

Summary of the claims of the Medical Officers of the Army and Navy to military rewards and distinctions

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called by Commander PITMAN, in his absurd defence, was equally extraordinary. It has justly subjected him to the public charge of "equivocation," and we need not say more than this. Members of our profession, if they take a side at all, should take the side of humanity, not of cruelty, for humanity is the genius of medicine; but here we have two medical officers standing up for the defence of a man condemned by the evidence of all the witnesses of his ship's crew,—officers and men,—with the exception of Messrs. BRAKE and ROGERS. We cannot disguise the fact, that these gentlemen have done a serious injury to the profession by practically abetting a system of punishment which drove men to insanity, desertion, drunkenness, and suicide. It is, indeed, most extraordinary, that at any of the public inquiries, medical men, both in the army and navy, should, as in this case, and in the case of WHITE, at Hounslow, be found to defend tyranny and oppressive punishment.

Our first thought was, to publish the evidence of Messrs. BRAKE and ROGERS entire, but we feel so great a repugnance to do this, that we confine ourselves to our present remarks. One word only we will add—namely, that it would be quite fair to attribute the conduct of these naval surgeons to the treatment the medical man receives on board ship. It is contrary to human nature, and against all experience, to treat men systematically ill, and then to expect unvarying honourable conduct in return. Men cannot with impunity be degraded to the companionship of boys and uneducated persons, on board ship, and preserve the nice sentiment of honour which should characterize the British officer. We must divide the blame, therefore, between the system and the men. Such conduct is a part of the punishment entailed upon the navy by the present system.

We believe the case of the Apothecaries' Company *versus* BISHOP, reported in another page, to be the only case of the kind which has been tried simply on its merits. As such, it is one of considerable importance. In other cases there has been the strong suspicion of collusion or compromise, but here the case has been apparently argued fairly on both sides. According to the county courts' law, as laid down by the Judge in this case, several striking points are elicited. The onus of proving the want of a certificate to practise, formerly so troublesome and expensive, is now overruled. Another objection, of apparently a more formidable character, raised on behalf of the defendant, was also overruled by the Judge. The Act of Parliament relating to the Apothecaries' Society lays it down, "that no act done in pursuance of the Statute should be valid, excepting the same were authorized by the said Society, at a meeting specially holden within their Hall for that purpose." In this case it was not pretended that the counsel for the prosecution possessed any such power as that required by the mere wording of the Act. The Judge, in overruling the objection, took a note of it, it is true; and it remains to be seen whether any law arises out of this circumstance; or whether the superior courts can be appealed to with success. It would appear as though a simple letter obtained from Mr. URTOX, and which may be had by any apothecary aggrieved by unqualified practice in his own neighbourhood, were amply sufficient, according to the interpretation of the Judge, to fulfil the clause we have quoted,—though how it does so is not very clear to us. From

the report of this case as it now stands, it is evident, too, that the subterfuge of a physician practising as an apothecary and giving away medicine is of little avail. In the present state of the profession, it is of very great importance that the strictly legal relations of the Apothecaries' Society, and offenders against their Act of Parliament, and the county courts, should be definitively settled. Once let the law stand clear, and the duties of the Apothecaries' Society in suppressing the practice of persons wholly wanting in qualification and education become plain enough. But even then, the Society, if it wishes to carry public feeling with it, should select the gross cases of illegal practice, or at all events they should deal with them in the first instance.

SUMMARY OF THE CLAIMS OF THE MEDICAL OFFICERS OF THE ARMY AND NAVY TO MILITARY REWARDS AND DISTINCTIONS.

1. The exclusion of the medical officers of the army and navy from participation in the honours and distinctions awarded to military and naval officers has arisen from an original error or misconception. It was an error natural, perhaps, at the time, to a commercial people, unacquainted with the rights and usages that grow up with, and that are engendered by, war. The result has been, a long-continued injustice to one of the most useful and meritorious classes of public servants.

2. In the early formation of our army, surgeons were classed with chaplains and commissaries; or, in modern official phraseology, as "civil staff"—as "non-combatants." The truth and value of these terms will presently be examined.

3. All military officers are non-combatants in the personal sense, the paramount duty of an officer being to direct his men; and he never uses his sword unless personally attacked—a most rare occurrence. Murat—the best and boldest of cavalry leaders—is said to have seldom drawn his sabre. He allowed the trumpeters to defend his person, while he directed everything. That military officers, in the execution of their duties, incur the greatest share of risk, no one is disposed to deny; nor will any one dispute their claims to their proportionate shares of honours and rewards. There should be fair dealing towards every class.

4. Mr. Guthrie states, on his large experience of war, that "it is quite impossible for a regimental surgeon to be out of fire, if he would do his duty; and a medical staff-officer can scarcely be out of cannon-shot. Every one who has been a regimental officer knows well how often the surgeon is called to the front, even when a single man is wounded. The soldier expects this assistance; and medical officers have never disappointed him, either in the French or in the British armies. In a professional point of view, this close attendance has been the means of saving life; and an examination at this the earliest possible period, has often saved a limb." Going into action, at Iloica, with the 29th Regiment, Mr. Guthrie says: "I was told my place on such occasions was seven paces in rear of the colours, (we then knew no better.)"

5. It is well known, also, that no storming party ever ascends the breach without its surgeons in company up to the very breach; and in every siege the surgeons are placed in the gorge of the trenches.

6. The records of every campaign, in Europe and in Asia, will show that, in the execution of these duties, the medical officers of the army are often wounded and killed.

