

I am not now in the habit of writing French; this, I hope, will be an excuse for any obscurity in my language.

I have the honour to be,
Monsieur le President,
Yours, &c.

WILLIAM B. COSTELLO.

Westminster, No. 7, Parliament-street.
June 15, 1832.

THE LANCET.

London, Saturday, July 7th, 1832.

OUR contemporaries of the morning and evening press have, by their injudicious notices, swelled the late trials in the Common Pleas into affairs of prodigious importance. Calculating upon correct data, their conclusions are not likely to prove of utility to the public. When it is considered that opinions given by the press are expected to be cautiously weighed, it is to be regretted that fallacious grounds are seized hold of in order to found upon them doctrines which bear a general reference to proceedings in our courts of judicature. "Actions," say some of our contemporaries—"having been brought against THE LANCET, and also against RYAN, RENSHAW, and RUSH, for the publication of the *same libel*. We have an exemplification of the excellence and consistence of the Trial by Jury in the award of *one farthing* damages in the one case, and *four hundred pounds* in the other, the smallest coin in the realm being the estimate of the amount of injury in one instance, whilst a little fortune is required to compensate for the amount of damage inflicted for the secondary publication of the *same libel*." Such is the specious trash with which public writers attempt to poison the public ear, in directing their covertly-malignant attacks against the noblest, the purest institution of the country. It would be beneath their dignity, and far beside the usual course of their duties, to stop to inquire whether there are not

differences in the facts of the two cases to justify the, at first sight, apparent differences in the verdicts. Oh, no! a first glance is quite sufficient, if it present any unfavourable hue to urge on a certain class of critics in making their thrusts against Trial by Jury. Affecting to admire the press—affecting to regard the press as the greatest bulwark of the liberty of the subject,—avowedly looking upon the press as the grand shield of public morals, these short-sighted, perverse-thinking, or corrupt-hearted commentators, strike at the very existence of an independent press, when they throw out an insinuation only against the capability, the integrity, the purity, of Trial by Jury.

Proceed we, then, to ascertain whether the jury which awarded a farthing damage in the action brought against THE LANCET by FRANCIS RAMADGE, estimated the injury at too low a rate; and whether the jury which estimated the damages incurred by him at four hundred pounds, made their assessment at too high a rate. At least, let us inquire whether there were not circumstances which justified the two juries in deciding upon two very opposite awards. First, however, let us premise, that we resume the subject on this occasion, in consequence of numerous inquiries from many respectable correspondents, and that the character of the observations elicited by the trials may be comprehended by our more distant readers, we select the following from a large number of communications on the same subject from correspondents in or near London.

"To the Editor of THE LANCET.

"SIR,—In your LANCET, published this week, I expected to have found a more full account of the trial that took place in the Court of Common Pleas on Monday last, and I do hope that you will publish as full an account as from the circumstances you are able. The arguments were not very long, nor was the evidence; and I am sure your defence, for its ability and manliness

would be acceptable to every reader of your valuable Journal. Your arguments on objections taken to your cross-examination relative to the character of the plaintiff, and your defence as bearing upon that character, ought not to be lost sight of. I have no doubt how it was that you had a verdict against you for a farthing, and the defendant in the second action one for 400l. * * * If no perfect report of your speech be printed, nobody will or can understand the verdict in your case, and many may think the latter verdict to be correct and just.

"AN EYE-WITNESS."

As to publishing a report of the trial, that is absolutely impossible, for we did not consider the cause of sufficient importance to require the attendance of a shorthand writer; besides, we are not disposed, in the present state of the law of libel, to bestow upon RAMADGE and JOHN LONG those epithets and terms of reproach which we thought it our duty to apply to them in a court of justice. However, we will now touch upon two of the most important of the points of law which were raised during the argument, and then proceed, as briefly as possible, to explain still more distinctly than in our last Number, the cause of the difference in the two verdicts. Hence, then, it becomes necessary to copy the first two paragraphs of the plaintiff's "declaration," a portion of the third, and the whole of the paragraph with which the document is made to conclude. We find, then—

"That plaintiff, long before and at the times of the committing of the grievances by said defendant, hereinafter mentioned, was, and from thence hitherto hath been, and still is, a physician; and during all that time the plaintiff exercised and carried on, and still doth exercise and carry on, the profession of a physician, with skill, care, and integrity; and the plaintiff hath always conducted himself in his said profession, and otherwise, in an upright, honourable, and proper manner, to wit in the county aforesaid, by means of which premises the plaintiff, before, and until the times of the committing of the grievances hereinafter mentioned, had deservedly obtained the good

opinion and esteem of the public, and enjoyed great credit and reputation in his said profession, and was much consulted and employed therein, and by means thereof had acquired, and was then daily obtaining, great gains, profit, and advantages, in his said profession, to the comfortable support of himself and his family, to wit in the county aforesaid.

