has ventured on the present publication, from having heard complaints of the inconvenient size of his former works. It is addressed exclusively to the legal profession, and is calculated to afford them great assistance in their examinations, but, as is very justly observed by the author, it is by no means suited for medical men, who must extend their researches far beyond such narrow limits. It is the business of a medical witness to instruct the court and jury in the most minute particulars, on every point connected with his profession, which have a bearing on the subject under investigation, and hence his knowledge must be extensive and diversified. To the lawyer, however, little more is requisite, than such a general knowledge as will enable him to conduct an examination without harassing himself and a witness by a host of questions wholly irrelevant to the case.

The work is divided into two parts, the first including those topics which present themselves in the form of criminal process, and the second those of a civil nature; in the latter, however, are introduced some which oftentimes come under the cognizance of both; thus the proofs of lunacy may be equally important in each of them. In the first section, Dr. Smith includes homicide, infanticide, abortion, and rape.

Homicide he says may with tolerable accuracy be referred to one of the three following causes, viz.; poisoning, suffocation, wounds, and other mechanical violence. As our limits will not permit us to analyze either of these, or the other points treated of by Dr. Smith, we shall merely notice such directions and advice as appear new and important.

Whilst giving a very clear and lucid account of the effects of arsenic, and

the modes of verifying the presence of this substance in the stomach and bowels, Dr. Smith observes that, symptoms, morbid appearances, and antidotes, can hold but a subordinate rank in the scale of proofs for judiciary satisfaction. We fully agree with our author, that too much has been written on the subject of the detection of arsenic; in fact too much has been attempted and too much importance attached to certain processes, which are but steps towards a conclusive verification. No *medical* proof of poisoning by arsenic ought to be received as evidence in a court of justice, short of the reduction of the metal, and we will even go further; the evidence of a medical man who has not previously made experiments on the detection of this and other analogous poisons, ought to be received with extreme caution, if not wholly disregarded.

In speaking of vegetable poisons, Dr. Smith remarks, that for their detection certain accessory properties and characteristics must be taken into account, and a practitioner ought to be able to detect them in every instance by means of their botanical characters when presented to notice in an unprepared form, or by their sensible properties when in the form; it is customary to see them reduced to in the hands of the druggist. Such should certainly be the case, but we are much afraid from the little attention paid by our medical men to medicinal botany and pharmacy, that they would find themselves woefully deficient in the knowledge necessary for such investigations.

In wounds or mechanical injuries, the intent with which they were inflicted is always considered by the court, and hence justice hardly requires medical assistance, except as to their description. Formerly the time during which a man was responsible for any violence he may have committed on the body of another, was limited, as is well known, to three hundred and sixty-six days, but this is now properly done away with. A medical practitioner, should always be able to explain when wounds may in appearance prove fatal, while the real cause of death is different; and it may often be highly important to ascertain how far wounds may be modified or aggravated by the state of health, and constitutional peculiarities of the parties sustaining them, by the treatment applied, and by other circumstances which may influence their event and termination. Thus, for instance, a blow in the groin may be a very slight matter in itself, and incapable of doing injury to a majority of persons, but if the party should happen to be afflicted with hernia, serious consequences may result. The issue is also greatly influenced by professional treatment, for by inattentive or unskilful conduct, the medical attendant may literally become an accessory.

On the perplexing subject of infanticide, our author has offered nothing new. He is of opinion that the facts to be deduced from the state of the lungs, deserves more credit and attention than it has of late been usual to accord it. In a former number of this work we have examined this subject at some length, and shown that there is scarcely any one proof or experiment, which of itself affords sufficient grounds for making up a positive opinion, but that when several are resorted to, very little uncertainty should exist. We are glad to see that our author is anxious in his directions to give the unfortunate woman every chance, that a regard for justice will allow. We are fully persuaded, that few cases of deliberate child murder have ever occurred, in which the parent was

not in a state of partial insanity; most of them, indeed, may, on close investigation, be traced rather to inattention and a desire to conceal the consequences of an illegitimate pregnancy, than to any moral intention of a criminal nature.