7. The classing of the medical officers of our fleets and armies with clergymen and commissaries is shown, then, to have been an egregious error, and one that has proved, and that must prove, most injurious to the public interests.

8. Dr. Robert Jackson said, long ago, that "as the medical staff shares in the fatigues and dangers of war, so, in just reason, it is entitled to a share in the advantages." This is but honest dealing and fair play.

9. Amongst medical officers who have served, it is matter of universal remark, that he who has not the mental characteristics of a soldier never proves a good military surgeon, and the experience of the French and British armies confirms the justice of the observation. Mr. Guthrie says, that "the assistant-surgeon of a regiment learns the duty of a soldier in addition to that of a doctor, and a military surgeon ought to know the one just as well as the other." This is the class marked out by the regulations of our army for exclusion and depreciation—as "dwellers beyond the pale."

10. In the eye of the soldier, and in comparison with other officers, the surgeon of every grade stands forth as the mark for exclusion from everything that has the name or semblance of military distinction and reward. Though well educated, and bred in the middle class of society, which furnishes, and ever will furnish, the best officers in our fleets and armies—in that class which constitutes the strength and greatness of the nation—he finds himself debarred from the cheapest rewards of governments. He has before him but the continual sense of the unjust and impolitic inequality of his position. If the rewards claimed by the medical officer were even trifling and of no value, (which he is not disposed to admit,) the exclusion from them would be esteemed by him to be a stigma—an invidious and unwise separation—where, on the score of education and of service rendered to the state, there ought to be but one class.

11. The Emperor Napoleon, who designed that there should be rewards for every rank—from the common soldier to the marshal—bestowed military honours on those great surgeons who had conferred lasting benefits on the fleets and armies of France. This he did sometimes on the field of battle, as at Wagram; and Marshals Ney, Soult, and others of his generals, have never been heard to complain that Barons Larrey, Desgenettes, and Percy had in this manner been raised to the highest grade of the legion of honour. Napoleon designed that honorary distinctions should not be exclusively confined to one class of officers, but should be accessible to all officers who by their services and their talents deserved well of the state.

12. The great commanders of France took no pleasure in seeing the eminent surgeons of their army in the dust. On the contrary, these celebrated generals have uniformly viewed with satisfaction the elevation of men, to whose knowledge, experience, discernment, and moral courage, the efficiency of their army has been, and is, so much indebted. They even considered that the legion of honour derived renown from the enrolment of such names in its ranks. Napoleon, on the other hand, deemed the honours conferred on such men to be called for alike by justice and necessity in any plan which should pretend to give "consistence to the system of recompences" granted by the state to its servants.

13. In this country, military and other rewards, even to those who receive such, are bestowed on no system or ground of true desert. They are too often made the slaves both of rank and of wealth, and given on political grounds foreign to the merits of the service—frequently on account of aristocratic or other family connexion, on grounds of political interest, &c. The ignorance of popular excitement and the power of a party press has each, in its turn, guided or withheld the hand of the sovereign—as witness the absurd and exaggerated rewards conferred on Lord Keane and others, and the cruel treatment of Sir Robert Calder. In truth, the lavish abuse of honorary rewards has of late years greatly weakened the consideration in which they were once held. There is no system. We hear sometimes of officers most glaringly over-rewarded; and at other times, but more rarely, of such as are grievously overlooked. Such are the vibrations of error with us—the swing of the fault one way, after the swing the other way. But the responsibility for the abuse of public rewards is second only to the neglect of all rewards where they are justly due.

14. Within four years, four commissariat officers of the Bengal army have received the honours of the military order of the Bath,—three of them deservedly,—and all for services purely civil. One of these gentlemen, a captain, has recently been promoted to a brevet-majority, and then to a brevet-lieutenant-colonelcy, for services of a similar character, or for no services at all. The last of his rewards was for the battle of Ferozeshah, on the Sutlej, at which, say the Indian newspapers, "he was not even present." But had he been present, his duties must have been those only of a commissary. He could not have been, and ought not to be, under fire. For the rest, he was a man possessed of family connexion and interest, without which, in this country, no claims are permitted to pass current. In the very battle here spoken of a surgeon was killed.

15. The following simple narrative is here presented, in form of contrast with the above:—

"Memorandum of the Services of Staff-Surgeon Donald Macleod, presented to the Duke of Wellington. London, August 15, 1827. Hospital-Assistant, Sept. 10, 1799; Assistant-Surgeon, 82nd Regiment, Jan. 20, 1800; Surgeon, 38th Regiment, Nov. 25, 1803; Staff-Surgeon, Sept. 24, 1813; Placed on Half-Pay, April 25, 1821; Reappointed March 15, 1827.

"Previously to entering the regular service, I was surgeon's

mate of the 1st battalion, and surgeon of the 2nd battalion of the Breadalbane Fencibles, from Feb. 25, 1798, to March 21, 1799. I served with the Duke of York, in Holland, in 1799; in the Mediterranean to the end of the war, in 1802; at the capture of the Cape of Good Hope, under Sir David Baird; at Monte Video, under Sir Samuel Auchmuty; and at Buenos Ayres, under General Whitlock. I went to Portugal with Sir Arthur Wellesley, and was in all the operations of that campaign, to the battle and embarkation at Corunna.

