

A vindication of the opinions delivered in evidence by the medical witnesses for the Crown on a late trial at Lancaster for murder / by J. Gerard [and others].

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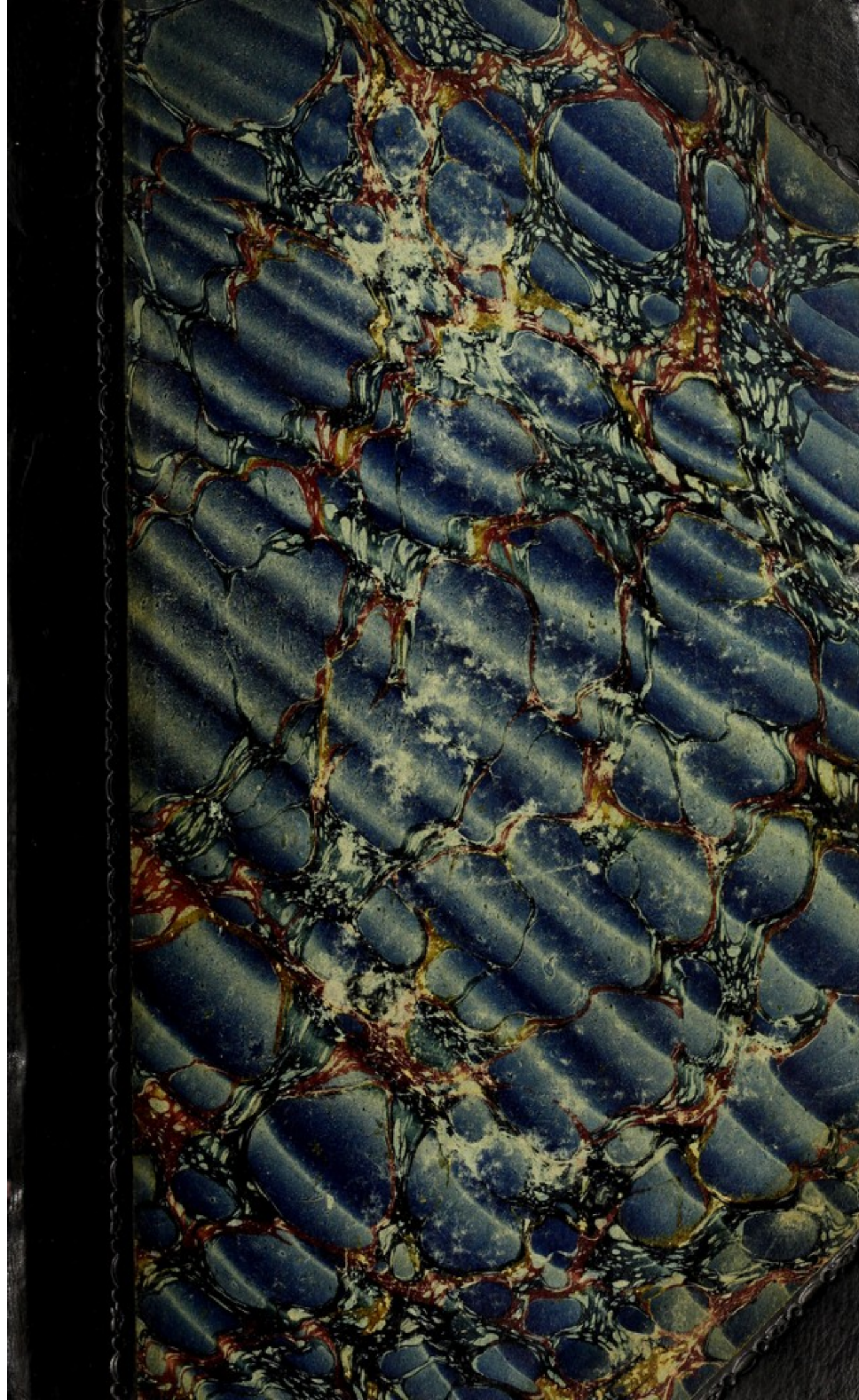
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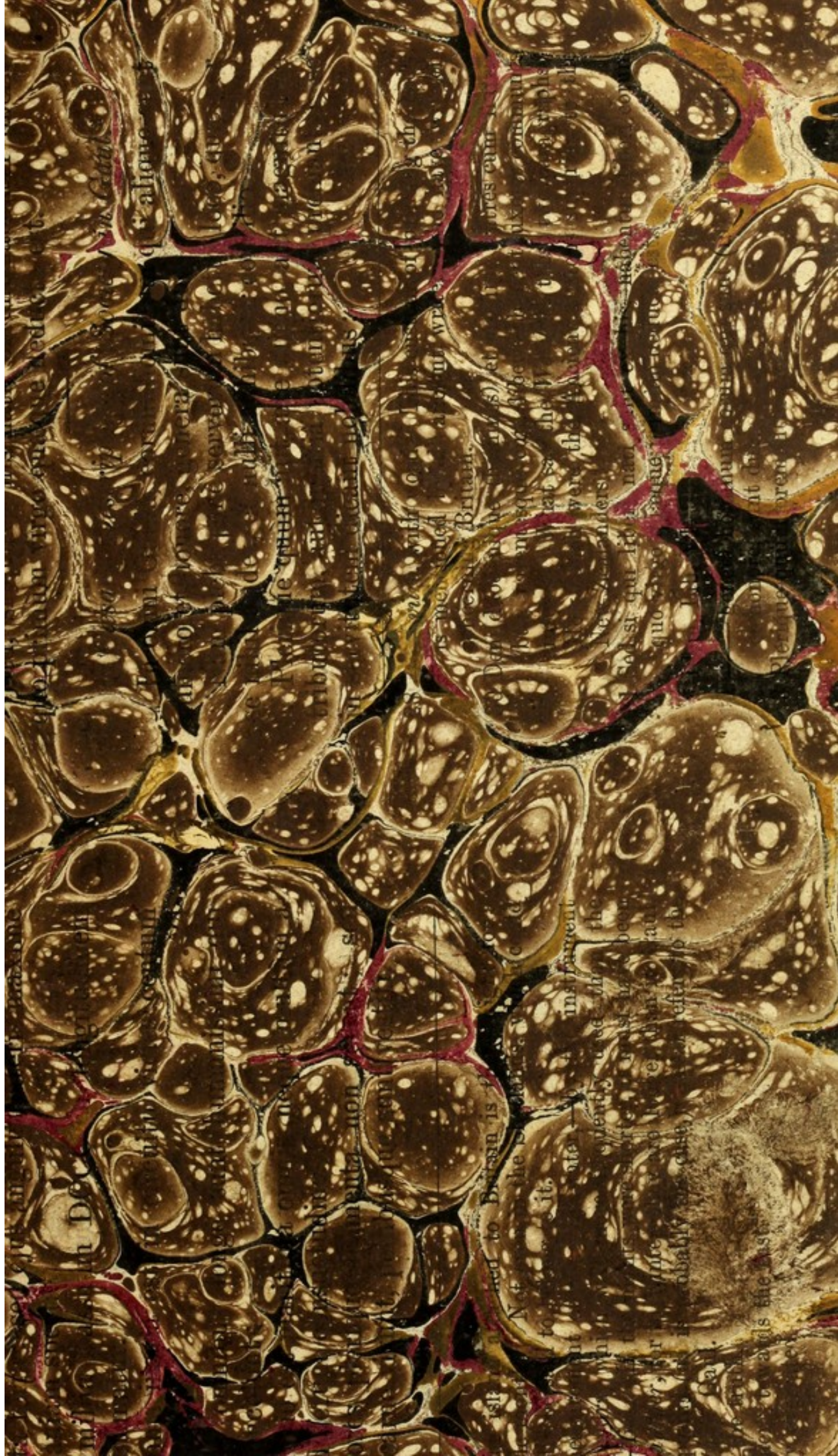


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A
VINDICATION
OF THE
OPINIONS
DELIVERED IN EVIDENCE
BY THE
MEDICAL WITNESSES
FOR THE CROWN,
ON A LATE TRIAL AT LANCASTER,
FOR MURDER.

LIVERPOOL:

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PRICE THREE SHILLINGS.

1808.

VINDICATION



OF THE

OPINIONS

DELIVERED IN EVIDENCE

BY THE

MEDICAL WITNESSES

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PRICE THREE SHILLINGS.

1808.

TO
THE GENTLEMEN
WHO HAVE HONOURED US WITH THE TESTIMONIES
CONTAINED IN
THE FOLLOWING PAGES,
THIS PAMPHLET
IS RESPECTFULLY INSCRIBED,
BY THEIR
OBEDIENT SERVANTS,

JAMES GERARD, M. D.

JOHN RUTTER, M. D.

JOHN BOSTOCK, M. D.

THOMAS FAIRFAX HAY.

Liverpool, Oct. 26, 1802.

INTRODUCTION.

THE circumstances which attended the death of Miss Margaret Burns in the month of March last, and the proceedings which, in consequence, have since taken place at Lancaster, are so well known to the inhabitants of this town and its vicinity, that it might seem to be unnecessary to enter into a particular history of them here. But as this pamphlet may possibly be circulated beyond the limits of Liverpool, or even of Lancashire, it will be proper briefly to lay before our readers a statement of those circumstances, and of the reasons which have led us to solicit the public attention to the subject. Such a statement is necessary, as an apology to our readers for presenting to them a detail of appearances, and of facts, which, however familiar it may be to us, cannot be familiar to them ; and to many, it may, perhaps, be painful, and disagreeable. But we are not to blame for this ; and we are persuaded, that we shall not be censured for the step which we have thus taken, in the just defence of our opinions.

On the 25th of March, 1808, Miss Margaret Burns, a young lady residing in this town, died rather suddenly, under circumstances of a very peculiar nature. These circumstances gave rise to some unpleasant rumours respecting the cause of her death; and these rumours having reached the ears of the coroner, he directed an examination of the body to be made. At his request, three of us, whose names are signed to this pamphlet, examined the body, and reported to him the state in which we found it, and the conclusions which we had drawn from what we saw. In consequence of our report, a jury was summoned by the coroner, to inquire into the cause of her death; and after a very laborious investigation, they brought in a verdict of wilful murder against Charles Angus, in whose house the deceased had resided. In the mean time, Mr. Angus had been arrested on suspicion, and was afterwards committed to Lancaster Castle for trial. The trial was held at Lancaster, on the 2d of September, before the Hon. Sir Alan Chambre, Knight; and after a hearing of 19 hours and a half, the prisoner was acquitted.

In the course of this trial, and after the evidence on the part of the prosecution had closed, and two or three witnesses had been examined on behalf of the prisoner, there appeared, as a witness also

on his behalf, Dr. James Carson, a Physician, who has resided a few years at Liverpool.

The appearances which we found on examining the body, led us to the conclusions, that the deceased had been delivered a few hours before her death, of a child, nearly full grown; and that her life had, probably, been terminated by poison. But Dr. Carson, in his evidence on the trial, endeavoured to explain these appearances, on grounds different from ours: and it has been generally supposed, that in consequence of the doubts which he had thrown upon the opinions delivered by the medical evidence for the Crown, the prisoner was acquitted. Whether this supposition is well founded or not, it is not to our present purpose to inquire. But when Dr. C. found, that the evidence which he had given on this occasion, had excited uncommon indignation against him, he proposed to publish a defence of that evidence. And in the mean time, whilst he was writing such defence, he addressed a note to different persons, desiring them to suspend their judgments, and to recommend their friends to do the same, "as he was preparing a statement of the whole case, to be submitted to the Colleges of Physicians and Surgeons at London and Edinburgh, and for publica-

tion." This is the language of one of his notes, which now lies before us.

One copy, at least, of his defence has been printed, we believe, but the work is not yet published. But if he had not written any thing on the subject, or had not taken any pains to support and strengthen his opinions, it was absolutely proper, in every point of view, that the subject should be thoroughly investigated. It is of the utmost importance that the truth, in this case, should be ascertained. By such an investigation, not only will the present question, in dispute, be decided ; but, what is of more consequence, opinions formed on futile and fallacious grounds, may, perhaps, be prevented from being regarded hereafter, on any similar occasion, as equivalent in evidence to those which are considered by the profession at large, to be founded on the solid basis of experience and observation. Viewing the subject in this light, we do not think it necessary to wait for the publication of Dr. Carson's pamphlet ; which, probably, contains no more than an illustration, or defence of those opinions, which he has in a much more solemn manner promulgated upon oath, in a court of justice ; and which opinions, by the publication of the trial, are now fairly before us.

Having thus laid before our readers an, account of the circumstances which have induced us on this occasion, to take up the pen, we think it necessary to premise, that it is not our intention to touch at all upon the judicial proceedings in this case. Our proper business is with the medical evidence alone. With this view we propose to lay before our readers—

1st. A narrative of the circumstances attending the examination of the body of Miss Burns, together with an account of the appearances, and a statement of our opinions, supported by those of highly respectable practitioners in the metropolis, as well as in Liverpool.

2dly. An examination of Dr. Carson's evidence given on the trial.

And lastly, Some general observations on the subject, and on medical evidence.

Section I.

NARRATIVE, &c.

AS the Trial of Mr. Angus is now published, and Dr. Carson's evidence on the subject is before the world, in which evidence he has arraigned the opinions which we have given upon it, we think it incumbent upon us, in the first place, to lay before our readers, a statement of the circumstances attending the examination of the body of Miss Burns, together with a copy of the report which we delivered to the Coroner, during the inquest; and also a more minute description of the appearances observed, than we thought necessary to lay before the Coroner. This will be particularly useful to enable our medical brethren to understand the grounds of our opinions on the subject, and to decide the question in dispute, between us and Dr. Carson; for by their verdict the question must now be decided.

