

hypothesis has their judgment been formed; with ardent feelings of gratitude they can refer to acts, the recollection of which they fondly cherish. Your reception of the excellent Medical Registration Bill, in the House of Commons, is not forgotten. Your ready acquiescence in the motion for a committee to enquire into the state of medical law was also received as a strong proof of your desire to bestow upon the profession a full measure of justice, in the shape of a legislative enactment. Further, your known approval of the determination of the Lord Advocate to refrain from introducing a Medical Reform Bill into the House of Commons, during the last session, avowedly for the two reasons, that the Committee had not yet made a report, and that Mr. Wakley was absent from Parliament, owing to a severe illness, are circumstances which induce the profession to regard you as their staunch and powerful minister and friend.

With this introduction I shall at once plunge at my object in addressing you. The profession, after some months of apparent quietude, is again in motion, the elements of strife are at work, and I boldly declare that it is for you to determine whether many thousands of scientific men shall be again thrown upon the troubled waters of jealousy and discontent, or whether they shall pursue their noble and humane labours in a spirit of harmony and peace. You are about to be beset by appeals and deputations from parties representing widely-conflicting interests; the conduct of some of your visitors will be animated by the best intentions—by aspirations of the purest character; but others will go to you, besmeared with the slime of selfishness. What I ask is this—and what many thousands would ask, if they had the honour and the opportunity of personally addressing you—Pause! Reflect! Meditate! before you decide between the different parties; and take not one step hastily, or all will be lost!

I have the honour to be, Sir,

Your grateful and obedient servant,

[Hyde-park-gardens,
November 28, 1849.

A FIRM BELIEVER IN YOUR WISDOM
AND JUSTICE.

PETITION OF THE PHYSICIANS AND SURGEONS OF BIRMINGHAM.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble petition of the undersigned physicians and surgeons of the borough of Birmingham and its district, sheweth,—

That your petitioners have been informed and believe, that in the afternoon of the eighth of February, one thousand eight hundred and forty-seven, Joseph Higgins, of Coleshill, labourer, was run over by one of the Midland Railway Company's carriages, at the Whitacre junction station, distant about ten miles from Birmingham, through the negligence of the company's servants, by which his legs were so severely crushed, that, from the nature of the injuries, it was deemed necessary, by Messrs. Davies, Bourne, and Barker, the surgeons in attendance, to hold a consultation on the case with some hospital surgeons.

That the attendance of Professor Sands Cox, at midnight, was requested.

That amputation above the knee was performed by Mr. Cox.

That the said Joseph Higgins recovered from the accident, and brought an action-at-law against the said Company for compensation.

That the cause was entered for trial at Warwick, at the summer assize for one thousand eight hundred and forty-seven; but the same was settled in court, without being tried, on the Company's counsel agreeing to pay the man one hundred and fifty pounds and his costs; and also to pay the medical and surgical charges.

That Professor Sands Cox charged the said Company twenty-one pounds, (for the amputation and attendance,) and three pounds three shillings each for two subsequent attendances; and in the spring of one thousand eight hundred and forty-eight, when a verdict was given for Mr. Cox for the whole amount of his bill, leave being given to move for a non-suit, on the ground that the Company were not liable, inasmuch as being a corporation, they could only be bound by compacts under seal.

That on the seventeenth of January last, Mr. Baron Parke gave judgment in the said action; and stated that her Majesty's Court of Exchequer were unanimously of opinion "that no power to enter into any such contracts as those on which that action was brought was incidental to the employment of a guard or superintendent of a railway company; and that

being so, the Company was not liable in that action; and that therefore the rule must be made absolute to enter a non-suit."

That the result of this trial shows that surgeons and medical men, placed in a similar situation to Mr. Cox, are without the means of obtaining payment for their services, as your petitioners are advised that no action can be maintained against the man Higgins, even had he been in a situation to pay, because Mr. Cox was not employed by him.

Your petitioners therefore humbly pray, that your honourable House will be pleased to make a law, whereby surgeons and medical men may have a legal right to recover against railway companies a fair remuneration for their services in cases of accidents on railroads; or that your honourable House will be pleased to make such other provision for your petitioners on the premises as to your honourable House shall seem meet.

COX v. THE MIDLAND RAILWAY COMPANY.

To the Editor of THE LANCET.

SIR,—I presume you have received *Aris's Gazette*, which contains a statement from the secretary of the Midland Counties Railway Company, and also a letter from Mr. Adderley, the member for North Staffordshire, who resides on the scene of the accident. I inclose my reply, for publication in *THE LANCET*; also a petition on the subject, which has already been signed by more than 100 members of the profession.

Believe me, yours obliged,
WILLIAM SANDS COX.

To the Editor of the Birmingham Journal.