"I was at Walcheren during the whole time it was occupied, and returned to the Peninsula in May, 1811; I was in the battles of Salamanca and Vittoria, and at the sieges of Burgos and St. Sebastian, and in all the actions fought in the neighbourhood of Bayonne and Orthes; I embarked at Bordeaux, for Canada, with the brigade commanded by Major-General Robinson, and served there for a year, during which period I was present at Plattsburg, and at most of the operations on the lower frontier. On my return I joined the army in France, and remained there till the formation of the Army of Occupation. I did duty at Dover, and in London, from June, 1816, to May, 1821. On retiring on half-pay, I went to New South Wales with the Governor, Sir Thomas Brisbane, where I remained about four years, and although not absolutely employed in the medical department of the army, I was still in the King's service.

"I am now returning as staff-surgeon to that colony, without one single advantage, and with nothing but the bare pay of the rank I have held for twenty-four years, in every quarter of the globe. This is my position, after a service of twenty-nine years and four months.

"(Signed),

DONALD MACLEOD, M.D.,
"Surgeon to the Forces."

"P.S.—There is little to add to the above statement. I sailed from the Cove of Cork on Sept. 27, (being the fifth time I left that place for foreign service,) and landed at Sidney, on Jan. 3, 1828. I remained as staff-surgeon and principal medical officer of the colonies of New South Wales and Van Dieman's Land, to Jan. 17, 1830, when I sailed for Bombay, having been appointed deputy inspector-general at that Presidency, where I remained until Feb. 8, 1834, when I was transferred to Madras, and from thence to be inspector-general in Bengal, in July, 1837.

"DONALD MACLEOD."

16. Donald Macleod was but a simple gentleman, a native of the Isle of Skye, an island which furnished 10,000 foot soldiers, and 600 officers to the British army during the late war. The blood and brains of his younger brother were scattered in his face at the Siege of St. Sebastian, while conversing together in the trenches. Dr. Macleod was a man of great talent, experience, and courage. He died in Bengal without any honorary mark of service.

17. The late Dr. Robert Jackson served fifty years in the British army, and he was the most eminent physician that ever served in any army. He saved, by his admirable arrangements and discipline, thousands of lives to the British army, and thereby, as well as by his admirable system of hospital finance, hundreds of thousands of pounds sterling in money to the State. He anticipated all modern physicians in the treatment of fever, a disease that has destroyed two-thirds of mankind. For one item of £80,000 per annum saved to the government, Dr. Jackson received, through the late Duke of York, a pension of £250 per annum for life. He never received any other reward, and when he died he is believed to have left his widow, who is still living, in poverty.

Let any one imagine only a comparison of the services, of which but a tithé is given here, with those of the average of our admirals and generals, and let him then say what he thinks of the treatment of this great public servant. In the profession of the naval and military surgeon alone it is, that improvement is without recompence, that talent and labour are without a reward. The simple, manly, and unadorned portrait of Robert Jackson, prefixed to his great military work, presents a monument at once of distinction and of reproach.

18. Mr. Guthrie, a great military surgeon, was wounded severely while in the ordinary discharge of his duties, and so was the late Dr. Theodore Gordon, three times. One of these wounds, a dangerous one through the neck, was received when called to the front to assist his commanding officer.

The number of medical officers wounded during the Afghan war the writer has no means of ascertaining; but there were eight surgeons killed of the Indian army alone, besides three belonging to her Majesty's army. Of the former, Dr. Lord, of the Bombay army, was killed in a charge of cavalry. Seeing that the desperate circumstances of the case admitted of no professional exercise, this gentleman charged along with

his brother officers, and was killed with several of them. Speaking of these more recent transactions only, we find that in the principal battles fought in Afghanistan, in China, at Gwalior on the Sutlej, and in the Punjab, the inspecting medical officers and the field surgeons have, in every instance, received, in the general orders of the respective commanders, the most cordially expressed and personal thanks for conduct and ability in the field. For all these services, all classes of officers, staff and regimental, above the rank of lieutenant, have received promotions and the honours of the Bath in profusion, and by hundreds, while not one of all the medical officers employed on the arduous services mentioned, has, in any instance, received a recompence, even the most trifling.

"You, Sir, have referred to one individual twice wounded in the Peninsular war, and whose name is imperishably connected with the improvements which surgery owes to that war, but who, in his own person, owes no distinction to the state. Another friend of mine, whose very pardonable boast it is, that he has been in one battle more than the Duke of Wellington, has sustained a long life of incessant occupation in the public service; and has, in consequence, attained a very respectable position in the medical department of the army, but remains without any mark of personal distinction.

"Another has been thirty years abroad on professional duty in the Peninsula, in India, in China, and in America, has met with the most flattering acknowledgments of his zeal and abilities from all ranks in the service, but remains alike undistinguished by the state. These gentlemen, in common with myself and a hundred others, have obtained their medals; but these, as you have justly observed, 'are only the proofs that the duties of their profession have brought medical officers on the battle-field of every war, and, as they do not in the slightest degree distinguish personal conduct, so they cannot usefully stimulate individual merit.'"—*Letter of Sir George Bellingham to Sir De Lacy Evans.*

19. In none of our Gazettes have we been able to find that chaplains, commissaries, or pursers, have been either wounded or killed.

20. It has been seen, that while officers employed as commissaries have received military rewards or promotions, the ablest and best of our army surgeons have been treated with an uniform, systematic, and unwise neglect, their claims being always held to be too late or too early. Could we but "behold and count them as they rise to view," how many samples of the lumber and refuse of aristocracy—how many of the outscourings of the London clubs—how many men, for merely holding office in blameless mediocrity, have been rewarded unjustly, and at the country's cost! Their numbers, at least, would prove respectable. But how many noble-minded, able, and deserving medical officers from the middle class of society have at the same time been crushed, and allowed, like Jackson and Macleod, to die unnoticed and unrewarded, it were in vain to reckon. It is reserved for medical officers alone to benefit neither by popular caprice nor by royal caprice. They may, and do, receive various military and honorary distinctions from continental sovereigns, but from the British sovereign they may receive none.