On Sunday the 27th of March, 1808, at noon, Dr. Rutter received a note from Thomas Molyneux, Esq. Coroner for the Borough of Liverpool, requesting that he would take with him an experienced Surgeon to the house of Mr. Charles Angus, there to examine the body of a young lady who had died suddenly. After sending a

note to Mr. Angus to inform him of this request, he called upon Mr. Hay and Mr. Christian to attend him; and as his own testimony on affirmation would be inadmissible in a criminal case, he requested Dr. Gerard to accompany him.—Accordingly about two o'clock, he went with Dr. Gerard and Mr. Hay, and Mr. George Robinson, Mr. Hay's Assistant, to the house of Mr. Angus, and proceeded to examine the body; but before the body was opened, they were joined by Mr. Christian who was present during the examination. Mr. Christian was under the necessity of going out of town on business the same day, and therefore he was not called as an evidence before the Coroner, nor did he take any share in their future proceedings.

As soon as the examination was finished, a verbal representation of the appearances was made at four o'clock to the Coroner, who was waiting at Dr. Rutter's to receive it. In consequence of this, the Coroner summoned a Jury to hold an inquest into the cause of death, on the following day. The inquest sat by adjournments from Monday until the ensuing Friday at night. And in the course of their proceedings, but before the medical Gentlemen gave their depositions, the following report was presented to the Coroner in writing, of the appearances observed on examining the body of the deceased, and of the conclusions which were drawn from them :

Report of the circumstances attending, and of the appearances observed, on an examination of the body of Margaret Burns, instituted at the request of Thomas Molyneux, Esq. Coroner of the Borough of Liverpool, on Sunday the 27th of March, 1808, between the hours of one and four in the afternoon.

“ On our arrival at the house we were introduced into a Parlour, where we found Mr. Angus, with some other persons to us unknown; and we delivered to him the note from the Coroner as the authority under which we acted. Upon perusing it, he expressed perfect willingness that the examination should be made. We were then introduced into the room upstairs where the body of the deceased was laid. Before we proceeded to examine the body, we inquired of Ann Hopkins the Cook, how long Miss Burns had been ill, when she died, and what symptoms of disease she had manifested; and we were informed by Ann Hopkins, that Miss Burns had been ill two days, had died on Friday the 25th inst. at a quarter past eleven in the forenoon; and that she had been affected with sickness, and looseness, and shortness of breathing, but with no other complaint. After having removed the body, a small stain of blood was observed on the sheet of the bed on which it had laid; and the pillow was stained with a fluid which had issued from the head. The body being laid on a table, a large quantity of a thin yellowish fluid poured out from the nostrils, and was collected in vessels. No marks of external violence were discovered on the body; nor was there any appearance of commencing putrefaction. The nails of the fingers were of a bluish colour; and the veins on the external surface of the *abdomen* or belly, appeared to be much enlarged. At this period we were joined by Mr. Christian,

Surgeon.—On opening the *abdomen*, a considerable quantity of fluid was found to have been effused into that cavity, similar in colour and smell to that which issued from the nostrils, but more turbid. Marks of inflammation were found on the external or peritoneal coat of different portions of the small intestines; but the large intestines were free from it. The external coat of a part of the smaller curvature of the stomach was also inflamed; and a similar appearance of inflammation was observed on a small portion of the anterior edge of the liver, directly over the smaller curvature of the stomach. On raising up the stomach, an opening through its coats was found in the anterior and inferior part of its great curvature; and from this opening a considerable quantity of a thick fluid of a dark-olive colour issued; of which fluid some ounces were collected and preserved. The natural structure of the coats of the stomach for a considerable space around this opening was destroyed; and they were so soft, pulpy, and tender, that they tore with the slightest touch. Around this part of the coats of the stomach, there were no traces of inflammation whatever. The stomach was then taken out of the body; and its inner surface was carefully washed; and the contents washed out were preserved. A quantity, about three ounces, of a fluid resembling that in the stomach, but not quite so thick, was also taken out of one of the small intestines, and preserved.

“ On examining the womb, it was found to be very considerably enlarged, and on its inner surface, the part to which the *Placenta*, or after-birth had adhered, was very plainly discernible. This part was nearly circular, and occupied a space of about four inches in diameter. The mouth of the womb was greatly dilated. In a word, the appearances of the womb were such as might have been expected a few hours after the birth of a child nearly full grown.

“ The fluid taken out of the stomach and intestines, and cavity of the *abdomen*, as well as that collected from the nostrils, was taken away ; and afterwards, in the course of the same day, examined, and subjected to various trials, with a view to discover the presence of such mineral substances as were likely to produce appearances or effects similar to those which were found in the stomach of the deceased. In this examination, we thought it right to request the assistance of Dr. Bostock. The contents of the stomach were, as has already been mentioned, of a dirty-olive colour, thick, and of an acid smell. A considerable number of large globules of a dark-coloured, dense, oily fluid, floated upon them ; but of no particular smell that we could discover. We could not discover in the contents of the stomach, by the smell, the presence of any known vegetable substance, capable of producing deleterious effects when introduced into it. The fluid contained in the stomach deposited no sediment ; nor was any but a mucous sediment found in the water with which the inner surface of the stomach was washed. Upon subjecting the contents of the stomach, in the state in which we found them, to such tests as are deemed sufficient to detect the presence of any active preparation of Mercury or Arsenic, we could not detect either of these substances. The contents of the stomach were then filtered, and subjected to the same trials, but with the same result. These trials were made at Dr. Bostock's, in the presence of Dr. Gerard and Dr. Rutter.

“ This being the result of the observations and inquiries which we have made, it remains for us to state the inferences which we think ourselves warranted to draw from a deliberate view of the facts.

“ In the first place, we are decidedly of opinion, that the deceased must have been delivered, a short time before her death, of a foetus, which had arrived nearly at maturity. It

is not possible to account for the state in which we found the womb, on any other supposition.

“ In the second place, we are decidedly of opinion, that the altered state of the structure of the coats of the stomach was not the effect of putrefaction. We are also of opinion, that it was not the effect of disease. It had not the appearance nor the color of gangrene ; nor was it surrounded with those marks of inflammation which must have preceded gangrene ; and of which inflammation, distinct traces would have remained. There is only one appearance, with which, in our opinion, it could be confounded ; and that is, the solution of the coats of the stomach, by its own peculiar fluid, the gastric juice. This solution is, however, a rare occurrence, and has almost only been observed in persons who have died suddenly, by accident, or violence, without any previous disease, and in whom the gastric juice has been in a state of great activity. In such instances, the coats of the stomach have been rendered soft and pulpy ; and in some cases they have been perforated. When the coats of the stomach have been thus dissolved, and the gastric juice has escaped into the cavity of the *Abdomen*, it has also acted upon, and partially, dissolved portions of the other viscera, with which it came in contact. In the case of the deceased, no such effects were observed in any of the other viscera. In her case, there was great previous disorder in the stomach, such as violent vomiting for upwards of 24 hours :* and the stomach, at the time of her decease, contained nearly a pint of fluid, which must have diluted the gastric juice, even if it had been secreted in any extraordinary quantity, or had possessed any extraordinary degree of solvent power, and thus must, in all probability, have rendered it unequal to produce the appearances and effects observed.

“ Upon a full consideration of these circumstances, and connecting them with the symptoms with which the deceased was

* It was nearly 48 hours.

affected, we think it highly probable, that the very uncommon change which the coats of the stomach had undergone, and which, we believe, was the cause of her death, has been occasioned by the introduction, into the stomach, of some unknown agent, capable of destroying the texture of that organ.

Liverpool, March 30, 1808.

JOHN RUTTER, M. D.

JAMES GERARD, M. D.

THOMAS FAIRFAX HAY, Surgeon.

*To Thomas Molyneux, Esq. Coroner for the Borough of
Liverpool.*

Witness to the examination of the contents of the stomach and bowels,.....	}	JOHN BOSTOCK, M. D.
Witness to the examination of the body,.....		
	}	GEO. A. ROBINSON.

From the time when we drew up this report, on the 30th of March, until the day of the trial on the 2d of September, we had not the most distant conception, that any person could be produced, who, after having seen the *Uterus*, would attempt to explain the state in which it was found, on any other grounds, than those of pregnancy, and subsequent delivery of a child. The *Uterus*, as well as the Stomach, both of which had been taken from the body of the deceased, were shewn, without the least reserve, to every medical Gentleman, who had a wish to see them; and indeed we were desirous that they should be inspected and examined by others of the profession, besides ourselves; and not one individual, who saw the *Uterus*, ever expressed, as far as we know, the slightest doubt upon the subject of Miss Burns' pregnancy. Dr. Carson saw the *Uterus* amongst others, and the stomach also; but at that time, although he knew

our opinions on the subject, he expressed no doubt about the pregnancy ; nor was one word then said by him about Hydatids. If any proof could be established, by inspection of the *Uterus*, that its growth and enlargement had depended upon Hydatids, that proof must have been the strongest whilst it was yet comparatively recent : yet he gave no hint of this, when he saw the *Uterus* ; nor did such a thought enter into the mind of any other man who saw it ; and it was seen by a considerable number of professional Gentlemen. They believed then, and they still believe, that the appearances in the *Uterus* had been occasioned by pregnancy and delivery alone. We shall hereafter produce their testimony in support of our opinion. They are men of character and principle : some of them have, for a very long period, maintained, deservedly, a high degree of estimation in the opinion of the profession at large, as well as the public ; and they are utterly incapable of delivering, for any personal or private advantage, any other than their real and genuine sentiments.

As, however, Dr. Carson has endeavoured in his evidence on the trial, to explain the state of the stomach, and particularly of the *Uterus*, on other grounds than those which we have adopted, and has thereby done his utmost to impress the Court and Jury, with an idea that we were altogether wrong in our judgment of the case, we think it right, for us, in our justification, to enter more fully into a description of the state both of the stomach, and of the *Uterus*, and neighbouring parts, than we thought needful in our report to the Coroner. It will then be clearly seen, whether the appearances will admit of any other explanation than that which we have given.

The *Uterus* was so enlarged as to be capable of containing nearly a quart of fluid. The *Os Uteri* and the soft parts were also greatly dilated. Before the *Uterus* was removed from the body, Mr. Hay placed his left hand upon the *Fundus Uteri*, and introduced his right hand with the greatest ease into the *Uterus*, until the fingers of his right hand could be felt by those of his left, through the *Fundus*. The *Uterus* being taken out of the body, an incision was made along its whole length, and its cavity laid open. The whole internal surface of the *Uterus* was bloody; and near the *Fundus*, there was a well defined circular space of a deeper colour than the rest of the internal surface, and about four inches and a half in diameter.—This space was rough and rugged, and a small fragment of what appeared to be the *Placenta*, still adhered to it; and the blood-vessels opening upon it, were distinctly visible, and as large as a crow-quill; whilst every other part of the internal surface was smooth. The walls of the *Uterus* were about half an inch in thickness. There was no coagulum in it. The *Os Uteri* remained in so dilated a state, that the four fingers of a hand, drawn together into the form of a cone, would pass through it, without, in the slightest degree, distending it.*

The *Uterus* was again particularly examined on the 14th of September, in the presence of Dr. Brandreth, Mr. Park, and Dr. Lyon, who were so obliging as to meet us for this purpose, and for the purpose of examining the *Ovaria*; and although it had been kept in spirits nearly 6 months, yet the part to which the *Placenta* had adhered, was still

* *Vagina ipsa admodum dilatata fuit. Labia ejus fuerunt livida, et undique sanguine fædata.*

rough; and the openings of the vessels, in that part, were still discernible, whilst all the rest of the *Uterus* was smooth. The *Ovaria* were then, for the first time, divided; and a *corpus luteum* was distinctly perceived in one of the *Ovaria*.† We now proceed to the stomach.

Whether the actual perforation of the stomach existed before death or not, it is not perhaps easy to ascertain. We were, however, satisfied that there must have been such a complete destruction of its texture and organization in a considerable part of it, as to be incompatible with the continuance of life; and that this injury took place before death, and was the immediate cause of death. That we were justified in this conclusion, we apprehend the following fact will sufficiently prove. Upon making an incision through the integuments of the *Abdomen*, a part of the contents of the stomach was found amongst the intestines.

When the stomach was raised from its situation, and examined before its removal from the body, it was found, that for greatly more than the extent of a hands breadth in the anterior and inferior part of the large curvature, the texture of its coats was totally destroyed. The opening was nearly in the center of this injured part. The coats of the stomach in this part were thin, soft, and semitransparent; and the finger burst through them on the slightest

† We did not examine the *Ovaria*, at the time that the *Uterus* was taken out of the body, because we were perfectly satisfied in our minds with the other proofs which we found of pregnancy: and we could not have supposed it possible that the fact of pregnancy in this case could ever have been called in question. It has also been remarked that we did not examine the breasts in this case; the truth is, the other proofs of pregnancy were so evident that no proof drawn from this source could in the least strengthen them.

touch. In this part there was no vestige of organization. Along with this extensive injury in the large curvature of the stomach, there were distinct marks of inflammation in the small curvature, particularly in the internal surface of the *Duodenum*, on the peritoneal coat of various portions of the small intestines, upon the anterior edge of the left lobe of the liver directly over the smaller curvature of the stomach, and upon the peritoneal covering of the *Fundus Uteri*. It is very material, that these two circumstances, viz. the injury in the stomach, and the marks of inflammation above-mentioned, should not be separated in the mind of the reader.

After this description of the appearances, it is proper to relate a short history of the symptoms with which Miss Burns was affected. It was proved before the Coroner, that for some time before her death, she had increased very much in bulk, and had the appearance of a pregnant woman. On Wednesday the 23d of March, she came down stairs about six o'clock in the morning, apparently in good health. In a few minutes afterwards she returned up stairs; and about nine she came down again, much changed in her appearance, and was very ill, so that she could scarcely support herself. A little after nine, the family breakfasted; and soon afterwards, she was seized with most violent vomiting. This vomiting continued day and night without intermission for nearly forty-eight hours, until Friday morning, the 25th; when it ceased, and was succeeded by a *Diarrhea*, which continued until about a quarter past eleven in the forenoon of that day, when she died.—Along with the vomiting she had thirst, and great pain in her body. Her thirst was unquenchable. To allay it,

she drank large quantities of gruel, which was always instantaneously rejected. The pains in her body were so severe, that she could not put her feet to the ground, and she could scarcely bear to be touched; and she was occasionally observed to hold fast with her hands by the end of the sofa, on which she sat. These pains continued the whole of Wednesday and Thursday; but on Friday morning they had gone off, and she appeared to be lighter, and was able to walk across the floor. She was also distressed during her illness with retention of urine.*

The history of the appearances and symptoms being thus placed before our readers, they will be prepared to understand the grounds upon which our opinions were founded.