In treating of rape Dr. Smith makes the following just remarks:—"With few exceptions, it may be said that the mere gratification of lust is rarely the impulse to the commission of this crime; or when so, probably the female herself has been to blame in encouraging or promoting its excitement. In fact it may be universally assumed, that a female cannot be violated in the true sense of the word, unless her powers of resistance be completely overcome. The evidence of medical men is rarely required in these cases, except where the injured party has been a child, as the solemn oath of the female, as to the particular nature of the assault, is the principal article of evidence."

In the second section of his work, or those cases which come under the jurisdiction of civil courts, Dr. Smith includes—mental alienation, *mala praxis* in medicine and surgery, survivorship, personal identity, duration and signs of pregnancy, life insurance, and feigned or imputed diseases.

Mental disorders are never precisely identical in any two cases, and hence no fixed and certain rules can be definitively laid down for their detection, though there are generally well-established and conclusive indications of the existence of such derangement applicable to, and discoverable, in every instance. By a madman, in the popular, and even legal sense of the word, is to be understood, says our author, "a person whose conduct is not under the control of his judgment, or whose judgment misdirects his deportment." It often happens that individuals may be perfectly insane on one or more subjects, and display superior correctness and propriety of thinking, speaking, and acting on all others. Here it is extremely difficult for a medical man, who has not been in the habits of constant intercourse with them, to detect the existence of the disorder. The evidence must in such cases be mainly derived from non-professional persons intimately acquainted with the habits and manners of the party or parties.

"In all the states of mania, however, there are certain symptoms, or physical signs, by which an intelligent practitioner will be correctly guided. He cannot erect an idiot into a man of talent; he cannot have many opportunities of observing a lunatic without finding out the lamentable distortion in that person's constitution; nor can he go far in his intercourse with the melancholic madman till he detects the force and nature of his malady; the maniac, in the full sense of the word, commonly gives little scope for the exercise of ingenuity in the development of his case; and of delirium every old nurse is a competent judge."

On *mala praxis* our author makes some short, but pertinent remarks, though we are sorry to see in this instance, as in some others in the work, an attempt at wit, which, to say the least of it, is out of place in a volume dedicated to such vitally important subjects: we regret to be obliged to make this observation, as we fully feel the extreme utility of Dr. Smith's labours, and duly appreciate the value of his exertions in the cause of science and justice.

*Survivorship.* This is a question which involves the descent of property, and may require the testimony of medical witnesses to elucidate, but unfortun-

nately our profession seldom study such matters, and but too often in this and analogous cases, display less intelligence and acumen than the general body of their fellow citizens.

*Personal identity.* In these cases at first view it would be said that all persons were capable of deciding, since it may be laid down as a general proposition, that no two individuals of the human species are precisely alike; but in order to verify the dissimilarity, it may be necessary to carry the investigation beyond superficial and obvious characteristics.

*Pregnancy.* We are every day presented with examples of the importance of a proper knowledge of this subject, and our tribunals are often occupied with the investigation of points connected with this state. No practitioner can possibly in the present state of knowledge err in deciding as to whether a woman is pregnant or not, especially after the first three or four months, and the physician who mistakes the pregnant for any other state, forfeits all claim to confidence in his judgment and acumen.

As to the duration of pregnancy, Dr. Smith is very decided in his opinion, we shall extract what he says on the subject, as this point has very lately been the ground of a criminal prosecution in this city. "Beyond nine months there has been great difference of opinion as to the truth of the matter; but the author has no sort of hesitation in declaring his conviction—that women do exceed the ordinary term of gestation; they certainly may carry a fetus to the end of the eleventh, and even into the twelfth month. Further than this it is to be apprehended that evidence will be found deficient."