21. The practical working, the facts, and the sad results of "the swing of the fault one way, after the swing the other," such as they now hold in England, have here been faintly exhibited. It rests with the legislature to determine whether this state of things is destined to last longer. Dr. Robert Jackson, writing forty years back, spoke with hope of the legislative branch of the government, "there being a presumption, amounting almost to proof, that there is no chance of obtaining it from the executive." Jackson was like the great statesmen mentioned by Mr. Macaulay, who "looked far behind them and far before them."

22. The medical department of the army asks for no favour. It requires from its superiors but a brief and considerate hearing. Its demands are just; it requires only that it shall no longer be left behind all other classes of officers serving in her Majesty's and in the Indian armies.

23. In all the armies of continental Europe, the medical department is treated with honour and distinction. It is believed that the medical officers of the British army are not surpassed by any in the world; yet they are neglected by the state. During the sickly campaign, and in the hour of battle, the surgeons of our army are esteemed the finest fellows in the world, risking their lives for nothing. But when peace comes round, their services are ignored and forgotten, and their claims overlooked. The devoted exertions of the medical staff are freely acknowledged in words; and, for the rest, they are willingly left in the undivided privilege of tending and soothing the wounded and sick soldier, on the field of battle, and in the

hospitals. Here the sympathies of our admirals and generals, with officers engaged in the most difficult, trying, and useful of duties, begin and end. What is the use of such praise, and of such sympathy—sympathy which knows nothing, cares nothing, costs nothing, intends nothing, and means nothing! Such praises and sympathy are worth nothing, and that is perhaps the reason why they are so liberally offered.

24. The habits of life and the sentiments of a military surgeon are and must be those of the society in which he lives. It has never been otherwise. His hourly and familiar intercourse with men and officers, under every conceivable circumstance of suffering, success, or reverse; his duties in the field, and in quarters; every incident of his life, in short, tends, by association and feeling, to render him a soldier. The writer is assured that naval and military surgeons are far more deeply affected by the sense of the inequality of their position as compared to that of naval and military officers than they could be by any comparative reduction in pay or pension.

25. Medical officers entertain a strong impression, also, that the original error stated in Paragraph 1 has in latter times been converted into a mere technicality, or an unworthy trick, to their disadvantage. Were the empty and incorrect designation of "civil staff" pleaded against them by lawyers in a common court of justice, then the case would be intelligible. Certain it is, however, that no gentleman in the ordinary transactions of life could venture to adduce arguments such as are commonly urged against the unquestionable claims of the medical staff. The surgeons of the army are as truly and essentially military as any class of officers in it, and they are not behind any in fair pretension to military recompence. The increase of pay granted to medical officers has been unfairly adduced as standing in place of all further rewards. The pay of medical officers is but barely respectable. Let but a comparison of medical allowances be made by the commands and the off- reckonings of military officers, and then we shall see how the case really stands. We know for a certainty that medical officers "do not enjoy the advantages of an improved retirement as granted to veterinary surgeons and quartermasters," whilst "the widows of medical officers are not so well provided for by pension as the widows of officers of relative rank."—*Speech of Lieut-General Sir Howard Douglas, Bart., April 12, 1847.*

26. To mortify a man's natural pride, to limit his resources, and to set a mark of exclusion and consequent degradation upon him—these are surely enough, without having recourse to unfounded and insincere arguments. The former system is, indeed, the only species of persecution of which the feeling and cultivation of the age will admit.

27. It might have been expected that military officers serving with our army surgeons, knowing and experiencing, as they must, the practical value of their skill and courage in peace and in war, should have exhibited generous and just feeling towards them and their claims, personal and public. With some distinguished and honourable exceptions, the generals of our army have, in the mass, acted otherwise; and the writer could recount an instance of the blackest ingratitude on the part of a fortunate peninsular general, but he has no desire to degrade our common nature by the recital. The admirals and generals, in the mass, have stood by unmoved, and looked on at the injustice, while some, in the easy indifference of an undisputed monopoly, have actually opposed the justice. It is no wonder, therefore, that our commanders should, in the mass, be regarded by medical officers with those feelings which injustice, aggravated by ingratitude, naturally excites.

28. Officers in authority should by this time have learned to consider this subject in a manner less confined and erroneous. They may rest assured, that whatever may be given to the deserving army and navy surgeon will not be taken from them. There is no fear that the medical staff officer will ever interfere with the commands or with the off- reckonings of colonels of regiments. Our admirals and generals should learn, on the other hand, that the more naval and military surgeons are raised, the more their profession is made respectable in the eyes of the seaman and soldier—the better for the sick and wounded—the better for the state—the better even for the admirals and generals, decorated and undecorated. There can be no question on this head with any reasoning person. As it now holds, the medical officers of the army and navy are treated on the worst principles of the worst corporations—on the class principle, so repressive of the best energies, and injurious, consequently, to the best interests of the public services of this country. This bad treatment of our medical officers springs from one single principle, and represents but one single idea—that of appropriating all honours and all re-

wards for the benefit of one class of men and for one class of service, to the exclusion of every other class of men and of every other class of service, how deserving soever.

29. As regards the medical departments intrinsically, there is another circumstance that ought to be known to authority; that in respect of them, as of every other department of educated men, it is impossible for governments to attach officers to their service, to lead them up to the highest point of exertion and of excellence, by money alone. This, I repeat, is impossible, and unless men retrograde in knowledge, or the nature of man change, it must be so.