And first with respect to the stomach.

In the first place, we were decidedly of opinion, that the appearances in the stomach, were not the effect of putrefaction. The weather, at the time of Miss Burns's death, was remarkably cold and dry, and the putrefactive process had not begun in any part of her body. The appearances in her stomach were not at all like those produced by putrefaction. In a stomach which is undergoing the process of putrefaction, besides the peculiar foetor which attends it, livid blotches will be found in different parts of it; and its coats may be separated from each other without force. But in the uninjured part of Miss Burns's stomach, no such

* This is the account which the servants gave of her illness before the Coroner: it was much more full and particular than that which they appear to have given at the trial.

discoloration was observable ; and its coats could not be separated from each other. In the injured part, the colour was not livid ; and the smell of it was not putrid, but slightly acid.

Secondly, We were of opinion, that the appearances in Miss Burns's stomach were not the effect of disease. There is no disease to which that organ is liable, which, in our opinion, would produce such appearances. They differed from the effects of ulceration of the stomach in two circumstances ; first, because in ulceration which has penetrated the coats of the stomach, the edges of the ulcer or opening are thickened ; and secondly, because ulceration is attended with much long-continued disorder ; which was not the case in Miss Burns.

Thirdly, We were of opinion that these appearances were not produced by the gastric juice for the following reasons :

1st. Because, when the stomach has been found dissolved by the gastric juice, it has been almost only in persons who have died *suddenly* by accident or violence, and in whom the stomach was in the full exercise of its functions, and consequently the gastric juice was in a state of great activity. But Miss Burns did not die suddenly in the sense in which that word is here intended to be used ; and she had severe and violent disorder in her stomach before her death ; therefore two important conditions were wanting in her case, to render it at all probable that the gastric juice had occasioned the injury in her stomach.

2dly. Because when the stomach has been found dissolved and perforated by the gastric juice, that fluid has been observed to have acted upon, and

dissolved parts of the neighbouring viscera; such as the Spleen, and even the Diaphragm, and to have penetrated into the cavity of the chest, and acted upon the Lungs. But neither the Spleen, nor the Diaphragm, nor the Intestines, nor any other of the viscera had the slightest appearance of having been acted upon by the gastric juice in the case of Miss Burns.

3dly, Because during the illness of Miss Burns the large quantity of fluid which she drank, and which was immediately rejected by vomiting, must have carried off the gastric juice as fast as it was secreted; and the quantity of fluid found in her stomach must have so diluted and weakened the gastric juice remaining, as to render it unequal to dissolve the stomach itself after death.

4thly, Because the injury was not in the lowest and most depending part of her stomach, but in the anterior part of the large curvature, which would be the superior surface of the stomach, when the body was laid in a supine position, as it always is after death.

5thly, Because the appearances in her stomach did not correspond with the effects of the gastric juice upon the stomach, as described by Mr. John Hunter, the only writer who has described them. His description is as follows.* “ By comparing the inner surface of the great end of the stomach, with any other part of the inner surface, the difference will be obvious. The sound part appears soft, spongy, and granulated, *without distinct blood-vessels*, opake, and thick: the other part” (that is,

* Philosophical Transactions, Vol. 62d.

the part acted upon by the gastric juice) “appears smooth, thin, and more transparent: *the vessels are seen ramifying on its surface, and on squeezing the blood which they contain, from the larger vessels to the smaller, it will pass out at the digested ends of the vessels, and appear like drops upon the inner surface.*” Now in the injured part of Miss Burns’s stomach, which extended more than two inches around the opening, in every direction, there was no trace whatever of any blood-vessel to be found. The structure of this part was completely destroyed.

Lastly, Because the action of the gastric juice affords no explanation whatever, of the inflammation in the smaller curvature of the stomach, in the *Duodenum*, in the small intestines, the liver, or the *Fundus Uteri*. Nor does it afford any explanation of the sudden and violent illness with which Miss Burns was affected, or of its rapid and fatal termination.

For these reasons we were of opinion, that the injury in the stomach of Miss Burns, was produced neither by putrefaction, disease, nor the gastric juice. It seemed to us most probable, that her sudden and severe illness, the injury in her stomach, and the inflammation in that organ, and the other viscera above mentioned, were occasioned by one and the same cause; and that such cause must have been some deleterious and poisonous substance, taken into the stomach. Such violent effects must have had an adequate cause; and we know no other way of explaining these effects, but that which we have adopted.

We do not apprehend, that our conclusion, with respect to the probable cause of the extraordinary

appearance in the stomach, is at all invalidated by the circumstance, of no poisonous material having been found in the contents of the stomach, after death. It seemed probable to us, on being asked the question before the Coroner, that a poisonous substance might be taken into the stomach, and produce an irremediable destruction of its texture, and yet, that by large dilution, and frequent vomiting, and purging, it might be so entirely removed out of the stomach, that the nicest chemical tests would not discover the presence of it, in the contents of the stomach, after death. But this probability has since been reduced to certainty, by the following experiments.

On the 12th of July last, at 5 P. M. we gave to a small dog, forty drops of a solution of Corrosive Sublimate, containing about one grain and three quarters of Sublimate. It immediately produced vomiting, which continued four hours; and then the animal had several discharges by the bowels, the first of which was natural, but all the rest were dark colored, approaching to black. At 10 P. M. he discharged a good deal of froth from his stomach. 13th, at 9 A. M. he appeared very weak, with a catching of the lower jaw. Some milk was given, which brought on the vomiting again; and this vomiting continued until ten o'clock; when he took more milk, and this also renewed the vomiting. At half past 1 P. M. he died.

14th, at 9 A. M. the body was opened, and the stomach taken out. The bowels were not inflamed. The peritoneal coat of the stomach appeared to be inflamed. The contents of the stomach were of a dark-olive color. The vessels of the internal surface of the stomach, appeared to be finely injected,

and a general redness was perceptible in the large curvature. The corrugation of the coats of the stomach was neither considerable nor extensive; and they were not eroded.

The contents of the stomach were analysed by Dr. Bostock; but no Sublimate could be detected in them.

On the 17th of August, we repeated this experiment, at 35 minutes past 9, A. M. We gave to a small dog, two grains of Corrosive Sublimate, in solution. A very small quantity was lost in giving it. It very soon excited vomiting, which did not last long. The dog eat nothing all day.

18th, at 20 minutes before 10, A. M. we gave him two grains of sublimate again in solution. Afterwards in the course of the day, he vomited a good deal of bloody froth, and had one dark-colored pitchy stool. He died in the night.

19th, at 10, A. M. we opened the body. The peritoneal coat of the stomach was inflamed, and its vessels finely injected. The villous coat was much corrugated and inflamed. On that part of the villous coat which lines the small curvature, there was much blackness, which had the appearance of blood extravasated between the coats; but upon cutting through the villous coat, there was no extravasation. This dark color was different from the deep purple produced by arsenic.

The contents of this animal's stomach, were also analysed by Dr. Bostock, but no Sublimate was found in them; although the tests which he employed, detected Sublimate in a solution, which contained only the three-millionth part of its weight of that salt.

We confess that we expected to have found the stomach more inflamed after death, produced by

poison. But in some experiments which we made for the express purpose, we observed, after giving to a dog a mixture of Emetic Tartar and Sublimate, in such a quantity, as we conceived, to be only just sufficient to destroy life, that vomiting was produced, which, in a few hours, was followed by the death of the animal. But on examining the body, no inflammation was discoverable in the coats of the stomach. These instances we considered to be analogous, in some of the attending circumstances to the case of Miss B. and they naturally incline us to think that in her case, the quantity of the poisonous material exhibited was not large.

We now proceed to consider the reason of the appearances in the *Uterus*. Although it was proved in evidence before the Coroner, and that evidence has since been confirmed at the trial, that Miss Burns had the appearance of a pregnant woman, yet we do not lay much stress upon this circumstance. But upon examining the *Ovaria* since the trial, a *Corpus Luteum** has been found in one of

* The following is Dr. Denman's account of the *Corpora Lutea*.

"The *Corpora Lutea* are oblong glandular bodies of a yellowish colour, found in the *Ovaria* of all animals when pregnant, and according to some, when they are salacious.—They are said to be calyces from which the impregnated *Ovum* has dropped; and their number is always in proportion to the number of conceptions found in the *Uterus*. They are largest and most conspicuous in the early state of pregnancy, and remain for sometime after delivery; when they gradually fade, and wither till they disappear. The *Corpora Lutea* are extremely vascular, except at their center, which is whitish; and in the middle of the white part, is a small cavity, from which the impregnated *Ovum* is thought to have immediately proceeded."

Dr. Denman's Introduction to the Practice of Midwifery, Ed. 5. 1808.

the *Ovaria*, which is a proof, beyond all contradiction, that she had once, at least, been pregnant. Nothing can account for the *Corpus luteum* in the *Ovaria* but impregnation. Now the proof that she had lately been pregnant, and that she had been recently delivered of a child, consists in the placental mark, which was at least four inches and a half in diameter, upon the internal surface of the *Fundus Uteri*, and in the extraordinary enlargement of the Uterine vessels within the boundaries of that mark. Mere enlargement of the cavity of the *Uterus*, and dilatation of the *Os Uteri*, and even Hæmorrhage might have been occasioned by other causes than pregnancy; as by dropsy: but no form of dropsy would occasion that mark: no dropsy would explain the extraordinary enlargement and dilatation of the Uterine vessels within that mark. And in our opinion, no reasoning, nor argument, nor authority, from the days of Hippocrates to the present time, can weaken the proof of recent pregnancy and delivery in this case, drawn from these two striking circumstances, viz. the placental mark, and the enlarged vessels in that part of the *Uterus*: On these two facts we take our firm and decided stand; and we have little doubt of being supported in our opinion on these grounds, by the united voice of the profession.—And here, for the present, we will suspend the further consideration of this subject, until we examine, in the next section, Dr. Carson's most extraordinary evidence, given on the trial.

After thus stating the grounds of our opinions, we must now observe that Dr. Carson differs from us with respect to the causes of the appearances observed both in the stomach and *Uterus*. It will

be recollected that, in our report to the Coroner, we mentioned that, *taking all the circumstances into consideration*, we thought it *highly probable* that the appearances in the stomach had been occasioned by some unknown and deleterious substance taken into it.* But with respect to the cause of the appearances in the *Uterus*, we spoke with a decision proportioned to the strength of our convictions on the subject. On this point we are fully committed. But Dr. Carson maintained in Court a different opinion, and, as far as we can learn, remains yet of a different opinion. We are, therefore, fairly at issue with him with respect to the *Uterus*. As we could not, under these circumstances, entertain any hope of deciding the question in dispute, by asserting our convictions still more positively, we determined to refer the matter to Gentlemen of the highest reputation in the profession; and who from the distance of their residence, could not be supposed to be influenced in their opinions by prejudice or partiality. With this view Mr. Hay went on the 15th of September, to London, and took the *Uterus* with him, and shewed it to the different Gentlemen, whose testimonies are subjoined. In

* We were perfectly aware from the first, that a difference of opinion might exist, respecting the cause of the appearances in the stomach; and all our endeavours were directed to elucidate this point. Our conclusion, with respect to their cause, was not formed from the appearances alone; but from them taken in connection with the history of the previous symptoms. And we are still of opinion, that such symptoms appearing suddenly, and being followed soon by death, and by the discovery after death, of such appearances in the stomach, can only be explained upon the supposition of some deleterious substance having been taken into the stomach.

every instance, he first stated to them his own opinion and that of his colleagues; and then the opinion which Dr. Carson had adopted; and left each of them to draw his own conclusions, after having examined the *Uterus* carefully. Our readers may readily conceive how clear and plain these appearances must have been, which, after a lapse of six months, could draw from each of these Gentlemen so decided an opinion upon the cause of them.

We shall first produce a copy of Mr. Hay's Affidavit, to prove that the *Uterus* which these Gentlemen examined, and to which their opinions respectively refer, was the same which he took from the body of Miss Burns.

MR. HAY'S AFFIDAVIT.

“ This day appeared before me Mr. Thomas Fairfax Hay, Surgeon, of Liverpool, and deposed as follows :

“ That on Thursday the 15th of September last, he went from hence to London, and took with him the *Uterus* which he had himself extracted from the body of Miss Margaret Burns, on Sunday the 27th of March last : and that he shewed this same *Uterus* to Thomas Denman, M. D. John Haighton, M. D. Henry Cline, Esq. Astley Cooper, Esq. John Abernethy, Esq. and C. M. Clarke, Esq. Physicians, Surgeons, and Accoucheurs, all practising in London; and that the several attestations and opinions which he received from these Gentlemen, relate to the appearances in this *Uterus* alone, and no other.

THOMAS FAIRFAX HAY.

*Sworn at Liverpool this third day of October, 1808, before me,
Thomas Molyneux, one of His Majesty's Justices of the Peace,
for the Borough of Liverpool.*

We shall next give a copy of the opinions of these Gentlemen, and first of those who practice as Accoucheurs.

Opinion of Thomas Denman, M. D.

“ I have seen, and accurately examined a human *Uterus*, which has been shewn to me by Mr. Hay, Surgeon, of Liverpool, and I am of opinion, that this *Uterus* has all the marks of having been impregnated, and distended to a considerably advanced period of Utero-gestation.

THOMAS DENMAN.

Mount-street. 23d September, 1808.

Opinion of John Haighton, M. D.

“ I have this day carefully examined a *Uterus* shewn to me by Mr. Fairfax Hay, and from the resemblance it bears to one in an advanced period of pregnancy, I cannot satisfactorily account for the appearances on any other principle.

JOHN HAIGHTON.