*Feigned or imputed diseases.* These seldom become subjects of legal discussion, and a knowledge of them is only useful to medical men attached to the military and naval services, or to those connected with hospitals and infirmaries. The only rule says our author, that can possibly be laid down must consist in warning all but medical men, that they must expect to go wrong if they undertake the development of the real state of the case.

As regards the points which Dr. Smith treats of under the head of ecclesiastical courts, we shall not attempt to notice them, such tribunals are unknown in this country; and when cases come before our civil tribunals they can be decided without the necessity of medical interference.

The last subject is the important one of medical evidence, a subject which has been and still is, an opprobrium medicorum. There is no situation in which a majority of physicians appear to so little advantage as in the characters of witnesses in a court of justice. We need not in this place advert to the reasons, they are but too evident, and until a proper knowledge of medical jurisprudence be considered as essential to the education of students in our profession, this evil must and will continue.

Dr. Smith very properly protests against lawyers considering what is ordinarily called experience, as entitled to greater credit than the knowledge possessed by a member of the profession, who though young may be a better authority than the mere man of experience. In the eye of the law one man of good character is as credible a witness as another, though in point of standing and of professional success there may be a difference.

In concluding these few observations and extracts from Dr. Smith's work, we will merely add that it is well calculated to be of extreme importance to legal

men, as affording them a ready guide in their examinations of witnesses, as to the nature of the questions which will be calculated to throw light on the subject. To the medical man it also has this advantage, that he will not be perplexed with questions to which no definite answer can be returned. For it is well known that it is infinitely more difficult to return clear and perspicuous replies to the interrogatories of one who is wholly ignorant of the subject matter, than to those of one who is competently skilled, in the same manner as an experienced fencer finds it more harassing to parry or repel the attack of one wholly ignorant of the use of the sword, than of one who possesses equal knowledge with himself.

We think a republication of this work, altered and remodelled to suit our courts with occasional references to decisions, would be an exceedingly important addition to every lawyers library.

R. E. G.

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XXIV. *A Manual of Materia Medica and Pharmacy, comprising a Concise Description of the Articles Used in Medicine; their Physical and Chemical Properties; the Botanical Characters of the Medicinal Plants; and the Formulæ for the Principal Official Preparations of the American, Parisian, London, Dublin, Edinburgh, &c. Pharmacopœia; with Observations on the Proper Mode of Combining and Administering Remedies.* By H. M. EDWARDS, M. D. and P. VASSEUR, M. D. Translated from the French, with numerous Additions and Corrections, and adapted to the Practice of Medicine and the Art of Pharmacy in the United States. By JOSEPH TORO, M. D. Member of the Philadelphia Medical Society, and E. DUBOIS, Member of the Philadelphia College of Pharmacy. Philadelphia, 8vo. pp. 623.

Drs. Edwards and Vasseur have displayed much skill and judgment in the preparation of this manual. Nothing new appears to be omitted, whilst the old materials have been carefully sifted, and the valuable portions alone retained. In effecting this operation, there has been little proscription even among the simples, a forbearance which we think commendable.

The professed aim of the authors was to prepare such a treatise as would prove useful to students and young practitioners, by presenting in as small a compass as possible all essential information relative to materia medica and pharmacy. This they have accomplished in a highly creditable manner, and that we are not singular in this opinion, is demonstrated by the speedy demand there has been for a new edition. It is this second edition which has furnished the text for the present translation. The authors state, that without having departed from their original plan, they have entirely re-written their manual, supplied several omissions, and rendered it otherwise much more complete. The little concord that subsists in the arrangements adopted by different writers of eminence, shows the contrariety of opinion that has subsisted in relation to the most proper mode of classifying the objects embraced in the materia medica. Neither is this point at all settled, in France at least, since in a late memoir upon the subject by M. Cap, an apothecary, of Lyons, though crowned by the Medical Society of Paris, the author comes to the conclusion, that, in the present state of medical science, it is impossible to form such a classification of remedial agents as would be found altogether perfect. The plan adopted by