30. The state and prospects of the church and of the law prove this. If any one doubt it, let him but imagine the whole body of the church and the law on small salaries; and for the rest, let churchmen and lawyers be permitted to look for all further reward to the mere contemplation of their own merits. Our clergy, for certain, would not relish the practical application of the high-sounding abstract principle—"It is better to deserve and not to have, than to have and not deserve." The first limb of the aphorism has been reserved for exclusive application to the fortunes of the medical officers of our fleets and armies. The practical enforcement of the second principle would vacate many a fat benefice.

31. Where would have been the exploits of our navy and army—where the great works of our divines and lawyers, had the educated members of the sea and land services, of the church and of the law, been treated on a principle of uniform and absolute neglect and exclusion by the authorities of the state?

32. The principle of leaving men to the reward that is within themselves—to the virtue which is its own reward—may be sufficient for a good man, perhaps; but as no person in his senses can believe that such a principle would prove safe with churchmen, the medical officers of the army may be permitted to waive the discussion of it. The writer ventures to say, that a trial of such a scheme of recompence during six months only of active warfare, by sea and land, will prove as fatal to the public interests as unjust and ungrateful towards individuals. What, then, must be the state of feeling in the ranks of the army and navy surgeons? The writer is well acquainted with it, but he does not choose to enter on subjects so painful.

33. The military and naval surgeon, to be useful to the soldier and seaman, must possess knowledge, judgment, energy, indefatigable industry, resolution, address, and an untiring patience. To these qualities, he must add "experience of war, and an acquaintance with the powers of the human constitution." He must possess a courage, not of the mechanical kind, but of the highest order—a courage that does not look to rewards. No men are more alive to the fact that honour is the vital principle of armies than are the naval and military surgeons, and no class of officers is more distinguished for good conduct, whether in war or peace. Jackson, the least appreciated, and the most ungratefully treated during life, was the perfection of his class. In after times his memory will be more honoured than that of a hundred of the ordinary run of generals; for the British soldier owes more to his exertions than to those of his most successful commanders.

34. Let us compare the qualities which are every day sufficient to secure to the military officers the highest rewards, with those which must characterize the naval and military surgeon in his daily avocations. For one mere act of personal exposure, or for being present even in action or siege, we find that the military officer obtains honours of the Bath and other distinctions, according to his rank. Yet this person may be, and often is, altogether wanting in moral courage, without which—not to speak of science and skill—the naval and military surgeon can neither move nor act.

35. The personal bravery of Generals Dupont and Elphinstone has never been called in question; yet both capitulated with disgrace, because each was deficient in those qualities without which a commander is nothing—firmness and moral courage—qualities so conspicuous in Robert Jackson on the field of battle as in private life. Nothing can offer a finer example of the character of this officer's mind than his march into the cross-fire to succour the wounded who were suffering from it; his insisting on saving his general by means of his horse, while he saw that he must be killed or taken prisoner in the act; his passing the day and night, when taken prisoner, in dressing the British wounded, and then the tearing of his only shirt for bandages wherewith to dress the American wounded;—these were characteristic acts. When persecuted by the influential public speculators, whose vile practices he had exposed,—when, through their intrigues, "a power," as he called it, "unknown to the state"—when no less a personage than Queen Charlotte had been dragged forth to crush him,—

nothing daunted, he stood firm in his moral rectitude, and came off triumphant. Such was Jackson. What shall we say of the fate of this man!

36. To a reformed House of Commons alone must the medical officers of the army and navy look for redress from grievances of a character unusual in modern times. In such a house there may be occasional error, but the cause of the deserving medical officer will not there suffer from the bad pride which, in aristocratic bodies, always prevents the retrieval of faults.

37. Napoleon has asked, "Do you believe that you could ever make a man fight on abstract principles?" and he answers, "Never!—such views are fit only for the scholar in his study." He adds, that "recompences are the food which nourishes military virtue." Human nature must be altogether changed and perverted in the person of the military and naval surgeon, if, with his habits of life, training, and associations, and with his experience of what is fit, he should nevertheless consider himself sufficiently rewarded by "abstract principles."

38. It ought to be observed, in reference to the subject of these notes, that whilst every other class of officers in the public services is daily acquiring facilities for obtaining honorary rewards and distinctions, the medical department stands unique in its exclusion. This is painfully felt. Exclusion, too, is a fact for ever present in the public eye; but not so those merits and deserts of the excluded. The superiority of prosperous recklessness also, claimed in consequence by the party exclusively possessed of honours and privileges, though in no way more deserving than those deprived of them, greatly aggravates the sense of injustice. There is no wrong so grievous as that which oppresses and humiliates the mind. The memoirs presented to the Duke of Wellington by Dr. Macleod, describe a career of forty years of danger and privation, without a single honour or privilege, and with nothing except the bare pay and professional promotion which, as it falls by death or rotation, without desert, brings but little consideration to the possessor, and no encouragement to others. If such a man had entered the army as an ensign, his position, after twenty years' service, would have been infinitely better than it was in the medical department after forty years. It is related of a young assistant-surgeon, that in one of the battles in Spain, while assisting his superior in an amputation, he received a gun-shot, which passed through both cheeks, injuring his tongue, and destroying several of his teeth. Dashing his knives into the ground, he stood up, and swore that no considerations should induce him to serve another day in a capacity in which he was liable "to be thus shot like a dog, without a hope of recompence or reward." On recovering from his wound he entered the ranks as an ensign, and his subsequent wounds brought him decorations. By the end of the war he had attained to the rank of major. This is but another example out of hundreds of the identity of the character of the surgeon and the soldier—of the perfect readiness with which the one is turned into the other.