St. Saviour's, Southwark, Sept. 20, 1808.

Opinion of C. M. Clarke, Esq.

“ I have examined the *Uterus* which Mr. Hay has in his possession. It resembles in every respect a *Uterus* from which a child has been recently expelled. There is also to be observed an appearance in one of the Ovaries, which never is seen except in a state of impregnated, or lately impregnated *Uterus*. I have examined *Uteri* after the death of patients lately delivered, in whom, however, there was no hæmorrhage, which have been contracted in no greater degree than the *Uterus* which is in the possession of Mr. Hay.

C. M. CLARKE.

Member of the Royal College of Surgeons, and Lecturer on Midwifery, London, Sept. 22, 1808.

Opinion of Henry Cline, Esq. Surgeon to St. Thomas's Hospital.

" I have examined a *Uterus*, brought to me by Mr. Fairfax Hay, which has the usual appearances consequent on impregnation, and which I cannot conceive to originate from any other cause.

London, 24th Sept. 1808.

HENRY CLINE.

Opinion of Astley Cooper, Esq. Surgeon to Guy's Hospital.

" I have examined a *Uterus* which was brought to me by Mr. Fairfax Hay ; and although my opportunities of forming a judgment are very limited, when compared with those who practice midwifery ; yet having been called upon to inspect the bodies of several women who have died soon after delivery, I am of opinion that the appearances I have found, are similar to those which this *Uterus* and *Ovarium* exhibit.

New-Bond-Street.

ASTLEY COOPER."

Sept. 23. 1808.

Opinion of John Abernethy, Esq. Surgeon to St. Bartholomew's Hospital.

" I have examined a *Uterus* which was brought to me by Mr. Fairfax Hay, and in my opinion, the enlarged state and peculiar structure of it, can have arisen from no other cause than that of its having contained a child of nearly nine months old.

Bedford-Row,

J. ABERNETHY."

24th Sept. 1808.

The following are the opinions, on this subject, of Medical Gentlemen residing in Liverpool, arranged in the order of their respective dates.

“ We have examined the *Uterus* taken by Mr. Hay, Surgeon, from the body of the late Miss Burns, and are decidedly of opinion, that the great enlargement and peculiar structure of it have been produced by pregnancy, and that far advanced; and that they could not arise from any other cause.”

Liverpool,
Oct. 3, 1808.

J. BRANDRETH, M. D.
JOHN LYON, M. D.
H. PARK.
RICHARD FORSHAW.
JOHN M'CARTNEY, M.D.

“ After a deliberate inspection of the *Uterus*, shewn me by Mr. Hay, I conceive it impossible to account for its enlargement, the traces of a Placenta having lately adhered to it, together with the peculiar state of the *Os Uteri*, on any known cause, but its having contained a fœtus of mature, or nearly mature growth, very shortly before the death of the parent.

Oct. 4, 1808.
Liverpool.

ROBERT LEWIN, M. D.”

The Testimony of William Perry, Member of the College of Surgeons, London; resident in Liverpool.

“ I examined the Stomach and Uterus a few days after their removal from the body of the late Miss Burns. I perfectly concur in the opinions given in evidence by Drs. Gerard, Bostock, and Mr. Hay, relative to the first named viscus;—of the latter, in my opinion, there was perfect proof of its being recently delivered of a nearly full sized fœtus.

Liverpool, Oct. 5, 1808.

WILLIAM PERRY.”

" I attended the examination of the body of the late Miss Margaret Burns, along with Drs. Rutter, Gerard, and Mr. Hay. I observed the general appearances of the stomach, and in particular, the apperture which existed in its great curvature. This by no means resembled the perforation described by Mr. Hunter, as the effects of the gastric juice, and which I myself have seen corresponding with his description.

" The *Uterus* possessed every character of one having been lately in a state of impregnation. The mark of the attachment of the *Placenta*, which together with other circumstances, bore so exact a similitude to what I had several times seen before in *Uteri* from which children had been recently expelled, leaves no doubt in my mind of this lady having been in a state of advanced pregnancy, but a very short time before her death.

Queen-Square,
Oct. 6, 1808.

THOMAS CHRISTIAN."

" Being desired by Mr. Statham Jun. near the end of August, to examine the stomach and *Uterus*, I called at the house of Mr. Reay for that purpose.

" I was informed, soon after they were removed from the body, of the symptoms that the deceased Miss Marg. Burns had been afflicted with, during the space of two days; and therefore I concluded that some very active agent, which had been administred, was the cause of the morbid appearances in the stomach.

" I then inspected the *Uterus*, in which I could trace, five months and upwards after dissection, nearly the whole outline of that part of it, to which the *Placenta* had adhered: from which appearance, and also that of the whole part within it, and from the increased size of the *Uterus*, I had no doubt

of its having been impregnated; and that the foetus must have been excluded or delivered in a very advanced state of pregnancy.

Liverpool,
6th, Oct. 1808.

GEORGE COLTMAN, M. D."

"I examined the *Uterus* taken from the body of Miss Margaret Burns on the 27th of March last; and am decidedly of opinion, that it had contained a foetus at nearly the full period of utero-gestation.

Oct. 6th, 1808.

WM. LUCAS REAY."

"I have examined the *Uterus* taken from the body of the late Miss Burns, and am decidedly of opinion that it has contained a foetus nearly full grown.

Oct. 6th, 1808.

CHARLES WORTHINGTON."

"Dear Sir,

"From some conversation I had this day with Dr. Lewin, I beg leave to address to you my opinion relative to the *Uterus* with Mr. Hay, which I was induced to examine; and am confidently of opinion, it has every corroborative appearance of having been impregnated, and contained a child.

Marble-Street,

J. SHAW, Surgeon."

Oct. 6th, 1808.

Dr. Bostock, Clayton-Square.

" I have this morning examined the *Uterus* of the late Miss Burns in the possession of Mr. Hay, and am decidedly of opinion that it has lately contained a foetus.

C. SHUTTLEWORTH."

Oct. 7, 1808.

" I examined the *Uterus* of the late Miss Burns, and have not the smallest doubt, that a foetus had recently been expelled from it.

L. I. JARDINE, M. D."

Houghton-street, Oct. 8, 1808.

" DEAR SIR,

" Agreeable to your request, I transmit you my opinion on the case of the late Miss Burns. I may premise that I have had many opportunities of examining the gravid *Uterus* in its progressive stages, and that I have formerly attended females as an Accoucheur. I saw the *Uterus* of the above unfortunate person, first soon after her death, and again since the trial of Mr. Angus. I have no hesitation in saying, that the great size of the vessels of that organ, its whole texture and capacity, together with the marks of the recent adhesion of a large *Placenta*, convince me, that Miss Burns was in an advanced state of pregnancy about the time of her death. The detection of a *Corpus luteum* in one of the *Ovaria* is also a proof of her having been, at some period, pregnant.

THOS. STEWART TRAILL, M. D."

Liverpool, Oct. 8, 1808.

DR. BOSTOCK.

MR. HAY,

“ Dear Sir,—I have carefully examined the Uterus in your possession, and although it is more than six months since it was removed from the body, the following appearances cannot, in my opinion, be satisfactorily accounted for, from any disease to which the internal surface of the *Uterus* is liable. The thickness of the parietes of this *Uterus*, (proportioned to its distended state,) and the increased size of the vessels running through its substance, could scarcely be required for a state of disease, for the nourishment or support of Hydatids. On its internal surface, for a certain extent around the Fundus, there are seen a number of oval spaces, or open orifices of vessels, many of them capable of receiving the extremity of a large sized bougie; several of these cells may be elevated together, by blowing air into any one of them, and their bases are then seen dipping, in an oblique direction, into the substance, and between the fibres of the Uterus: these appear to me to have been joined to corresponding cells or vessels of the *Placenta*, and they occupy so much of the surface of the *Uterus* as I imagine the *Placenta* might cover; this cellular appearance obtains no where else, for on the remaining surface, fasciculi of the muscular fibres are distinctly seen, and there are here no open orifices of vessels. That impregnation had, at some period taken place, is proved beyond a doubt, by the presence of a *Corpus luteum* in one of the Ovaria.

“ Although to my mind these appearances furnish ample proof of this *Uterus* having contained a fœtus at or near the full growth, yet as I have lately had an opportunity of opening the body of a young woman who died from inflammation of the *Uterus* and other viscera, on the 5th day after the delivery of a child at or about the 6th month, it may not be superfluous to observe, that the mark of attachment of the *Placenta* though very obvious, was not more clear, satisfactory, and

decisive, than the mark in this *Uterus* in your possession, which it resembled in every respect—there is a difference in the thickness, the effect of inflammation, and the effusion of coagulable lymph into its substance; this circumstance, added to the premature expulsion of the child, will also account for the *Uterus* to which I allude,* being of a less size, than that taken from the body of Miss Burns, which is now in your possession. I am, respectfully, your's,

JAS. DAWSON.

Mount Pleasant, 13th Oct. 1808.

The testimony of Mr. Kendrick of Warrington.

“ Dear Sir,

“ I this day examined, at Mr. Hay's, the *Uterus* which was taken from the body of the late Miss Burns, and am decidedly of opinion, that the appearances can only be accounted for by supposing it to have contained, a short time previous to her death, a fœtus, either at its full growth, or nearly so. The appearances to which I allude are the size of the uterus, the thickness and vascularity of its parietes, the presence of a corpus luteum, its internal roughness, and the great dilatation of its mouth.

Warrington,
Oct. 14, 1808.

JAMES KENDRICK, F. L. S.
Member of the Royal College of Surgeons
at London, &c.

TO DR. RUTTER, LIVERPOOL.

* The *Uterus* in this case was, five days after delivery, capable of containing nearly half a pint of fluid.

Attestation of Mr. H. B. Hensman.

Being favoured with an opportunity of seeing the *Uterus* of the late Miss Burns, I am of opinion, from a minute examination, that the appearances of it, as well as of the *Os Uteri*, must have arisen from the expulsion of a *Fœtus* in a state of maturity, (or nearly so) a short time previous to death.

H. B. HENSMAN.

Liverpool, Oct. 19, 1808.



Section II.

EXAMINATION

OF

DR. CARSON'S EVIDENCE.

HAVING in the last Section given a faithful account of the appearances and symptoms, and of the opinions which we founded upon them, by which our medical brethren will be fully enabled to form their own judgment on the case, we shall now examine the evidence which Dr. Carson gave upon the trial.

He begins by saying that he had seen the stomach and *Uterus*, in the presence of Mr. Hay, and that he had examined them as far as he could. The printed account of the trial states that he said, that he had examined *it* as far as he could : but as this answer comes almost immediately after the question, whether he had seen both the stomach and *Uterus*, we suppose he meant that he had seen both. And we know that he did see both, and examined them. Then he gives his opinion that the hole in the stomach must have taken place after death ; and assigns as a reason for that opinion, that he could not conceive that any acrid poison, taken into the stomach, could have produced a hole so large as this, without, at the same time,

producing other destructive appearances, through the whole surface of the stomach : for by the agitation excited by violent pain and vomiting, the poison must have been tossed from one part of the stomach to another. And again, he says, that if the hole had been occasioned by poison, it must have been occasioned when that poison was in the largest quantity, and in the most concentrated state in the stomach ; therefore, as the poison was all washed out of the stomach, and none was found in it, nor in the intestines, the hole, if occasioned by any acrimonious substance, must have been produced some time before death ; and in that case, the greater part of the fluid taken into the stomach must have passed into the cavity of the abdomen. And he concludes, with saying, that in this case, the symptoms do not appear, which usually accompany such a horrible poison as this must have been.* On the subject of symptoms, which he thinks are the usual attendants of poison, we shall bring into one view, nearly all that he has stated in evidence, and to prevent any future recurrence to the subject, we shall answer them all together. In the answer to the next question, he says, that from all he has read of mineral poisons, he is “ led to believe that the most violent convulsions have always preceded death, accompanied with great anguish, and the most horrible pains, such as have been by no means described in this case.” And again, in his cross-examination,† when, after saying that Miss Burns’s symptoms were extremely mild, he qualifies the assertion by saying that

* Trial, p. 207.

† Ibid. p. 214 & 215.

they were "mild in comparison with those horrible symptoms that accompany the action of an active poison taken into the stomach."

Now, with respect to the first sentence of this long quotation, containing his reasons for thinking that such a hole as this could not have been produced by an acrid poison, without other destructive appearances throughout the whole surface of the stomach, we can by no means agree with him. When arsenic is taken in large quantity and undissolved, as it is usually taken with a view to produce death, the effects do not seem to shew that it is tossed from one part of the stomach to another, by vomiting, or any kind of agitation. It acts upon the part upon which it rests with the violence of a caustic; and when the stomach is opened after death, it is found adhering to the villous coat of the stomach, with such tenacity that it cannot be washed off without some difficulty.

In the second member of the sentence he states, that the hole, if occasioned by poison, must have been made where the poison was in the most concentrated state, and therefore, as the poison was all washed out of the stomach and intestines, the hole must have been produced some time before death, and in that case the contents of the stomach must have escaped into the Abdominal cavity. To all this we reply, that the injury in the stomach of the deceased, which was far more extensive than the mere perforation, was precisely in that part of the stomach, where the poison was likely to be in its greatest state of concentration, viz. the lowest and most depending, whilst she was leaning forwards in the act of vomiting; exactly the part upon which the poisonous material, would most proba-

bly produce its first impression. And if we suppose what is also probable, that the opening through the injured coats, whether made before or after death, was at first but small, as it was found in that part of the stomach, which, when the body was laid after death in a supine position, would be the upper surface, it may be easily understood, why the whole contents of the stomach were not poured into the cavity of the abdomen.