"That before the committing of the grievances by the said defendant hereinafter mentioned, to wit on the 17th of July in the year 1831, and on divers days then following in the county aforesaid, said plaintiff in the way of his said profession had been required to attend, and had attended, one Emma Bullock, who was then and there afflicted with a certain malady and illness, for the purpose, and in order, that the said plaintiff might give his advice in that behalf, and might endeavour to heal and cure the said Emma Bullock in regard to such malady and illness, and upon that occasion said plaintiff as such physician gave certain proper advice and directions with respect to such malady and illness, and the treatment thereof, and behaved and conducted himself in that behalf, and in his treatment of such malady and illness of said Emma Bullock, in a skilful, careful, proper, and attentive manner, to wit in the county aforesaid.

"That the treatment and conduct falsely alleged and pretended, in the libel in this court after mentioned, to have been pursued and observed by or under the advice and directions of the said plaintiff, in his said profession, towards the said Emma Bullock, in regard to the malady and illness with which it is in such libel alleged that said Emma Bullock was afflicted when attended by plaintiff as aforesaid, would, if adopted, have been grossly injudicious, unskilful, and culpable, and manifestly improper in that behalf, &c. &c.

* * * * *

"By means of the committing of which several grievances by the defendant as aforesaid, the plaintiff hath been and is greatly injured in his said good name, fame, reputation, and credit, and brought into public scandal, infamy, and disgrace, insomuch that divers persons, neighbours, and subjects, have, on account of the committing of said grievances by defendant as aforesaid, from thence hitherto suspected and believed, and still do suspect and believe, plaintiff to have been and to be, a person guilty of the offences and misconduct so as aforesaid charged upon and imputed to him by defendant, and to have acted in a dishonourable and improper manner, and to have been, and to be, unfit, and unworthy to be consulted and employed in his said profession, and have, by reason

of the committing of the said grievances by the defendant as aforesaid, from thence hitherto wholly refused and still do refuse to consult or employ, or have any transaction or discourse with, the plaintiff in his aforesaid profession, or otherwise as they otherwise would have had, and the plaintiff is, by means of the premises, damaged, to wit, &c. Breach to plaintiff's damage—Eight Hundred Pounds."

In consequence of these averments, which Mr. WAKLEY contended were not technical but ought wholly to be proved, he questioned the witness, in cross-examination, respecting the professional *character* of the plaintiff, as founded upon his supposed connexion with JOHN LONG. He inquired of the witness what he himself had at various times said of the conduct of the plaintiff in that behalf, to which questions the plaintiff's counsel offered the most decided objections, which were allowed by the judge—the Court deciding that the character of the plaintiff was not the question at issue, that his "skill, care, integrity, upright, honourable, and proper manner and attention," were not averments requiring proof unless a plea of justification had been put upon the record by the defendant! Mr. WAKLEY, on the other hand, contended, that if it were not necessary to prove these averments, it was not necessary to prove any of them, and that, in a word, the cause might be tried without any witness whatever; that if it were necessary to prove to the jury that the plaintiff had "attended" Miss EMMA BULLOCK, so was it required of him to prove that he had given her "proper advice and directions," and that if it were essential for him to call a former registrar of the College of Physicians to prove that he obtained his diploma and "still is a physician," so was it required of him by his pleas to satisfy the jury that he "had always conducted himself in his profession in an upright, honourable, and proper manner, and had deservedly obtained the good opinion and esteem of the public, and enjoyed great credit and reputation in