39. There is another grievance of the most grave character, affecting the surgeons of the army, and which is felt most deeply—the absence of substantive rank.

On any deliberative commission—on a mere court of inquiry—on a committee relating to the medical profession, as an invalidating committee, for instance—the medical staff officer of highest rank in the army will find himself placed below a captain; and if he appeal to authority, an unexpected disclosure is made; he is informed that medical rank is but "purely official." The formal commission, and the rank assigned by regulation to the medical officer, are both set aside as a nullity. This took place twice within the last year, in the East Indies.

40. But the case is entirely changed whenever the medical officer, staff or regimental, is placed in arrest, and ordered for trial before a general court-martial. His rank, hitherto hidden and unavowed, is then made substantive as that of a field-marshal; and in the event of condemnation, the formalities and the deprivations are the same as in the case of any other military officer. We hear nothing, on such occasions, of a rank "purely official." The surgeon may be suspended from his functions, deprived of rank and pay, cashiered, or shot, just like the common soldier or the captain. He is now substantive in all his liabilities. This is another instance of false dealing with the medical officers of the army. Conduct like this detracts from the credit and consideration due to governments; for whenever governments would not be taken at their words, their words must have the effect of a snare and a delusion. The attributes of rank and status, as now held by medical officers, are conferred only to prove a

mockery in duty and a reproach in punishment. It is presumed that these circumstances cannot be known to the civil government of the country. There can be no question that every medical grade in the army, staff and regimental, ought, by right, to be as real and substantive a thing as that of colonel, major, or captain; otherwise, it is an empty cheat, a fraud. If the question were tried in a court of law, it is believed that army medical rank would be found substantive as any other. The reality and the truth are too clear for sophistry, too transparent to be obscured; but the object of official persons is to envelop the question in "a fog of ambiguity."

41. Another injustice put on the medical officers of the army is the absence of brevet rank. This keeps them behind all other officers in promotion, while it deprives them of the share in prize money to which they must otherwise be entitled. This is felt, like the last-mentioned treatment, to be cruel and unjust.

42. By the advocates of exclusion and privation it has been urged that the grievances of the medical department are purely sentimental, meaning thereby that they are unreal, or imaginary. They are admitted to be at once sentimental and substantial. Is it a sentimental grievance, in the proper acceptation of the word, to possess no substantive or co-ordinate rank,—to be deprived of brevet rank, and of the prize-money appertaining to it,—to be thereby also subjected to continual supersession and inequality in promotion,—to be deprived of military honours and rewards,—to be, through all these means, depressed in mind, and lowered in the estimation of the seaman and the soldier;—are all these, and the many other injuries inflicted on the surgeons of the army and navy, in reality but sentimental injuries? If so, all that man lives and strives for is sentimental.

43. But, for the sake of argument, let us admit that the reiterated complaints of the medical departments of the public services are founded on sentimental injuries. What, we would ask, are half the grievances in the world, but sentimental grievances! and those cut the deepest of which the external signs are least perceptible, and the victims of which are the least powerful. The ordinance which insults the feelings is more cruel, by far, than that which enslaves the body; it is that which rankles deepest, because of its abasing injustice. The contrast of sunshine, again, with the fortunate, only deepens the shade with the unfortunate. Were the services of Robert Jackson, during half a century of unwearyed and honourable exertion, nothing? Is it a sentimental grievance, that such a man should die in poverty and obscurity, with no other reward than a pension of £250, for an annual saving to the state of £80,000! Let us hear no more of sentimental grievances, in the wrong sense here referred to. The argument, as respects the just claims of the medical officers of the public services, is unfounded and disingenuous, as are all those so effectually disposed of in this summary. In truth, every argument urged against the fair pretensions of the surgeons of the army and navy only tends to establish and to enhance their merits, and their claims upon the state. The facts and circumstances stated in this summary are a reproach to the government of the country. The degraded condition of the medical departments of the army and navy is no longer dishonourable, only because it is universal. As respects the government, again, it is a fatuous policy.

44. In the *East India Register* for 1848, it will be seen that two hundred and sixteen military officers, of various ranks, have received the honours of the Bath, of the Hanoverian Guelphic Order, and of the Durand Order. Out of an average list of medical officers of seven hundred and eighty, serving in the Indian army, it will be seen that three officers have received honorary distinctions—viz., Sir John McNeill, G.C.B., for political services rendered in Persia; Mr. Atkinson, third and lowest class, Durand Order, for services in Afghanistan; and Mr. Burns, a knight. Here the pendulum of error has stuck fast. There is no movement in fault even, to relieve the monotony of injustice. This is what Napoleon designated the injustice of feudalism.

45. Those who are familiar with the state of feeling amongst the medical officers of the British army speak of it emphatically as "brokenhearted." The surgeons speak the language of earnest indignation, which nothing but the corrosion of intolerable wrong and a personal experience of extraordinary ill-usage could excite. With the uneducated common soldiers, partial and temporary discontent has never been known to exist without an efficient cause. "The British soldier," says Napier, "will bear with a careless fortitude any privation but that of justice." What, then, shall we say of the permanent discontent and feeling of depression that has so long existed

in the medical departments of the public services? Will any man believe that they are without a cause?