We next come to his assertions respecting the symptoms—the horrible symptoms, as he calls them, which he says usually accompany the action of mineral poisons upon the human body. In one of his answers he does not confine the question to the action of mineral poisons, but speaks generally, of the symptoms which accompany the action of an *active poison*. We will not take advantage of this more general assertion, but come to the point with him upon the symptoms produced by mineral poisons. Now, what is the fact in this case? It is this; that sometimes, when a mineral poison, for instance, arsenic, has been taken into the stomach, by accident or design, after the first effects of the poison, the vomiting and purging, the coldness and cramps in the extremities, have somewhat abated, the patient will enjoy, for a short time, a truce from his sufferings, and yet he will in the end, sink suddenly away, without any of those horrible symptoms, those horrible convulsions, anguish, and pain, which this witness mentions as the usual attendants of mineral poisons. At the same time we admit, that in some instances, where the quantity of mineral poison taken, is very large, the symptoms are terrible: but we do not agree with him that they are always, or even usually so. Cases

exhibiting a train of symptoms, and terminating in the manner we have mentioned, have occurred in this town.*

In the present case, however, the symptoms were severe indeed. It is difficult by any expressions, precisely to designate the degree of intensity of human suffering: but we have it in evidence, that the sufferings of the deceased were severe; violent, and continued vomiting, and such pain, that she could scarcely bear to be touched or assisted, are surely severe symptoms.† And we must confess that it is not without considerable astonishment, that we find this witness swearing that such symptoms were extremely mild. Under no circumstances could such symptoms be considered extremely mild, or mild in any degree.

But to pursue the subject a little further; supposing that the object in view was not to produce

* The usual symptoms produced by arsenic are, a sense of heat in the fauces and stomach, almost always vomiting, anxiety, great weakness, cold sweats, coldness and cramps of the extremities, thirst, hickup; and if any of it passes into the bowels, gripes, diarrhæa, severe tenesmus, syncope. This witness says, (Trial, p. 207 and 208), that from all the histories he has read of mineral poisons, he is led to believe that the *most violent convulsions have always preceded death*. If the reader will turn to Morgagni's work, De causis et sedibus morborum, Lib. 4. Epist. 59. Art. 4, (which work this witness seems to have examined) he will find the case of a boy who was killed by arsenic, and who had no convulsions, "*nullæ convulsiones inter cætera signa adnotantur.*"—And if the reader will take the trouble to peruse the remainder of that article, and the whole of three succeeding articles, he will see that convulsions are by no means, common attendants of mineral poisons.

† See p. 23 of this Pamphlet.

death, but abortion, and supposing that no more of the injurious ingredient, whatever it might have been, was given, than was sufficient to produce that effect, by exciting an uncommon commotion in the system, then we could not reasonably expect the occurrence of those horrible symptoms of which this witness speaks, even although in such a case the destruction of the mother's life should be the unexpected result.

We shall next, in order, consider his assertions respecting the proofs of poison.

He says* that "the three great constituents," as he calls them, "which form the proof of poison, viz. the existence of the poison in the stomach itself, which is the strongest: the appearances suitable to such poison upon dissection; and the symptoms which accompany the action of it, are not found:" that is, they are not found, he says, in the present instance.

With respect to the first of these "three great constituents," the existence of poison in the stomach, there can be no question, that the proof is complete, when the poison is actually found there. But we contend, and have proved, by decisive experiments,† that an animal may be killed by mineral poison, and that after death, not the slightest trace of such poison may be discovered in the contents of the stomach, by the most accurate analysis. Therefore, in cases when poison has, on good grounds, been suspected to have been administered, we are not always to infer that it has not been administered, because it could not be detected in the contents of the stomach after death.

* Trial, page 208. † See page 28 of this pamphlet.

With respect to the second of these “ three great constituents,” “ the appearances suitable to such poison on dissection,” we do not know what kind of appearances would be thought suitable to the action of any given poison. We know that some narcotic poisons will destroy life in a very short time, without injuring the stomach at all. In such a case, it would not surely be inferred that poison had not been given, because the stomach was uninjured. By experiments made upon animals, we have ascertained that life may be also destroyed by a mineral poison, without any considerable marks of inflammation in the stomach. In the present case, the injury in the stomach might be conceived to be suitable to the poison ; if such an expression is admissible. But we do not know what he means by the word suitable. If he means by it, that every particular species of poison produces a peculiar and specific effect upon the stomach ; and that if, in any given case, because that peculiar effect produced by the poison supposed to have been used, does not appear on examination, such poison, therefore, cannot have been used, we can understand his meaning, although we do not admit the fact. Or if he means that the appearances should bear some proportion to the activity or virulence of the poison used, we can also understand him.—But the expression is ambiguous. If, however, unequivocal marks of extensive destruction in a part of the stomach, be considered as appearances “ suitable to the poison,” we most assuredly had them in the present case. Yet he swears that they were not found.

We hope we shall not be thought to have dwelt too much on the meaning of a word: for it should be remembered that every word, we are now examining, has been delivered on oath: and we have been informed, that the manuscript copy of this witness's evidence was submitted to his correction before it was put to the press. One material alteration made in the proof, we shall have occasion to notice hereafter.

The "third great constituent" is, "the symptoms which accompany the action of poison previous to death;" and which he swears was not found. In this case, it must be observed, we have never yet had, and in all probability never shall have, a full and complete history of the symptoms. It is probable that the sufferings of Miss Burns were dreadfully severe. As it is, we have evidence enough before us on the trial, to shew that her stomach was terribly disordered. Without repeating what we have before stated with respect to the severity of her symptoms, we have no doubt, that they will be acknowledged by our medical readers to be such as "accompany the action of poison."

In the next place,* he swears that "a hole in the stomach after death is by no means an uncommon appearance." Now we believe that the direct contrary is the fact. Two Gentlemen of great eminence in this town, who have each been above 40 years in the profession, one of whom was, for a great number of years, Surgeon to the Infirmary, and the other yet remains in that situation, have never once in the course of their lives seen such a hole. If it had been "by no means uncommon,"

* Trial, page 208.

it is most strange, that with their numerous opportunities of dissection, they should never once have met with it.*

Then, in the next sentence, he says, "we are informed by Morgagni, Mr. John Hunter, and other eminent authorities, that there are various instances of a hole being found in the stomach, when no previous disease could have been supposed to exist, or any acrimonious poison taken into the stomach." No doubt Mr. Hunter has mentioned some instances of this kind in which there was no previous disease: and those who will take the trouble to refer to Morgagni, will find reason to believe, that the injury, in the cases he mentions, in which the effects were not produced

* Since this unfortunate affair happened, we have availed ourselves of such opportunities as have occurred, to examine the state of the stomach after death, with a view to observe what changes had taken place in it. A stout man died suddenly at the Lunatic Asylum; and 28 hours after death the body was opened. A general redness was observed in the villous coat of the stomach, which had probably been occasioned by the excessive use of ardent spirits, to which he had been addicted. A woman who had died at the Infirmary of *Cancer* of the *Uterus*, was opened 58 hours after her death; but not the slightest change was observable in the texture or firmness of any part of the stomach.

Whilst we were correcting the proof of this sheet, we were informed, that a very excellent anatomist, who has been employed for the long period of thirty years, almost entirely in anatomical pursuits, and whose opportunities of examining dead bodies have been uncommonly numerous, never saw a decided case of a hole in the stomach, produced spontaneously in the manner supposed by Mr. Hunter. The time will not admit of an application to him for leave to make use of his name: but we are assured of the fact on undoubted authority.

by poison, had its origin in organic affection. But the cases related by both Mr. Hunter and Morgagni, to which he refers, are not at all analogous to that of Miss Burns.

This witness then swears that in his "decisive opinion," the hole was produced after death. Now after delivering this very "decisive opinion," that the hole was produced after death, it may be asked, what are his proofs of it? He refers to Mr. Hunter's three cases, which he states at length; but in these cases, death was produced by violence; there was no previous disease. Therefore there is no analogy between them and that of Miss Burns. And any inference deducible from them is inapplicable to her case. But we do not know why he has quoted Mr. Hunter's cases at all, unless it were for the purpose of differing from him; and substituting for Mr. Hunter's ingenious explanation of the appearances, an explanation of his own, founded on a gross misconception, or misrepresentation of Sir John Pringle's opinions; as will appear hereafter.

The witness's next assertion, is, "It is fortunate that I copied Mr. Hunter's account, and it agrees word for word *with what we have heard in evidence*, as to the state of the parts about the hole." The expression, "with what we have heard in evidence" deserves particular attention. In the beginning of his examination, he swore that he had an opportunity of seeing and of examining the stomach and *Uterus* of this deceased lady. Being called as a witness, it was his business, it was his duty, to state, not whether what he had *heard in evidence* agreed with Mr. Hunter's account, but whether Mr. Hunter's account agreed with the

appearances in the stomach, which he himself saw and examined in the presence of Mr. Hay. He had sworn to speak the whole truth : and he was therefore bound to state his opinion of the appearances which he saw himself, and not merely to confine his attention to what he had heard in evidence.— But he was not correct in asserting that Mr. Hunter's description agreed word for word, as to the state of the parts about the hole. Mr. Hunter, it is true, says, that the edges of such openings appeared to be half dissolved ; but by the word edges, he could not mean such an extent of space as was injured in the stomach of the deceased ; which space extended above two inches around the opening in every direction. Mr. Hunter was too accurate in describing appearances, to be capable of such a mistake: Mr. Hunter's account corresponds with that of others who have seen this effect of the gastric juice in the human stomach ; but in such cases, the injury has not been observed to extend much beyond the very edges of such openings, which edges were pulpy, tender, and ragged. But if the reader will take the trouble to turn back to page 26, of this pamphlet, he will find Mr. Hunter's diagnostic signs of the action of the gastric juice ; of which signs, the most striking, the vessels ramifying on the surface of the part acted upon by the gastric juice, was totally wanting in the injured part of the stomach of the deceased. The fact is, in this instance, that this witness had transcribed and quoted as much only of Mr. Hunter's paper as suited his purpose, but omitted to quote all the rest which made against him.

But this witness, it seems, whilst he admits Mr. Hunter's three facts, which he quotes, to be

true, differs from him, without the least ceremony, with respect to the cause of the appearances. Indeed, after quoting the first case, that of a man who was killed by a blow on the head, after having eaten a plentiful supper of beer, bread, cheese, and animal food, he adds, "Now, in this case, the influence of the gastric juice is out of the question; Mr. John Hunter's inference is wrong, though the fact stands good." This, it must be confessed, is not a very decorous manner of setting aside an opinion delivered by one of the first surgeons in Europe.

When Mr. Hunter first observed the stomach thus perforated, he was for some time extremely at a loss to account for the fact. At last it struck him, that these changes in the coats of the stomach, and the holes through it, were produced by digestion; and that, when life was extinguished, the gastric juice remaining in the stomach, acted upon the stomach itself in the same manner, as it had acted upon the food in the stomach during life; that is, that the stomach was actually digested by its own fluids. His opinion was highly ingenious, and the cause which he assigned for the fact, was fully equal to produce it. But this witness, in a very summary manner, has rejected Mr. Hunter's explanation of these phænomena, and has substituted a very strange one in the place of it. He says, "from the experiments of Sir John Pringle, which were afterwards confirmed by Dr. M'Bride, we know, that water at the temperature of 90 degrees, especially if that portion of common salt, which we usually take with our food, be mixed with it, will *dissolve* animal substances in fourteen hours. Heat, moisture, and confined air, from

the experiments of these men, are the great promoters of the *solution* of animal substances.”* And he further says, that, “in the ordinary cases of death, the vital principle is not destroyed, till the heat of the body is reduced to a low temperature, nearly to that of the surrounding air; but in cases of sudden death, the vital principle is destroyed, when the heat of the body is still at 96 degrees; as the human body is a slow conductor of heat in the stomach, there may have been such a degree of heat, combined with liquid and confined air, as to dissolve the parts in contact with the fluid.”

* This witness has made a most extraordinary mistake here with respect to the opinions of Sir John Pringle. Sir John Pringle (Observations on Diseases of the army. Ed. 7. Appendix p. xxx.) says, “with respect to medicine we know, that neither animal nor vegetable substances can become aliment without undergoing some degree of *putrefaction*.” Then, in the next page, he adds, “The most general means of accelerating *putrefaction*, are by *heat, moisture, and stagnating air*.” And in a note below, he says, that resolution is one great mark of *putrefaction*. His opinion was, that putrefaction was necessary to digestion; and that common salt taken in small quantities, such as we usually take with our food, “is subservient to digestion chiefly by its septic virtue, that is, by softening and resolving meats.” In this case, this witness has totally misrepresented Sir John Pringle’s meaning of a resolution of animal substances into their constituent principles by putrefaction, and has confounded it with Chemical solution; two things as different as possible. That this witness means Chemical solution in this case is plain, because he afterwards expressly says, “there may have been such a degree of heat combined with liquid and confined air, as to *dissolve* the parts in contact with the fluid.” Whether this mistake was the result of carelessness or design, we do not pretend to determine; but it does excite our surprize that any man should have been so incautious as to assert such things on oath.

Upon the first part of this evidence, we observe, that heat, moisture, and confined air, are the great promoters of putrefaction, but not of solution in the sense in which it is now understood. But waving that consideration, we defy any man to shew, that an appearance in the stomach, similar to that supposed by Mr. Hunter to have been occasioned by the gastric juice, or similar to that observed in the stomach of Miss Burns, was ever produced in one single instance by heat, confined air, and moisture, even with the usual quantity of common salt. This explanation, moreover, takes for granted, a circumstance to be proved, viz. that the temperature of the body in the case before us, remained for fourteen hours, during the cold and dry weather of March, at 90 degrees. We know, that after death, the human body, in a very few hours, acquires the temperature of the surrounding air, especially if putrefaction has not commenced. Now putrefaction had not commenced in this case, fifty-one hours after death: and therefore it is entirely improbable that, at that season of the year, the body should have remained so long as fourteen hours at so high a temperature; but if it had, we should require other evidence besides his to convince us, that salt and water would dissolve the human stomach, even in that temperature.

With respect to the second part of his evidence, respecting the time in which, under different circumstances, the vital principle is destroyed after life is apparently suspended, we shall not enter into a discussion on this subject. It would lead us into too wide a field, and it has no proper connection with the business before us.