his said profession,"—the very words of his averments in the declaration. The defendant cited cases bearing upon these points, and instanced a point analogous to this:—That supposing a horse to have been introduced in place of the word "*reputation*," and, according to the doctrine of the Court, it had been pleaded by the plaintiff that he possessed a useful animal of that species, value sixty pounds, and that the defendant had wilfully and maliciously on a certain day broken the creature's leg, it would not be necessary—if he understood the opinion of the Court—for the plaintiff to prove the *possession* of the horse, the *value* of the animal, or the damage done to it by the alleged accident; but that the jury might be called upon to award damages when no injury had been inflicted, and to give compensation for the fractured leg of an animal which might have owed its existence to the fancy of the plaintiff or the ingenuity of his attorney. Because, if it were not necessary for the plaintiff to prove that he possessed a reputation when he sought for damages for its alleged injury, it could not be necessary, on the other hand, that he should prove that he possessed a horse in order to derive compensation for his broken leg. However, having pushed the cross-examination to the witness's own conversations with Dr. RAMADGE, in relation to the publishing of the letter in favour of LONG, Mr. BRADFORD stated, without hesitation, that he had told Dr. RAMADGE that he had disgraced himself, and that he despised his conduct as much as any one; and here, of course, the defendant's inquiries terminated.

The remaining important point bearing upon the question of evidence, arose from the circumstance of Mrs. REYNOLDS, the sister of the deceased having been examined under a new act of parliament before the prothonotary. The statute is entitled "An Act to enable courts of law to order the examination of witnesses upon interro-

gatories and otherwise." It was framed by Lord TENTERDEN, and passed the legislature under the auspices of that profound and upright judge. The act is simple in its construction, clear in its provisions, and bears the strongest signs of the just intentions of an experienced judge. The debated point was this. The witness having been examined by the plaintiff before the prothonotary, the defendant contended, that he had a right to make use of the evidence which on that occasion he had elicited in cross-examination. The demand was not allowed by the Judge, and Mr. Serjeant WILDE remarked—on Mr. WAKLEY's having alleged that it opened a wide door to abuse,—that defendant could himself, if he pleased, put in the cross-examination as his own evidence. This, however, did not suit the object of the defendant, who still insisted upon his right to read the cross-examination to the jury, and observed that his capability to put in the evidence was no answer to the obvious meaning of the Act of Parliament, wherein was not to be found a single word which required the plaintiff or defendant to give notice to the opposite party, in the event of examining a witness before the prothonotary. Both these points having been urged with some warmth of feeling, if not with force of argument, must have had some weight with the sound understandings of the Jury, although they appeared to be wholly lost when directed against the fortification of technicalities which seemed to render the court wholly impregnable to the batteries of common sense.

Having weighed all these circumstances, —having observed with what scrupulous care the learned counsel, employed for the plaintiff, endeavoured to screen the "reputation" of their client from all analytical or catechetical inquiry, the Jury were compelled, if they gave any damages at all, to award *one farthing*. The propriety of that verdict we will not here dispute; the

professional "fracas" occurred in a private room, and twelve English gentlemen may have questioned—and wisely questioned—the propriety of rendering it an affair of public notoriety. Certainly the alleged libel itself, treating as it did of an occurrence which took place in a private dwelling, never would have found a place in the pages of THE LANCET had it not appeared to us, that Dr. TWEEDIE's refusal to meet Dr. RAMADGE in consultation, furnished a practical public commentary on the professional conduct of the latter in relation to the slaughterer, John Long. If the gentlemen of the jury thought that the letter itself ought not to have been published—that it was in itself essentially libellous, inasmuch as it was calculated to spread more widely those angry feelings which had been displayed in a private apartment, we will not now dispute with them the propriety of their decision, fully believing, as we do, that a more prudent, a more sacredly just verdict, was never delivered in a court of justice. "But," it will be asked, "if the award of *one farthing* be just, as against THE LANCET, what do you say of the *four hundred pounds* given against Messrs. RYAN, RENSHAW, and RUSH, for the publication of the same libel?" We have already stated our conviction, that the damages were excessive; still, many of the circumstances were presented to the two juries in such really opposite colours, that a similarity of decision in the two cases could not have been expected. The most striking discrepancies were but two or three in number, they are too long to be explained in this article; we, therefore, shall resume the subject next week, and explain *one* cause of misfortune to Dr. RYAN which has not yet been noticed. Of that misfortune, however, it will be seen that Dr. RYAN stands the undisputed author.

It will be seen, from an advertisement on the cover of this week's LANCET, that a public meeting is about to be held at WORCESTER, for the purpose of taking into consideration the establishment of a projected medical association in that city. The objects in view are, we understand—

1st. The collection of useful information, whether speculative or practical, through original essays or reports of provincial hospitals, infirmaries, or dispensaries, or of private practice.

2nd. Increase of knowledge of the medical topography of England, through statistical, meteorological, geological, and botanical inquiries.