SIR,—It is not my intention to bandy contradictions with the mouthpiece of the Board of Directors of the Midland Railway Company. I cannot, however, allow the charge of misrepresentation brought against me in Mr. Bell's letter, published in your paper of last Saturday, to pass wholly unnoticed.

It is asserted that I have falsely stated the facts and merits of my case against the Company, and the terms of the arrangement by which the action brought against the Company by Higgins was compromised.

My answer to the first part of the accusation is, that I proved "the facts and merits," as stated by me to the satisfaction of a jury, by evidence which called forth from Mr. Justice Maule, who presided at the trial, strong comments on the conduct of the Board of Directors in resisting my claim.

In answer to the latter part of the accusation, I can only repeat, that the letters of the highly respectable gentleman who held Higgins' brief, which I referred to as my authority for the version I gave of the terms of the compromise, fully bear out my statement. These letters, I have no doubt, are still in the hands of Higgins' attorney, and may be seen by Mr. Bell, on behalf of the Board. These letters have been published, and may be found in *Aris's Gazette* of Monday last, by any person who will take the trouble to ascertain whether I have misrepresented their contents. I refer the Board of Directors to the originals, because by them I am accused of misrepresentation.

With respect to the merit claimed by the Board for not defending to the utmost the action brought by Higgins, because he was a poor man, I beg to call attention to the fact, that the compromise was made in court, after Higgins had incurred every expense he could be put to in preparing briefs, retaining counsel, and bringing his witnesses to the assize town.

Whether the Board was then influenced by compassion for the poor man, or by other motives, the public will judge for itself. Their conduct would justify the inference that they were disappointed in their expectation that "the poor man" would be unable to find means to prosecute his claim.

With these remarks I wash my hands of the Board of Directors of the Midland Railway Company. I thought it right to hold their conduct up to scorn, and with my best thanks to you for enabling me to arraign them before the only tribunal to which they are amenable,

I remain, Sir, your obedient servant,
Temple-row, Birmingham. WILLIAM SANDS COX.

COX, DAVIES, AND SILK versus THE MIDLAND COUNTIES RAILWAY COMPANY.

To the Editor of THE LANCET.

SIR,—As you have already animadverted rather strongly upon the conduct of the Midland Railway Company in this important case, I trust you will afford me the opportunity, through the medium of your widely circulated journal, of

bringing the case again before the public. It has at last terminated in a manner which crowns the whole proceedings, by an execution being issued by the company against the plaintiffs for their costs in defending this action, and by my having had an execution put into my house, and my goods and chattels virtually seized in payment of my share of the company's costs, amounting to £99 14s., which I have actually paid. I think it, therefore, only fair that both the medical profession and the public, whom I consider vitally interested by the decision upon this important case, should be made acquainted with their relative positions. As the decision upon this case clearly shows that the company are not bound to provide medical assistance to a passenger in case of accident upon their line, and that the servants of the company have no authority to call in medical assistance; and should they so far overstep their authority as to call in medical assistance, that the company are not bound to pay the medical practitioner; and the only person whom the doctor has to look to for payment is the party injured, and in the event of that person being too poor to pay, the only chance he has of being remunerated for his services, is by the party injured bringing an action against the company; and should they succeed in recovering compensation for the injury, still it remains to the honour of the party injured whether they will pay the doctor, as it is now quite clear that he has not any claim against the company. I should like to know what medical man, under such circumstances, (unless he is fully assured of the respectability of the party injured,) will volunteer his services to take charge of a railway accident, and run the risk of having a very severe and dangerous case under his hands for two or three months, probably at the distance of some three or four miles from his residence. Since this case has been before the public I have repeatedly asked several of the porters at the different stations, as likewise several of the guards belonging to the Midland Company, what they would do in case of accident, and the answer that I have invariably received has been, that they did not know what to do; that they should do nothing, but should leave the parties injured to their fate.

It appears to me a very hard case that three humble individuals, suing a great and powerful company for what was fairly and justly due to them for services rendered to a poor unfortunate individual, who had met with a most serious and dangerous accident upon this line of railway, and whose life must have fallen a sacrifice, except for the most prompt and efficient medical assistance having been rendered to him, and which accident was clearly shown to have arisen from the carelessness of the company's servants, should not only be deprived of what was justly due to them, but likewise be called upon to pay the costs of the company in defending this action; more especially, when it is taken into account that this case ultimately terminated in favour of the railway, upon a point of law which I believe had never before been mooted since the introduction of railways,—viz., the non-liability or non-responsibility of railway companies for orders actually given by the servants of the company.—I am, Sir, yours, &c.

Blythe Cottage, Coleshill, Warwickshire,
Nov. 12, 1849.

J. DAVIES, M.D.

REWARDS TO THE CHOLERA DOCTORS AT HULL.

To the Editor of THE LANCET.