The concluding sentence scarcely admits of any answer. We are not contending about possibilities. What heat, moisture, and confined air may effect in any given case, is one thing: what they have done, is another; but we maintain, that neither in the present, nor in any similar, case, has it ever been proved that they have dissolved or corroded the stomach.

But granting, for the sake of argument, all that he requires; granting that his explanation of the appearances in the stomach of Miss Burns is rational and satisfactory, what does it all amount to? Does it explain the cause of Miss Burns's death? He attempts to explain away the appearances in the stomach. He admits that she did not die by flooding. Of what then did she die? Through the whole of his evidence the cause of her death remains unexplained.* We say that it appeared *probable* to us, that she died by poison. She was well early on Wednesday morning, and before Friday at noon she was a corpse. In the intermediate time, we have it in evidence that her stomach was dreadfully disordered. And after death, a part of her stomach was found destroyed. Of these cir-

* His Lordship, in his charge to the Jury, (Trial, p. 227) when commenting upon the evidence, and particularly upon that of one of the women, who, on behalf of the prisoner, said the deceased was apprehensive of a dropsy, remarks, that the species of dropsy might be that which Dr. Carson supposes her to have really died of. But in the printed account of the trial, it does not appear that Dr. Carson has attempted to explain the cause of her death either upon that or upon any other supposition. Hydatids of the Uterus are not a fatal complaint, nor have we ever heard of one instance in which death has been occasioned by them.

cumstances no explanation whatever was given before the Coroner; no satisfactory explanation was given at the trial. What is the inference deducible from them? What other inference than that which we have drawn? This witness's explanations afford no solution of these facts. Her illness and death must have had a cause. What cause? On this he is silent.

We shall now examine his evidence with respect to the *Uterus*.

Upon being asked, whether in his judgment, the appearance of the *Uterus*, which he had seen, was consistent with the expulsion of a fœtus shortly before death; he replied, that notwithstanding the confidence with which we all had agreed upon this subject, "there were certain circumstances which rendered it at least doubtful to him; as for instance, the great dilated state of the cavity of the *Uterus*; for it is well known, that the reason why women do not flood to death, at the time of the separation of the *Placenta*, is the contraction of the womb. In a very short time after delivery, the womb contracts so as almost to abolish its cavity. The womb indeed is larger after delivery, than in the unimpregnated state, but that arises from the thickness of the walls of the womb, not from the extent of the cavity; for in those cases in which the cavity is not contracted, there is always a great flooding; and it appears to me, that if this womb had parted with a *Placenta*, the mother must either have flooded to death, or the womb must have been gorged with coagulated blood."

Now, the argument contained in this quotation, when stripped of all extraneous matter, will stand thus.

1. In a very short time after delivery, the *Uterus* contracts so as almost to abolish its cavity.

2. When the *Uterus* does not contract, there is always a great flooding.

3. It is owing to the contraction of the womb, when the *Placenta* is separated, that women do not die by flooding.

4. But Miss Burns did not die by flooding; nor was the *Uterus* "gorged with coagulated blood."

Therefore she could not have parted with a *Placenta*.

This argument he strongly insists upon, and at page 213 of the Trial, he twice swears, that "if the woman had not died of a flooding, or if no coagulated blood, compressing and plugging up the vessels of the womb, was found on examination of the *Uterus*, it is *physically impossible*, that it could have parted with a *Placenta*." Then at p. 216, he swears again, that if neither of the circumstances above-mentioned had taken place, "*a Placenta could not possibly have been detached from this womb.*" The same opinion is again asserted at p. 219, in answer to a question put to him by Mr. Scarlet. It also appears in the questions put by the Prisoner's Counsel on the cross-examination of Mr. Hay. Vide Trial, p. 142.—These questions must no doubt have been suggested to the Counsel by this witness or his coadjutor Dr. Campbell.

Let us examine the argument above-mentioned.

In reply to the first proposition, we assert, that it is not true that the *Uterus*, "*in a very short time after delivery contracts so as almost to abolish its cavity.*" This complete contraction seldom takes

place in less than eighteen days ; and it is often more.

To the 2d proposition we reply, that it is true, that if the *Uterus* does not contract *immediately after delivery*, there is generally, but not always, a great flooding ; but the flooding ceases some time before the *Uterus* “ contracts so as almost to abolish its cavity.”

The 3d proposition is certainly true ; but the conclusion is inadmissible. It is inadmissible, because it takes for granted, what has not been proved, and what we positively deny, that the *Uterus* in this case, was at the time of death, at its maximum of dilatation. His argument is built entirely upon the assumed fact, that the *Uterus* had not been dilated more than it was at the time of death. But that fact being disproved in a former part of this Pamphlet, by the respectable testimonies produced,* which cannot be disputed, his whole argument falls to the ground. Being convinced as we are firmly, and as every other medical Gentleman who has seen the *Uterus*, as far as we have learned, this witness alone excepted, is convinced, that the deceased was delivered a very short time before her death, of a foetus nearly full grown, it is evident to us, that her *Uterus* must have contracted itself very considerably in the time which had intervened between her delivery and her death. For a *Uterus* which was found dilated only so much as to be able to contain a quart of fluid, could not have contained a foetus nearly full grown, together with the *Placenta*, the membranes, and *liquor*

* See Mr. Clarke's Testimony, page 34 of this pamphlet.

amni. So much for this witness's physical impossibilities !

Having given the reasons above-mentioned for his opinion, that the deceased could not have parted with a *Placenta*, he was next asked, on the supposition that the *Uterus* could not recently have parted with a *Placenta*, what other cause he could assign for those appearances which we thought had indicated the recent expulsion of a child. In reply to this question he said, that, "the most probable cause,* independent of pregnancy, is a dropsy of the Hydatids, a common complaint, and of which Astruc gives many instances. These Hydatids are attached by *Pediculi* to the internal surface of the womb, and when, by an action being excited in the womb similar to parturition, these

* The most probable cause of what?—Of the appearances on the internal surface of the *Uterus*, which, we and many others are convinced, were produced by the attachment of a *Placenta*. By this attempt to explain the reason of them, he admits, very clearly, that such appearances existed. He saw them himself—Mr. Hay shewed them to him. Yet, notwithstanding he had seen them, and had thus admitted their existence, by attempting to account for them, by the attachment of the *Pediculi* of his Hydatids; what was his reply to Serjeant Cockell, when he was asked whether, in examining the womb, he did not see the place to which the *Placenta* had been attached?—It was this: "That which was *supposed* by these Gentlemen to be the place, *I suppose I did see*." Yet, this place which he *supposed he did see*, was very distinctly seen by every other person who saw the *Uterus*: and it was very distinctly seen by those respectable gentlemen in London, to whom *the Uterus* was shewn by Mr. Hay, *six months* after it had been taken from the body, and during which time it had been preserved in spirits. Any man possessed of sight, who could not see it, or could express a doubt about it, must have been wilfully blind.

Hydatids are expelled, the mouth of the womb is dilated."

Then, in the next answer, in order to explain the reason why, in such a dilated state of the *Uterus*, there was little or no flooding after the expulsion of these Hydatids, he says, "Though it (the womb) should not contract very much, the vessels nourishing the Hydatids may be supposed so much smaller than those nourishing a fœtus, that in a state of undue contraction (we suppose he means dilatation) such a flooding may not take place upon the expulsion of the Hydatids."

And further, when, in his cross-examination,* he was closely pressed by the Counsel, for an answer to the question, whether the appearances in the *Uterus*, could have arisen from any thing but a *Placenta*, he replies, "I think they might. I think they *possibly might be* what I have mentioned, the attachment of some dropsical Hydatids."

We shall examine the first and the third of these answers together, and then the second, as it requires a separate consideration.

That Hydatids occur occasionally in the *Uterus*, is, no doubt, true; but they are by no means a common complaint. But when they do occur, they are strictly Hydatids of the *Uterus*, or Hydatids of the *Placenta*. Those which originate in the *Placenta*, are, by the acknowledgement of most respectable authors, the most frequent. Dr. Baillie never saw an example of Hydatids of the *Uterus*.† Dr. Denman says, "They (Hydatids) have been supposed to proceed from coagula of blood,

* Trial, p. 216.

† Baillie's Morbid Anatomy, 3d. ed. p. 376

or portions of the *Placenta*, remaining in the *Uterus*; and the opinion is generally true; but there is sometimes reason for thinking, that they are an original production of the *Uterus*, independent of such accidental circumstances, and sometimes the precursors of organic disease in that part.”* They exist in the *Uterus* in two different states; either loose and detached, or connected together in strings, like bunches of currants.—The following is the late Dr. William Hunter’s account of them. “I have seen a *Placenta* in the fourth month, all degenerating into Hydatids. There are two kinds of Hydatids; one where the little Hydatids are distinct, and detached; the other where they hang together in strings, like bunches of currants. This last sort is the most common in the *Uterus*. They are most common in the *Placenta*, but they may be in other parts of the *Uterus*; Sometimes there are vast heaps of them in the cavity of the *Uterus*, and no remains of the *Placenta*. I ventured from seeing Hydatids come away from the *Uterus* to say the woman was with child, because they most commonly attend the *Placenta*. I have seen pailfuls of Hydatids come away from the *Uterus* with pains; the *Placenta* and Foetus being thus converted.”† Dr. Denman thus describes them.—“Hydatids, or small vesicles hung together in clusters from one common stem, and containing a

* Dr. Denman’s Introduction to Midwifery, ed. 5th. p. 84.

† Notes of Dr. Hunter’s Lectures on the Gravid Uterus, in 1765, taken by a Gentleman who favoured us with the above extract from them.

watery fluid.”† Dr. Baillie§ has the following description of them. “ They consist of vesicles of a round or oval shape, with a *narrow stalk, by which they adhere to the outside of one another.* Some of these Hydatids are as large as a walnut, and others as small as a pin’s head. *A large Hydatid has generally a number of small Hydatids adhering to it by narrow processes.*”

Supposing then that Hydatids had existed in the *Uterus* in question, it is most evident from the descriptions of these Gentlemen, that they must have adhered to its internal surface by a common peduncle or footstalk, in the same manner as a bunch of grapes adheres by a common footstalk to the branch which bears it ; and not that the small Hydatids could have adhered to that surface by separate *pediculi*, as this witness calls them.

Now it exceeds all bounds of credibility to believe, that, in this case, Hydatids could have adhered to the *Uterus* by a common footstalk, whose base was equal to four inches and a half in diameter ; which it must have been, to correspond with that mark in the internal surface of the *Uterus*, which we believe was occasioned by a *Placenta*. But if, in order to remove this difficulty, it should be contended, that there may have been many large Hydatids in this *Uterus*, with many distinct common footstalks ; then we answer, that if there had been so many large Hydatids, that the bases of their common footstalks would have spread over a space of four inches and a half in diameter, the

† Denman’s Introd. p. 84.

§ Baillie’s Morb. Anatomy.

whole cavity of the *Abdomen* would scarcely have held such masses, much less the *Uterus*.

In answer to the reason he assigns, why there was little or no flooding in this case, after the supposed expulsion of Hydatids, we reply, that, in some cases of Uterine Hydatids, flooding has taken place to a considerable extent. Cases of this kind have occurred to different practitioners in Liverpool and elsewhere. But upon the discharge of the Hydatids, whether with or without much flooding, the cloaths must have been *drenched** with fluid. Why were such cloaths not produced? for they must have been *drenched*, if Hydatids had been expelled.†

* See Trial, p. 212.

† We have been favoured by a very respectable Surgeon, Mr. Kendrick, of Warrington, with the history of three instances of *Uterine Hydatids*, which are all that have occurred to him in fifteen years' practice. An acquaintance of his, who has, for a period of thirty years, been much engaged in the practice of midwifery, has only seen two cases of the disease. This corresponds with the observation of experienced practitioners in Liverpool. So far is it from being a common complaint. The disease occurred twice in one of Mr. Kendrick's patients: she was married, and from the age of thirty-three to forty-one, had not been pregnant once. At the latter period she was affected with the symptoms of pregnancy. At the end of three months she enlarged faster than usual, and between the fourth and fifth month, she was seized with hæmorrhage. In ten days after that, pains came on, attended with increased discharge, and she voided about three pints of Hydatids. He examined them; and found that the medium of their attachment to the *Uterus*, was a small *Placenta*, about the size of a *half crown*. To this *Placenta* they were attached by small footstalks, not very unlike an immense bunch of grapes. In twelve months after that, the woman became pregnant, and bore a healthy child. In less than two years afterwards, she supposed herself again pregnant; and about the

But the account which this witness has given of the matter is so palpably absurd, that it is scarcely worth the trouble of refutation.

There is, however, one argument remaining, which has been suggested to us, and which, independently of all medical reasoning, is absolutely conclusive on the subject of Hydatids. If Hydatids had been discharged from the *Uterus*, why were they not produced? The production of them would at once have decided the point. If they had been discharged, either Mr. Angus who was with the deceased day and night, or the servants, must have known it. Is it conceivable, that he would not have produced them himself, or have called upon his servants to produce them, or at least to prove that they had been discharged, at the beginning, when from the very nature of the proceedings against him, he must have seen, that his character was in danger of being for ever ruined, and that his life was likely to be brought into imminent peril, if the suspicions which had attached to him, were not thoroughly removed?

end of the fourth month, she voided more than two pints of Hydatids, in every respect resembling the former: the medium of attachment being a *Placenta*, about the size of a *half crown*. The other patient was a woman æt. 28 years. About three months after she supposed herself pregnant, considerable hæmorrhage came on, attended with pain; and she voided a solid mass, containing a very small *Placenta*, some coagulated blood, and about two ounces of Hydatids.

The circumstance to be remarked in the first case, is, the smallness of the *Placenta*, by which the Hydatids were attached to the *Uterus*; and how completely insufficient the medium of their attachment to the *Uterus* is to explain the appearances observed in the *Uterus* of Miss Burns, which appearances extended over a space of at least four inches and a half in diameter.

The non-production of these Hydatids is to our minds an irrefragable proof, that in this case, they never existed.