3rd. Investigation of the modifications of endemic and epidemic diseases, in different situations and at various periods, thus to trace, so far as the present imperfect state of the art will permit, their connexions with peculiarities of soil or climate, or with the localities, habits, or occupations of the people.

4th. Advancement of medico-legal science, through succinct reports of whatever cases may occur in the provincial courts of judicature.

5th. Maintenance of the honour and respectability of the profession, generally, in the provinces, by promoting the friendly intercourse and free communication of its members.

The scheme is masculine and comprehensive. It lays a foundation for the congenial union of scientific research and professional honour, and addressed as it is to provincial practitioners—not by any means the least independent or least skillful members of the profession, who can doubt of its success, or, observing it, can fail to desire that its benevolent and intellectual promoters may live to witness this excellent example taken up and followed throughout the whole of the British dominions?

WE concluded our recent observations on the saline treatment of cholera with the firm and decided conviction, that the friendly and reasonable advice offered by us to the gentlemen engaged in this practice, would forthwith produce the effect which we described as so desirable to the public, and so essential to the reputation of the parties by whom it is recommended. We scarcely believed that a day would be suffered to pass, ere the application for a commission to scrutinize into, and report on, the alleged merits of Dr. STEVENS' practice, was made to the proper authorities. But we have been deceived in this expectation. No application has been made, and we have reason to believe that no application will be made, on the subject.

Meanwhile, as we predicted, professional scepticism and displeasure, or, in the language of Dr. STEVENS' friends, slander, envy, and detraction, are busily concerned in the discussion of the character of his statements. It is openly stated, that no serious cases of cholera have ever been successfully treated by this method. It is further maintained, that many cases have been reported as cholera by Dr. STEVENS and his assistants, although the patients did not present a single symptom of that disease. The subjoined correspondence, extracted from the public journals, relative to an alleged irruption of the epidemic in the Coldbath-Fields prison, may serve to illustrate the nature of these various reports and insinuations:—

“CHOLERA MORBUS IN THE HOUSE OF CORRECTION, COLDBATH-FIELDS.—The circular, of which the following is a copy, was on Thursday sent to the several police-offices in the metropolis:—

“ ‘Gentlemen,—The visiting justices assembled this day at the House of Correction, consider it to be their duty to inform you, that the cholera morbus prevails at this time to a very great extent in this prison.—I am, gentlemen, your most obedient servant,

“ ‘THOS. STIRLING,
“ ‘Clerk to the visiting magistrates.
“ ‘House of Correction, Coldbath-fields,
June 23.’ ”

"Seventeen prisoners, it is said, died in the course of Thursday, in the prison."—*Morning Paper*.

Our readers will be a little perplexed to reconcile this terrible manifesto, with the annexed official commentary which it forthwith elicited from the Central Board of Health.

"A letter having appeared in this paper on the 30th ult., signed "Thomas Stirling," addressed to the magistrates, police-office, Worship-street, notifying cholera to great extent in Coldbath-fields prison, we have authority from the Central Board of Health to state, that there were not more than three cases of decided cholera in that establishment on Friday last, and that from the official reports received at the Council-office, they trust there is no serious ground for alarm as to the supposed increase of the disease in London to any material extent.—July 1."—*Morning Paper*.

Such a strange and extraordinary discrepancy on a subject of such vital importance, imposed on us the duty of making as minute inquiries into the actual facts as our opportunities afforded us, and we have succeeded in obtaining from a gentleman who visited the prison at the time alluded to, the annexed statement, on the truth of which our readers may implicitly rely.

Our informant, who has, we believe, always entertained a high opinion of Dr. STEVENS' integrity and professional skill, states, that on his visit to the prison there were upwards of fifty patients who were reported as labouring under cholera, and who were confined to their beds;—that of all these patients not one was pulseless or livid;—that during his visit there was no vomiting or purging in the wards;—that no patient was cramped, or had the choleric voice, or made the usual distressing complaints which are peculiar to this awful malady. He adds, that he did notice two patients who had chilly, but not cold, tongues;—that one of these suffered considerably from jactitation;—that both were externally cool and moist;—that the features of each of the two were decidedly

choleric, but that the pulse was perfectly distinct.

Such was the clinical state of the infirmary as regards the genuine or primary period of the cholera at two p. m., on the day preceding the date of Mr. T. STIRLING's letter. Our informant further affirms, that he saw no case which he could recognise as one of decided secondary fever.