46. It is of vast importance to the public welfare that men engaged in any sort of public service should feel a pride in maintaining its reputation. Let any sense of injury, degradation, or invidious distinction, be associated with that service, and there will be a proportionate diminution of its efficiency. This truth is universally recognised and acted on in the army and navy, as regards the distribution of rewards to naval and military officers. Its practical recognition is indispensable to the efficiency of the medical departments. The reward of individual services is an important part of the debt due by the state to its officers; but its importance does not end here. For one individual marked out for reward and distinction, we make a hundred others envious of similar rewards, and eager, through the exercise of their talents, and the amount of their services, to deserve similar recompences. What shall we say of a public service, composed of between two and three thousand officers, by sea and land, in which no such incentives have ever existed.

47. Let, then, the medical departments of the several services assume that concord which brings increase, and that union which brings strength, and there will be no fear for them. Above all things, let them no longer accept words for realities; this has been the real cause of their long suffering.

48. Referring to the noble exertions and patient endurance of the British soldier, and to the entire absence, in our army of those mutinies which proved so formidable to the power of Alexander, Caesar, and other commanders of antiquity, the military historian, Napier, does not hesitate to ascribe all these great qualities of the soldiers of his country, emphatically, to our just and considerate system of administration. He asks, "How have such results been obtained? Solely by the justice of the British military system." "Justice," he says, "is the characteristic of our military system." It will nowhere be contended that this justice, so powerful in its result, should be confined in its application. To be useful to its utmost extent it must apply itself to all the parts of the military establishment of the country. When we look on the long-continued neglect and ill-usage of the medical departments of the army and navy, we shall be struck with astonishment at the energy and devotion to duty they have exhibited in every quarter of the globe—at the circumstance that the core of feeling should still remain sound with them. This energy, devotion to duty, and good feeling, can only have arisen from a high moral standard, a self-denial and self-respect, the result of the medical education and discipline. Had the officers of the navy and army been always treated thus, who shall say that their loyalty would not have been exchanged for indifference?—that they would not have undergone a moral decomposition? "The services of medical officers," says Sir James McGrigor, "are of a less brilliant nature than those of the military, but in points of utility, talent, and zeal, I believe it was acknowledged that the medical was not inferior to any department in the army under the Duke of Wellington, contributing most largely to a successful issue of the contest in which we were engaged."—*Medical History of the British Army in Spain and Portugal.*

49. The retribution which a long course of disguise and injustice is sure to bring about at last, is now to be visited on the government. In other words, the wrong is to be signally avenged on the country and on the country's defenders. In the navy, injustice and exclusion have in some matters gone further than in the army, and the result is, that the youths from our schools of medicine are hesitating to enter the former service, while the College of Surgeons of London, Edinburgh, and Dublin, have petitioned the two Houses of Parliament on the subject of the grievances of the medical officers of the navy. The government must now adopt one of two alternatives—it must be content to receive as medical officers for its fleets the refuse of the medical schools, or it must abolish injustice and exclusion.

50. This summary of painful facts and circumstances—this summary account of the ungenerous and dishonest treatment of the naval and military surgeon—is now brought to its close. The writer has no personal objects to attain, but he feels keenly for his class. He entertains no envy or personal jealousy of any class of officers. He has, during a varied course of service, with troops of different nations, in peace and in war, had the good fortune to associate with many able and distinguished officers who were favourably disposed to the cause he has here attempted to advocate; and he reckons not a few of these as the best friends of his youth and manhood. But the course of his service, whilst it has brought him into intimate relations with excellent and friendly characters, has also placed him in close

contact with many "gatherers of orders by profession"—with many a slavered and decorated booby. He has observed, that however insignificant the services by sea or land, however obscure their place in the hour of danger, these latter gentlemen are ever to be found in the foremost ranks of those who oppose the claims of, and who would ill-use, the naval and the military surgeon. This is perhaps natural. Those who unworthily obtain rewards are the most familiar with injustice. He who obtains a reward without deserving it—he who possesses but the mere fiction of honour—must, by the evil constitution of our nature, be envious of those who deserve, but do not receive, their just recompence. The former is tenacious of his disgrace. This class, powerful in former times, is no longer influential. It must be borne in mind, again, that the mass of ordinary military and naval men are but imperfectly educated, and that they are but too often the slaves of habit and of routine; indeed, it is only now (1849) that any measure has been taken to ensure an education, even the most elementary, to the great body of the officers of the line. The best of the class are, beyond all other men, devoted to system, as witness their devotion to the foreign and unnatural Prussian system of discipline—to the horrible system of courts martial and floggings, more numerous than the days of the year, down to the tallowed and powdered heads and long queues, even unto the tropics. It is said that, in a high military quarter, the superiority of the percussion-cap over the flint is hardly yet admitted. This is the climax of devotion to system—to whatever is, or has been! But let not the medical officers of the army and navy despair—let them remember that Abercrombie and Moore, the intimate personal friends of Robert Jackson, were for us. These names are worth a shipload of living flesh. The writer has said elsewhere, and he repeats it here, that to carry through any object against class prejudices, or supposed class interests, is at all times but up-hill work. He has, however, great faith in the force of experience, truth, and reason, and he believes that every cause that ought to succeed, will ultimately succeed.

Postscript.—No course of proceeding can be less just, generous, or wise, than that hitherto pursued by the authorities of the state towards the medical departments of the public services. No course, on the other hand, can be more truly just, generous, and honourable, than that pursued by Lieutenant-General Sir Howard Douglas, and by Major-General Sir De Lacy Evans, in their legislative capacities.

