

must be impure, and consequently, if not productive of, at least a powerful auxiliary to, disease. How is it possible to have faith in filters, when the filthy flushings of three millions of inhabitants are added to the already suspicious stream? It was hinted last summer that this might be one cause, at least, of the malignity of the epidemic; and a young microscopist, panting for professional laurels, announced the discovery in the Thames water of "peculiar organisms," such as he also found in the evacuations of a cholera-patient. Seriously, however, I think it must be admitted that the free use of such a doubtful fluid is eminently calculated to favor the spread of an epidemic disease. The subject is now publicly agitated, and it is hoped, ere many years have passed, a second Cochituate will surprise the citizens of London with its crystal waters.

London, January 26, 1850.

TRIAL FOR MAL-PRACTICE.

BY W. K. MANNING.

[Communicated for the Boston Medical and Surgical Journal.]

THE following is the result of the motion for a new trial in the case of Francis Conant against Dr. Peter Manning, for mal-practice, mentioned in the Journal of May 23d, 1849.

This motion was made upon the ground that the verdict was against the weight of the evidence. It will be recollected that Mr. Conant, who lives in Stow, suffered a very severe injury while driving an ox-team in the town of Lunenburg, in Dec. 1847, the nature of which was particularly described in the number above alluded to; and after having applied for advice and assistance at the General Hospital, and having suffered a most painful operation, which resulted in some improvement in the motion of his limb, he commenced a suit against Dr. M. for mal-practice, and obtained a verdict for \$362.50 damages!! The evidence having been fully reported, under the direction of Mr. Justice Dewey, before whom the cause was tried, the motion was argued before the whole court by Mr. Farley for the defendant, and Judge Hoar for the plaintiff. It was contended on the part of Dr. M. that the verdict was so manifestly against the weight of the evidence, that it was the duty of the court to protect him from its injustice—that the testimony at the trial entirely failed to show either want of skill or of professional fidelity in Dr. M.—and there was no evidence of any damage having accrued to Mr. C. from any representations made to him by the doctor—and the verdict must have been the result of prejudice or mistake on the part of the jury. The counsel for Mr. C. endeavored to sustain the verdict mainly on the ground of unskillful or fraudulent misrepresentation of Dr. M. to his patient.

On the 4th inst., Chief Justice Shaw announced the unanimous opinion of the court, that the verdict was clearly against the weight of the evidence, and ordered it to be set aside, and granted a new trial. In giving the opinion of the court, the Chief Justice stated that the court, aware

of the importance of the case, had carefully examined the evidence, and found nothing that could justify the conclusion that Dr. M. had been guilty of any fault, or had exhibited any want of skill either in the reduction of the limb or in his subsequent treatment of his patient. But on the contrary, the report showed that a most frightful injury had happened to the plaintiff—that his jaw had been badly fractured, his hip joint dislocated, and the socket considerably broken, so as to present one of the most complicated and difficult cases in surgery—and that in the management of the case Dr. Manning had shown a degree of skill beyond what is usually expected in surgeons residing in the country—and suggested that unless a very much stronger case could be made out on a future trial, the plaintiff could not prevail in his suit.

In the course of the argument, it appeared that the surgeons of the Hospital, Drs. Warren, Hayward and others, upon examination of Mr. C., and upon the statement of the facts by both parties, had expressed their opinion of the conduct of Dr. M. in the treatment of the case, and signed a certificate, in which, after reciting the particulars, they say, "That the injuries experienced by Mr. Conant were of a severe nature, and endangered his life—that owing to the skill and attention of Dr. Manning, under Providence, his life was preserved, and his fractured jaw happily restored—that the imperfect restoration of his hip may be attributed, so far as we can judge from the information received as above, to the peculiar nature of the accident, and not to any want of attention on the part of Dr. Manning." In the same certificate they say, "We can also add, that from the conversation we have had with Dr. M., and the questions we have asked him, we are led to believe that few practitioners in the country are better qualified than he is, by their good judgment and experience, for the practice of medicine and surgery."

HYDROCEPHALUS—TAPPING OF THE HEAD.

To the Editor of the Boston Medical and Surgical Journal.

SIR,—I have transcribed the following case of hydrocephalus in which I resorted to the operation of tapping. It may be thought worth a place in the Journal.

Very truly,

G. L. COLLINS.

Providence, 2d mo. 14th, 1850.

A female child of Irish parents came under my care 3d mo. 8th, 1849, with hydrocephalus. It was then two months old. Its mother states that she first noticed the enlargement of the head about three weeks since, from which time it has increased quite rapidly. It now measures 19 inches in circumference. The child is in good flesh, and appears well in other respects. The mother is healthy. She lost her husband a few months before the birth of this child, by drowning; at which time she exhibited great mental emotion. I prescribed potass. iodide in grain doses three times a day.

4th mo. 1st.—The medicine has been continued to this time, but the head is still enlarging. It now measures 22 inches in circumference.