The summary of our information, therefore, amounts to this, that at the period of the visit there were but two, or at most three, recognisable cases of cholera in the prison, and that even these were not of a malignant description. The visit too was made on a day in which many "new cases" had been reported. Convalescence could therefore be scarcely assigned as the cause of the trivial character of the symptoms then observed. It is, consequently, evident, that, even according to the assumption most favourable to Dr. STEVENS, the great majority of the crowd of patients reported in the prison books to be affected with cholera were, at most, labouring only under slight and dubious premonitory symptoms of that disease—symptoms certainly insufficient to warrant the magistrates to terrify the public, and endanger commercial interests, by such a proclamation—and symptoms equally insufficient to entitle the medical attendants to claim the least degree of credit for their alleviation or cure. How indeed, we may ask, can the cure of premonitory symptoms in any disease be relied upon as the effect of the remedy employed, when it is utterly impossible to say that these symptoms would ever have arrived at a serious pitch of intensity?

We do not wish to be considered, by the preceding observations, as having entered upon the discussion of Dr. STEVENS' theories, or on the nature of the facts on which he founds them. Neither do we wish, in the most minute degree, to question his ability, his sincerity, or his wish, to do

good to his suffering fellow men. We speak but of the facts involved in the sanitary condition of the Cold-Bath-Fields Prison, and it would be equally irrational and unfair to presume that Dr. STEVENS' cholera patients elsewhere, were only affected with an equally tractable degree of indisposition. The facts do not entitle us to draw such an inference. The question therefore still remains open for discussion—Can Dr. STEVENS, as he affirms, successfully treat the malignant cholera in its various stages in every case not advanced beyond the possibility of rendering efficient medical assistance? The profession must remember that the assertion of the physician immediately interested in this question, is not that of an illiterate quack, or a scheming pretender. It comes from a gentleman of many acquirements and good repute. His statements therefore imperatively demand the rigid investigation which we have prescribed for them. If he possess so certain a remedy, our fellow-countrymen must not, on the one hand, be permitted to perish through a want of confidence in its proponent; and, on the other, if Dr. STEVENS be deceiving himself, and leading others also astray, it is time that something was done to check the delusion, and direct professional zeal towards the elucidation of some more promising mode of treatment.

We do not hesitate, therefore, strongly to recommend, that a petition be forthwith presented from the medical profession to the Lords of the Privy Council, entreating them for the interests of humanity and science to appoint a medical commission to inquire minutely into the merits of Dr. STEVENS' practice. If this measure be not adopted, we fear no future successes of Dr. STEVENS and his assistants will be sufficient to obviate the impression which the affair of the Cold-Bath-Fields Prison has, unfortunately, produced on the public mind.

SINGULAR OCCURRENCE OF CHOLERA AMONG POULTRY

AT CHOISI-LE-ROI.

THE following account of an irruption of well-marked cholera amongst the poultry at Choisi-le-Roi, is well deserving the attention of all observers of epidemic diseases. Our readers are, doubtless, aware, that vague and obscure anecdotes of similar events have been frequently related during the progress of cholera, from Astrakhan to the British Islands. We have alluded to some alleged occurrences of this description in our article of the 19th November, 1831, a reference to which will sufficiently show the great importance of such events in enabling us to approach a rational decision on the questions relative to the mode of propagation of epidemics. It will also be seen on consulting that number of *THE LANCET*, that up to the time of its publication, no well-authenticated or conclusive record existed of the occurrence of cholera in the inferior tribes of animals. It is true that enormous quantities of fish had suddenly perished in the ponds at Marienverder in Prussia, while cholera raged in that district; but the almost insuperable difficulty of obtaining the evidence of symptoms, or pathology, in the diseases of fishes, was sufficient to prevent the deduction of any important inference from the occurrence. We have now, however, before us, ample and well-authenticated details of a true cholera epizootic. The symptoms are as marked as in the human subject; the pathology is as closely similar as the difference of physical configuration between man and the gallinacea permits. The event, we repeat, is deeply interesting, and it is fortunate that it has met with so well-qualified an historian as M. CARRERE.

*On the Epizootic Disease at Choisi-le-Roi.**
by M. CARRERE, late Interne des Hôpitaux.

During the disastrous progress of cholera in Paris, the village of Choisi-le-Roi, while perfectly free from the epidemic, was the scene of an epizootic disease, of which domestic poultry were the only victims.

* Choisi is situated about five miles from Paris on the banks of the Seine. It is considered a remarkably healthy village.