As soldiers and as statesmen they have earned the gratitude of the naval and military surgeon, down to the remotest times, by their disinterested and noble exertions in favour of a deserving body of officers, that, until their day, remained friendless in the quarter where alone, as it would appear, upon long experience, friends could be of use—in the legislative branch of administration.

COUNTY COURT OF BERKS, AT HUNGERFORD.

BEFORE J. B. PARRY, Esq., Q.C., (JUDGE.)

THE APOTHECARIES COMPANY v. THOMAS BISHOP (JURY CASE).

Mr. ASTLEY, for the defendant, took a preliminary objection that the action was not rightly brought, inasmuch as the Apothecaries' Act requires all proceedings to be instituted in the county where the offence is alleged to have been committed, and not elsewhere. This action should have been brought in the county of Wilts.

Mr. ROWLAND contended that the action could not be brought in the county of Wilts, because the parish in which this offence is charged as having been committed, is one of the parishes specially assigned to the jurisdiction of this court.

His HONOUR overruled the objection.

Mr. ROWLAND then opened the case. This was an action brought by the company for which he had the honour to appear, against the defendant, who resides at Ramsbury, in the county of Wilts, and, as they allege, was acting and practising as an apothecary there, without being legally qualified. The statute under which the action was brought, was commonly called "The Apothecaries' Act," the 14th section of which provides, that after the 1st day of August, 1815, it shall not be lawful for any person or persons (except persons then in practice as such) to practise as an apothecary in any part of England or Wales, unless he has passed his examination and received a certificate of his being duly qualified to practise. Of course, if his learned friend could produce such certificate there was an end of the present case; but he should assume that he could not; and would call the attention of the jury to

the 20th section, which imposes a penalty of £20 for every offence against the Act. It was for such penalty that the present action was brought.—The precise charge against the defendant was, for having, on divers days and times, between the 1st and 9th days of April, 1849, acted and practised as an apothecary in England—that is to say, at Ramsbury, in the county of Wilts, by then and there as such apothecary attending and advising, and furnishing and supplying medicines to and for the use of one Henry Bayman. This patient was ill, and as he (Mr. ROWLAND) was instructed, was attended professionally by the defendant. He could not, unfortunately, call the patient before them, for at the end of one short week from the time of his having been taken ill, he had died. He should, however, call before the jury the sister and the mother of the deceased, who would state that the defendant had attended him in the manner described. He (Mr. ROWLAND) would not have addressed the jury at such a length in opening his case, were it not that his friend had very candidly told him that he should call no witnesses for the defence, and therefore he should not have a reply. He must, however, beg their particular attention to the difference between a surgeon and an apothecary, as laid down in the books, and defined as clearly as words could express by Mr. Justice Cresswell (whose judgment he read) in the case of the "Apothecaries' Company v. Lotings," reported in 2 Moody and Robinson, 495; and he should also call the attention of his honour to the case of the "Apothecaries' Company v. Greenough," in 1 Queen's Bench, reported 799; and to the case of "Alison v. Haydon," 4 Bingham, 619, which he handed up to the court. The defendant had not heeded the many warnings to cease from practising which had been given him by the company. They had therefore felt themselves bound, in justice to that profession of which they are the legal protectors, to institute the present proceedings. If, however, the jury, after hearing the evidence, should entertain any reasonable doubt upon the case, he would at once take upon himself the responsibility of asking them to give the defendant the benefit of that doubt, and to find the verdict for him; but if, on the other hand, they could not find room for a doubt, and he thought they could not, he must ask them, however painful it may be, to find their verdict for the plaintiffs.

ANX BAYMAN stated that she lived at Ramsbury, and is a daughter of John Bayman. Recollects her brother Henry being taken ill about a week before last Easter—that Mr. Bishop was sent for to attend him. He came and said that her brother had inflammation of the lungs; that he sent her brother medicine, on one occasion by his servant, but that at other times she went to his house and fetched it; that when she went there she took an empty bottle; Mr. Bishop went into an inner room and brought back the bottle with medicine in it. There was a label on the bottle, on which was written how the medicine was to be taken; she could read it. Her brother was ill from Monday to Monday; Bishop attended all the time, and supplied medicine and a blister. Her brother got worse, and on the Easter Monday he died.

Cross-examined by Mr. ASTLEY.—Never saw Mr. Bishop make up the medicine; will not swear that it was medicine, as she never tasted it; she did not see her brother take it; will not swear that it was not wine; does not believe that Bishop went out of the house whilst she waited; she waited about five minutes; Bishop may have said her brother had the thrush; does not know what the thrush is; does not know that it is a surgical case.

Re-examined by Mr. ROWLAND.—To the best of her belief, what she had from Mr. Bishop's house was medicine. It was written on the label "two," and sometimes "three table spoonfuls" to be taken so many times a day.

SARAH BAYMAN recollects her son being taken ill in the spring of this year. She sent for Mr. Bishop to attend him. He came and supplied medicines, and said her son had inflammation on the lungs. She sent the last witness to Mr. Bishop's for the medicine, and gave what was brought back to her son; believes it was medicine; has no reason to think it was wine. Her son was ill a week, and then died. Bishop attended him all the time.

Cross-examined by Mr. ASTLEY.—Mr. Bishop has sent in no bill for this attendance, but witness has paid him for medicine and attendance before; Bishop never asked for money, and when she paid him he did not say what it was for; never had a bill from him. Mr. Bishop has not his name on his door, nor "surgery," nor anything else written over it; it looks like a private house. Does not know the nature of her son's complaint; recollects his having had the thrush.

By the Court.—There is a regular apothecary in the place; did not go to him, as one who was there formerly did not.