SIR,—Notwithstanding the number of communications you have received from Hull, relative to the late epidemic, I imagine that any information connected therewith, however slight, will not be without interest for you; and as I am in a position to make you acquainted with the proceedings of a class of subordinate, but yet not unimportant, actors in this unfortunate tragedy, I beg to transmit them. At the outbreak of the cholera, and when the guardians were compelled, by the orders of the Board of Health, to appoint house-inspectors, I happened to be in Hull, and being anxious to embrace such an opportunity of acquiring professional knowledge, I offered myself as one, and was appointed, not knowing at the time, and caring very little, what the remuneration was to be. This appointment took place on Saturday the 15th of September; and, along with my colleagues I was directed to commence operations at once, by proceeding to the dispensary, to prepare a stock of medicines to take with me on my round of inspection. It was understood that we were to work from nine A.M. till six P.M., with an hour's interval for dinner. Nothing was said as to whether we should work on the Sundays. Early next morning a message was sent to each of us that we need not work that day, (Sunday,) but were to begin the following morning. Accordingly, the

next morning we commenced; and before the end of the week so virulent had the disease become, that we could not hesitate to employ ourselves actively all the day on Sunday as well as during the week. At this time my proceedings were as follows: Before nine o'clock I had commenced my round of inspection, proceeding into all the filthy and obscure nooks, haunted by the most abject poverty which my district contained. Giving the medicines which I carried with me to all cases of diarrhoea and cholera, preparatory to handing these latter over to the district surgeons; ordering whitewashing to such hovels as required: for this purpose a staff of servants was maintained by the Board of Guardians, (by Dr. Sutherland's directions,) and the inmates were in the meantime sent to the house of refuge provided for the purpose. I also inspected and reported all nuisances in the district, and thus occupied myself till six P.M., at which time I proceeded to the dispensary to meet Dr. Ayre and the rest of the staff, give in my report, and prepare medicines for the following day. These usually detained me till about eight or nine P.M., when I returned home, tired enough, as you may suppose. I say this was my regular course of proceeding during the greater part of the time the epidemic was prevalent; but this was not all, for the poor of my district soon discovered my residence, and I constantly received calls as early as six A.M., (with which I cheerfully complied, knowing the necessity of promptness in meeting every stage of this fearful malady,) and also found similar requests waiting for me on my return home in the evening, so that, in fact, I was often engaged from six A.M. till ten P.M., with brief intervals for refreshment. This, I have no doubt, is a fair specimen of the way in which the whole of the medical staff performed their several duties, and am not aware that we have any lack of either zeal or industry with which to charge ourselves. With the effects of our exertions Dr. Ayres' report will have made you conversant.

From that report you will see that we attended 1430 cases of diarrhoea, and the district surgeon 608, and at the dispensaries 868; yet, notwithstanding this number, 2906, only six deaths occurred. From the time of our getting thoroughly at work, the number of deaths, which had been steadily increasing, as steadily decreased; and I think it is not presumptuous to place this fact in connexion with the exertions of the medical staff. My number of diarrhoea patients (attended not discovered) varied from twenty-five to fifty per diem during the greater part of the time. It is probable that few of these would otherwise have received medical attendance, and, consequently, the greater part, in all probability, ran into cholera.

I have said that on our engagement we thought little of pecuniary remuneration, looking to gain of professional experience as our chief reward; nevertheless, when we were offered two guineas per week, this was such a manifest undervaluing of our services, that we determined unanimously to resign, unless they paid us three guineas; and on representing to Dr. Sutherland that we considered the former sum too little, he agreed with us, and promised to recommend the board to pay us three guineas. The Sculcoates' guardians could not meet with any townsmen to accept the office of inspectors in their union, and therefore were compelled to send to Glasgow for eight gentlemen, to whom they paid six guineas per week. You are aware, Sir, that during the epidemic, two of these gentlemen fell victims to its ravages, produced by the zeal with which they discharged their painful duties. The other six immediately resigned their offices, and fled the town the same day for Leith. What effect had this on us? Did the fear caused by the fate of these gentlemen induce us to desert our posts? Or the greater pay given by the more liberal Sculcoates' board, to change the service of the Hull for that of the Sculcoates' board, or insist on similar remuneration? Nothing of the kind. We were bound by no written agreement—no time for which our services would be required had been mentioned, but we considered that we were in honour bound to continue in the discharge of our duties as if no such contingency had arisen, and we acted accordingly. Two or three weeks later, when the epidemic had subsided considerably, three of our number were discharged, and the other three continued (as the duties were now much lighter) at £1 10s. per week. The governor got leave from the Board of Health to take this step on Thursday, October 11, and that same night he put it in force. We agreed at the time to start from that night at half-pay, although we had not completed our week, knowing that we were legally entitled to a full week's pay; but when Mr. Barrick attempted to deprive us of a day, we determined to retaliate, and get the full week's pay if possible. We represented to him that we were engaged by the week, and