There is another point relative to these Hydatids, which would admit of remark, viz. the improbability that the vessels of the *Uterus* should have been enlarged, so much as they were in the present case, for the mere nourishment of Hydatids; but enough has perhaps been said already to satisfy the minds of our readers on this subject.

We ought now to examine the testimony which he gave on his cross-examination. This, however, shall occupy a very little of our attention, as the most important points have already been considered and refuted. It is in this place proper to mention, that on his cross-examination, it appeared, *that he had not originally been brought up to the profession, that he had only practised about nine years, and that he had never delivered a woman in his life*; and yet, that under these circumstances he opposed his opinion to that of the medical witnesses for the Crown, one of whom had been 30 years in practice. Having stated in one of his answers, that Dr. Gerard had had considerable practice in Midwifery, he was next asked, whether he had seen a number of *Uteri*; to which, he made this most singular reply. "Yes, but in this case, it is entirely a physical question, arising from mechanical principles, with which extensive practice has little to do!" If this were really the fact, why did he, when he found the indignation of the public so excited against him for the evidence which he gave on the trial, propose to apply to the Colleges of London and Edinburgh for a confirmation of his opinion? If the question could be

set to rest upon mechanical principles, why this appeal to experienced men? This proposal of his shews plainly, that he was conscious, that extensive practice, or in other words experience, had something to do with the question. We have followed the example, which his conduct on this occasion has suggested, and have likewise appealed to experience; and that experience is all decidedly on our side.

One point of his evidence yet remains to be considered. When he was asked in his cross-examination, what opened the *Os Uteri*, he answered, "the expulsion of the Hydatids frequently resembling parturition." But when he was closely pressed by the Counsel to say, whether the enlargement of the *Os Uteri* could have happened from any other circumstance but the discharge of a foetus; this was his answer: "*I really cannot say with certainty.*"* When this answer came to be contrasted with the direct and positive testimonies of the medical evidence for the Crown, one would naturally have expected, that it would have completely settled the value of his evidence on every point relative to the *Uterus*, and that it would have reduced that evidence to nothing.†

* Trial, page 218.

† There are some other circumstances in his evidence, which ought not to be omitted; but as they are unconnected with the subjects which we have been discussing, they may, perhaps, be added with more propriety in a note.

The first part relates to his preparations for this examination.

The Counsel, in cross-examining him, asks him, "Well, now, Sir, you have been reading for all this, have you not?" He answers, "I have certainly paid considerable attention to

Upon looking over the whole of his evidence in this case, it appears to us, that the witness is almost entirely lost in the advocate. We see him labouring hard throughout for one particular pur-

the subject." "Have you paid as much attention to it before that affair as since?" "I believe I have." "As much as since—for you have been reading a great deal since?" "Yes." Now, when he is re-examined by Mr. Scarlet, who asks him this question, "You have taken pains to gain information upon the subject, with a view to forming a correct opinion?" The answer is, "I have: when I first saw the womb, I entertained some doubt of there being a *Placenta* attached; and *that induced me to apply for more particular information.*"—This last reply is not produced here so much to point out the contradiction it contains to the answers he had before given, as to direct the attention of our readers to the confession, that he had been seeking for information on the subject since the death of Miss Burns. The importance of this acknowledgment will appear, when we investigate his conduct on the occasion, in the next section.

The next circumstance comprehends certain alterations which have been made in his evidence. These alterations are three in number:

The first is at page 217 of the Trial, and the fifth answer from the top of the page. He was asked "How long after the extraction of the stomach and womb was it that you saw it?" The answer in the *proof sheet*, which now lies before us, is this, "I suppose it might be a week or ten days, I cannot exactly say." In the printed Trial this time is altered to ten or twelve days. The alteration is, perhaps, of no material importance; but, as far as can now be remembered, he did not see either of them, until nearly a month after they were extracted.

The second alteration is in page 218, and the first answer. In the proof-sheet it stands thus, "The expulsion of the Hydatids frequently resembling parturition." But in the printed Trial it is altered—"Perhaps the expulsion of the Hydatids in an action resembling parturition."

The third alteration is the most important. It is at page 218, and the last answer in the page. The prisoner's counsel asked him this question, which, by the way, was not a very

pose. And what purpose? To serve the Prisoner; but not to promote, or to assist in, the investigation of truth. To this one object, all his strange and forced explanations, all his evasions are entirely subservient. He seems to have forgotten or overlooked the situation in which he stood as a witness. He seems also to have forgotten what he owed to his own character, and to that of his profession. For if he had thought seriously for one moment on the subject, and had disentangled his mind from the motives which impelled him to this conduct, he could not but have seen, that the attempt he was about to make, might possibly terminate in lasting injury to his own character. He could not but have seen, that almost the whole body of his own profession must condemn him, because they must at once perceive, that by such evidence as his, the credit of all professional testimony would be shaken in the public mind. If he had had the discretion to consult some judicious friend before he moved in this business, he might have been warned beforehand of the danger, and avoided it. But it is now too late. Whatever may be the consequences to himself, he has himself alone to blame for them. After having been repeatedly called upon to publish a statement of the whole subject, it was not in our power to be

delicate one. "Would you venture to state any opinion on a subject which was but mere matter of opinion, with the same confidence that Dr. Gerard does? The answer in the proof sheet stands thus, "No, I do not think I should." But in the printed trial it is altered in this manner, "I beg I may not be desired to answer that question."

On enquiring of the printer, by whom these alterations were made, he stated that they were made by Dr. Carson!

silent, without leaving the world to suppose, that we thought ourselves mistaken. Indeed, the subject was far too important to be passed over in silence. Amidst such an opposition of medical opinion, in a cause which had excited the greatest possible interest, the public appeared to be perplexed and anxious to know the truth. This perplexity and doubt, it was our duty to remove, by a fair and full exposition of our own opinions, by a reference to the opinions of some of the ablest and most experienced men in the metropolis, as well as in Liverpool: and by shewing, that the opinions which had been opposed to ours, were entirely erroneous.*

* After this pamphlet was put to press, a printed circular letter came into our possession, of which the following is a copy.

“ Sir,

“ Upon my return to *Liverpool*, after having submitted to an examination, in obedience to the laws of my country, on a late trial, my mind was filled with sentiments of indignation and pain at the uncharitable and uncandid interpretation which had been attempted of my conduct. Feeling most acutely, the injustice of the obloquy with which malice had endeavoured to asperse my character, with a view to a defence, where in reality, none was required, I formed the resolution of giving to the public an enlarged statement of my evidence, and had even put it to the press. Upon more mature and cooler reflection, considering how unfit the subject was for the public eye; and above all, finding that my evidence would be given correctly in the trial now published, I have since deemed any further statement of it in the present circumstances unnecessary. My arguments with respect to the question of poisoning, which was by far the most important, rest upon a foundation that cannot be shaken. With respect to the pregnancy, it will be observed by those who carefully peruse my evidence, that my opinion of its having taken place or not, depended upon circumstances, which for any thing that I know, might or might not have happened, and which were to be

ascertained by other evidence. The uncharitable, contemptible, and unjust imputation of bad faith, I can safely leave to be overcome by my general character.

I am Sir

Your most obedient servant,

JAS. CARSON."

41 Seel-street, 27th Sep. 1808.

This intemperate letter, requires a more copious comment than the limits of this publication will admit. We shall, however, make a few observations upon it. We do not know to whom copies of this letter have been addressed, nor to what extent it has been circulated. But we think that its author has acted most injudicious, in ascribing the general disapprobation, which his conduct, on this occasion has excited, to malice. He may be assured, that this disapprobation, which prevails, in a much greater degree, and to a far greater extent, than, perhaps, he is aware of, has a very different origin. If he will reflect a little upon his own proceedings, and upon the object to which alone they have been directed, he will be at no loss to discover the real grounds of the obloquy he has incurred. But if he chooses to shut his eyes upon the subject, and to conceal from himself the true cause of that obloquy, the public have not, and will not, shut theirs.

But we pass on to those parts of the letter which more immediately relate to the subjects which have been already discussed. His assertion, with respect to his arguments on the question of poisoning, displays a most extraordinary degree of confidence in his own opinions. We leave it to our readers to determine for themselves, whether the foundation, upon which these boasted arguments rest, have not been shaken. To us they appear to have no foundation, that would stand the shock of discussion. But the expression that the question of poisoning was "by far the most important," deserves attention. The impression intended to be conveyed by this letter, is evidently that the affair of pregnancy was entirely of secondary importance in his view. Now we are of opinion, that it was not originally so. In his conversation with Mr. McCulloch, before he went to Lancaster, (which conversation will be stated hereafter) the pregnancy was the uppermost in his thoughts. That was the circumstance which he intended to explain away. And to those who will peruse his evidence attentively, it will be manifest, that on the subject of poison, there is none of that bold, confident, and positive asseveration, which appears repeatedly on the subject of the

pregnancy. How happens it that his tone, on the subject of pregnancy, is so changed, as it seems to be in this letter? Perhaps we may be able to assign the true reason of it. Mr. Hay went to London with the *Uterus*, on the 15th of Sept. On the 23d, an account was received from him, that the opinions of the gentlemen in London, to whom he had shewn the *Uterus* coincided with our own. This was very soon known amongst the faculty in Liverpool. On the 26th, other letters were received from him, containing a further account of his progress; and one of them contained copies of several of the attestations. On the following day, the 27th, Dr. Carson's letter is dated. It is not a very violent presumption to suppose, that a knowledge of these opinions had changed his tone on the subject of pregnancy; had induced him to shift his ground, and to rest with more confidence upon his arguments on the question of poisoning.

In the letter he says, that his opinion upon the question, whether pregnancy had taken place or not, depended upon circumstances, *which for any thing he knew, might or might not have happened*, and which were to be ascertained by other evidence. In his testimony, he swore repeatedly, that if the woman had not died of flooding, or if the *Uterus* had not been filled with coagulated blood compressing and plugging up its vessels, it was *physically impossible* that the *Uterus*, could have parted with a *Placenta*. The flooding, or coagula, above mentioned, were the circumstances, to which he here alludes. Now, he himself admitted on the trial, that Miss Burns did not die by flooding; and it was ascertained by positive testimony, on the trial, that no coagula were found in the *Uterus*. Neither of these circumstances having happened, it was, according to his evidence, *physically impossible* she could have parted with a placenta: yet now he says, that his opinion on the question of delivery depended upon circumstances, which, for ought he knew, might or might not have happened. By this doubtful manner of expression, he gives up the point; but it must be recollected that a principal part of the charge against the prisoner, was that he had used means to procure abortion.

Section III.

GENERAL OBSERVATIONS.

THE circumstances and result of this memorable trial, and the very extraordinary and unprofessional conduct of Dr. Carson, on the occasion, naturally lead to some observations on the nature of medical intercourse, and of medical testimony.

We apprehend that there are various cases, in which a medical man is not justified, in pursuing, what he may conceive to be his own advantages, or in attempting to raise his own importance and reputation, by means which may have a direct tendency, to injure any of his brethren, or, what is not of less importance, to affect the general character of his profession. In the medical profession, the reputation of the individual, for skill, judgment, knowledge, prudence, and integrity, is often all upon which he depends, or can depend, for his share of public encouragement, and confidence. These qualities, which constitute the basis upon which rest his hopes of success, being of a delicate nature, he might often be exposed to most serious, and sometimes irretrievable injury, if he was not, in some degree, sheltered and defended by those tacit obligations, by which the members of

that profession, in their intercourse with each other, consider themselves bound, in the variety of circumstances in which they are unavoidably placed. Hence, although they have no written code of rules, by which they agree to regulate their conduct to each other, under different circumstances, yet, in general, the conduct which each ought to adopt in almost any given situation, is so well understood, that, perhaps the number of deviations from strict propriety, is much less than might be expected amongst so large a body of men, whose views and interests are necessarily insulated from each other. But when any gross deviation from decorum or propriety occurs, it is soon known and felt; and not only the immediate sufferer, but all his brethren, within the circle of his acquaintance, are put upon their guard, and prepared by the free expression of their sentiments, and by suitable resolutions and agreements, to prevent, or to avoid the effects of, a repetition of similar conduct from the same quarter.

These remarks may serve to shew in a general way, the nature of that intercourse which takes place among medical men, and the necessity which exists of their observing the greatest delicacy and propriety of conduct, towards each other. In applying these remarks to the present instance, it will be seen, to what extent Dr. Carson has departed from that open, liberal, and proper line of conduct, which he ought to have pursued: and also, to what extent the whole body of the profession is injured by his proceedings.

In order to place the matter in a proper light, let us suppose that another instance of death had occurred under circumstances precisely similar to

that of Miss Burns; in which all the subsequent proceedings were similar; and that another medical practitioner, in habits of frequent intercourse with one of those who had examined the body, had formed a different opinion, with respect to the cause of the appearances observed. Now, the question is, what ought to be his conduct on such an occasion? He may be considered as a calm and indifferent spectator, who may have had time to form his opinions, without having his mind disturbed by fears and apprehensions, of falling into error, of being deceived or misled by appearances, or of bringing the life of, perhaps, an innocent person into danger. Ought he not, before the day of trial, to go to his brethren, who have been concerned in the investigation, and to represent to them his doubts, with respect to the correctness of their conclusions, and thus to give them an opportunity to rectify their opinions before it be too late? Is not this the conduct which an upright and honorable man would pursue? Would not such a man take all possible pains to endeavour to convince his brethren, that they were under a mistake, and to persuade them to reconsider their opinions carefully, so as not to incur the dreadful responsibility of precipitating, by a hasty and unguarded judgement, a fellow-creature to destruction? One thing, at least, is certain, that such conduct could never, under any possible circumstances, be wrong, or be productive of bad consequences to any party.

Now, what was Dr. Carson's conduct on the late occasion? Did he act in this manner? Did he communicate his doubts to his brethren? Did he at any time give a hint, even the slightest hint, to

any one of us, that he entertained any doubts at all on the subject? During the whole of the five months, which elapsed from the death of Miss Burns, to the trial of Mr. Angus, not one of us even had a suspicion, that his opinions were different from ours. Even Mr. Hay, who was on terms of intimacy and friendship with him, and was occasionally at his house, never heard from him, the least intimation of the kind. Nay, when Mr. Hay met him on the walls of Lancaster Castle, two days only previous to the trial; *Dr. Carson told him, that he did not know why he had been summoned to Lancaster.** This silence and reserve with respect to his opinions, for so long a period, and this declaration, were enough to lull asleep the most vigilant suspicion, even if we had suspected that he had differed from us.

After the declaration which he had made to Mr. Hay, that he did not know why he had been summoned to Lancaster, great, indeed, was Mr. Hay's astonishment, when, on the day of trial, he saw him in Court seated by the side of Dr. Campbell,

* He also at Lancaster told Mr. Lindsay, surgeon of this town, that he did not know why he had been summoned there. Now, the fact is, that *two days before he left Liverpool*, he informed Mr. M'Culloch, Surgeon, that he had been subpoenaed to go to Lancaster. He also mentioned the object of his journey, *and the opinion he entertained, and intended to support*, from a conviction in his own mind, that the appearance of the *Uterus*, might be explained from different causes than that of pregnancy, which had been supposed. Mr. M'Culloch observed to him in reply, that in his mind, any man of experience must think that the *Uterus* in question, had recently expelled a child.

We think it necessary to add, that we relate these circumstances upon the authority, and with the permission, of both the gentlemen above mentioned.

of Kendal,† immediately behind the Prisoner's Counsel; and greater still, when he observed him and his coadjutor dictating questions to the Prisoner's Counsel, during the cross-examination of the medical witnesses for the Crown. Not that we conceive there was any thing improper in their conduct in assisting Counsel to investigate the truth; but their appearance in that particular situation, was a decisive proof of the part which they had taken; and it is also a strongly presumptive proof that Dr. Carson, notwithstanding his declaration to Mr. Hay, did know why he had been summoned to Lancaster. But there is no necessity to have recourse to presumptive proofs of this fact.

It appeared on his cross-examination at the trial, that he had been reading on the subject; and in the last answer which he gave, he stated, that "when he first saw the *Uterus*, he entertained some doubt of there having been a *Placenta* attached, and that induced him to apply for more particular information on the subject." We now know, that he had been, for many weeks before the trial, examining different authors on the subject, both of midwifery, and of poisons; and that he had been inquiring of different Practitioners for manuscript lectures on Midwifery. What was the object of all this inquiry on these two subjects in particular? He will say to gain more informa-

† We are surprised at the part which this gentleman took in the affair. He never saw the appearances; nor, as far as we have been able to learn, did he write to one of his medical acquaintances in Liverpool, to inquire into the nature of them. Such information he might have easily obtained.

tion respecting them. But what was the particular inducement for him to make this inquiry more than any other man? He was not present at the examination of the body; nor was his opinion asked on the part of the prosecution. The event fully explains all this preparation, and nothing else can explain it. That is, he knew that he would be called on the part of the prisoner, to oppose the medical witnesses for the crown; and he prepared himself for this purpose. And the opinions which he delivered in court, to the amazement, disgust, and indignation of the whole audience, about his solvent of salt and water, and about his Hydatids and their pediculi, shew much preparation. These opinions were not the productions of the moment; they were not sudden conjectures which had started into his mind upon hearing the medical evidence for the crown; but they had been framed with all the care which he could bestow upon them; and, with such materials, he vainly hoped to overthrow the direct and positive, and we may be permitted to add, the consistent, testimony to which they were opposed. Now when we add to all this, the secrecy with which he conducted his inquiries, and the clandestine manner in which he proceeded, so that some of his most intimate friends, did not know, when he left this town for Lancaster, where he was gone, nor the object of his journey, can any man doubt that he knew why he had been summoned to Lancaster? We know very well, that not a witness was sent to Lancaster on behalf of the prosecution, the nature of whose testimony was not accurately known. Is it to be supposed, that those who had the management of Mr. Angus's defence, were not

equally well informed with respect to the nature of the testimony which their witnesses were to give? Lastly, we ask, is it at all probable, that Dr. Carson would have been summoned 50 miles from home, without its being known before-hand to Mr. Angus's Solicitor, what kind of evidence he was to give, and what opinions he was to promulgate? We leave our readers to draw their own conclusions on the subject.

But we feel ourselves fully at liberty to remark, that on this occasion, Dr. Carson's conduct appears to us, to have been highly unprofessional, in two important particulars; first in withholding his doubts and opinions from us, and conducting his proceedings in so clandestine a manner; and secondly, in his attempt to deceive Mr. Hay, and to impress Mr. Hay with the belief, that he did not know why he had been subpoenaed: whilst it appears from his conversation with Mr. M'Culloch, not only that he did know the reason why he had been subpoenaed, but that he told Mr. M'Culloch himself the object of his journey, and the particular opinions which he intended to support.—Such conduct as this can have no other effect, than that of destroying all confidence in the man who can have recourse to it; and we shall be very greatly mistaken, if Dr. Carson should not experience this consequence of his proceedings, in his future intercourse with a great majority of the faculty of Liverpool. But the unfavourable impression which his evidence has made, is not confined to the faculty, or to the inhabitants of Liverpool: it extends through the whole county, and beyond it.—

If, however, it should be asked, had not Dr. Carson the same right to form his own opinions on

this case, that you had? We answer, most unquestionably he had. We should never even dream of complaining of any man for differing with us in opinion, nor for any opinions which he may think proper to entertain, however singular or extravagant they may be. The right of private judgment, on every subject of human investigation, ought never to be questioned. But we assert, that if the species of conduct which we have described above, were adopted by the faculty in general, it would be altogether impossible for one medical man to meet another with safety, under any circumstances, however urgent or important.

Leaving his conduct on this occasion to the loud and general censure which it has received, we proceed to make a few observations on the nature of medical testimony.

In various cases of sudden death, suspected to have been occasioned by violence or poison, the appearances upon examination of the body may be so doubtful or obscure, that the medical witness, for the sake of his own character and reputation, would feel it necessary to give a very guarded and cautious opinion. But independently of any considerations about character, there are strong reasons, why he ought in no case, to lend his opinion to the irritated passions of the prosecutors or the prosecuted. He is, in fact, to be considered rather in the character of a judge, than of a witness, or of an advocate; for he is to form an opinion on subjects, of which both the Court and Jury are generally ignorant; and his opinion, whether favourable or unfavourable, must often have a decisive influence upon the fate of the prisoner. It is then of the utmost importance to the ends of public

justice, that the purity and integrity of medical testimony, should be preserved unsullied. When in a doubtful case, medical opinion is opposed, in a court of justice, to medical opinion, we can conceive it to be very probable, that these opposing testimonies may be given with the strictest regard to truth; both parties believing, from their different views of the subject, that their respective opinions are well founded. In such a case, where from the characters of the parties, from the manner in which they give their testimony, and from the clearness, the force, and the consistency of their reasons, for their respective differences of opinion, there can be no suspicion that either of them is actuated by any sinister motive, the Judge will naturally lean to the side of mercy, and incline the balance in favour of the prisoner. There is this peculiarity then in medical testimony, that the witness is bound to give, not only a true and faithful account of the appearances which he has observed, but an account, equally faithful, of his real opinions upon the causes of these appearances. And if he attempts to explain them upon grounds which he knows, are neither probable, nor satisfactory; or if he withholds any explanation which, he believes, would fully account for them; his conduct in either case, would *in foro cōscientiæ*, be as culpable and criminal, as if he were wilfully to misrepresent the facts themselves, or were to swear to the existence of appearances which, he knew, did not exist. But in cases where opinions stand in direct opposition to each other, and where the parties are influenced by proper motives, and disposed to state what they believe to be true, the credit of medical testimony can sustain no injury.

For such is the obscurity which hangs over many morbid actions and appearances in the human body, that the best and most conscientious men may differ in opinion upon them, without any impeachment of their judgement, or any doubt of the rectitude of their motives. The object in view, in such lamentable occurrences, being that of ascertaining the truth; and taking it for granted, that medical men, in the part which they are called upon to act, can have, and most certainly they ought to have, no other object, it appears to us to be desirable, that those who are to be examined in court, on different sides of a question, of this nature, should have a previous interview. If the medical gentlemen, who may be placed in these circumstances, be men of real principle, and of liberal and candid minds, they must derive the greatest advantages from such an interview. Mistakes may then be explained and corrected. Conclusions and opinions formed, perhaps, in a moment of hurry and agitation, may be modified and altered. Or the opposing evidence, upon a full hearing of the real state of the facts from those, who have had the only opportunity of fully observing them, may perhaps think it right to change the opinions which they may have at first formed from inaccurate report, and will draw an opposition, which might have no other probable effect, than that of frustrating the purposes of public justice, and exposing their own characters to obloquy and reproach. But if the circumstances should be of so doubtful a nature, that the opinions of the different medical gentlemen could not on such an interview, be reconciled, this advantage at least would result from it, that an extremely guarded opinion would be given on behalf of the prosecu-

tion, the character of all parties would be saved from injury, and more value and dependence would be placed on medical testimony.

If this be the proper mode of conduct which medical men ought to adopt towards each other, on such occasions as this, what can be thought of the conduct of a man, who, on the late occasion, instead of coming forwards in an open and candid manner to state his doubts and difficulties to those, who were seriously interested in ascertaining the real truth, withheld his sentiments from them, prepared himself secretly for an examination, and then boldly hazarded an opinion contrary to theirs, at a time when, and in a place where, they were not permitted to reply to him?

Where such an interview, as we have mentioned, is impracticable, and a medical Gentleman is subpœnaed to give his opinion, in Court, upon appearances described, and upon conclusions drawn from them, by other Gentlemen of the profession, on behalf of a prosecution, what ought to be his conduct? Is he to assume the part of an advocate for the Prisoner? We apprehend, by no means. He is called to speak, on oath, the truth, the whole truth, and nothing but the truth: that is, he is bound by his oath, not to give a forced, irrational, or unsatisfactory explanation of such appearances: not to assign causes for them, which, if he is acquainted with the subject as he ought to be, he must know cannot have existed: not to misrepresent things which are clear and plain; not to perplex and confound the Jury with doubts and difficulties, when he ought to know, that there are no real difficulties in the case; in a word, not to oppose for the sake of opposition, or from any

selfish or unworthy motives ; but to speak his real settled sentiments, and to deliver the very best judgment which he is able to form upon the facts.

Some of the circumstances of this trial are of so extraordinary a nature, that we cannot refrain from calling the attention of our medical brethren to them in the most earnest manner. In the attempt which has been made by Dr. Carson to invalidate our testimony in this case, they must clearly perceive a dangerous precedent ; dangerous, because if the example should be followed, it cannot fail to throw a doubt upon the purity and integrity of all medical evidence. Let the facts in such cases be investigated with the utmost care : let the conclusions drawn from them, be scrutinized and examined to the very bottom, and all fallacies, if there be any fallacies in them, be detected and exposed. Those who undertake the defensive side of the question, are bound to do this ; and medical men may often render essential services, in trials of this nature, by assisting counsel in such investigations. And these investigations are necessary to prevent the lives of men from being thrown away, by hasty or incautious opinion. But let it not be said of a profession, which has always maintained an honourable name, that there shall be found hereafter in its ranks one man, who on an occasion similar to this, without previously communicating with his brethren, shall, from any motive, lend his assistance, to invalidate their testimony, and by throwing a doubt upon it, to frustrate the ends of public justice. This is the point of view in which the present case appears to us most serious. And with reference to the future, we feel ourselves justified in calling

upon our brethren to give to this important subject all the attention and consideration which it requires.

It was not originally our intention nor our wish to enter into these discussions, If, after the trial, Dr. Carson had suffered the matter quietly to subside, we should have been silent, although our sentiments upon it would have been the same. But after he had addressed to different persons, the note to which we have alluded in the introduction, in which note he had intimated his intention of appealing to the first medical institutions in the island, for a decision in his favour, we were informed from a variety of quarters, that it had become indispensibly necessary for us, to lay before the public, a statement of the whole affair, and of his conduct in it, and to refute the opinions which he had supported on the trial,. In doing this, we have not been actuated by malice or personal enmity to him ; and if he supposes the contrary, he is much mistaken. We have, none of us, any feelings of the kind. His conduct, on this occasion, has not injured us : but it has deeply injured himself. And although in common with many others, we strongly disapprove it : yet our feelings towards him go no further.

In conclusion, we think it necessary to declare, that, as we have not entered upon these subjects with a view to provoke a controversy upon them, we shall take no notice of any reply which may be made to this pamphlet, publickly or otherwise.

We have endeavoured, in this most melancholy affair, conscientiously to discharge the painful duties, which devolved upon us, without partiality or prepossession : and we now finally leave the subject to the decision of the public.

The following note from Mr. Lindsay to Mr. Hay, came too late for insertion in its proper place. At Mr. L.'s request we insert it here.

Dear Sir,

From a conversation which I yesterday had with Dr. Carson, I am induced to think that his answer to my question of what brought him there, applied only to the part of the town in which we met, (which was in a narrow back street) and not alluding to the trial. I could therefore wish that what I formerly stated may be cancelled; and am,

Your's truly,

P. LINDSAY.

This note has no date, but Mr. Hay received it on the 19th of October. It relates to Dr. Carson's declaration to Mr. Lindsay, that he did not know why he had been summoned to Lancaster: see the note to page 78. Whatever explanation Dr. C. may now give of this conversation with Mr. Lindsay, there can be no doubt that Mr. L. understood it in the way in which we have stated it: and with this impression upon his mind, he mentioned it both to Mr. Hay and to Dr. Brandreth.



REMARKS

ON A

LATE PUBLICATION,

ENTITLED

“ A VINDICATION OF THE OPINIONS

DELIVERED IN EVIDENCE

BY THE

MEDICAL WITNESSES FOR THE CROWN,

ON

A LATE TRIAL AT LANCASTER.”

BY JAMES CARSON, M. D.

Sed cum experientiam in hac re sæpe fallacem, et medicos plerosque
imitatorum servum pecus, fuisse noverim, dubitare cogor.

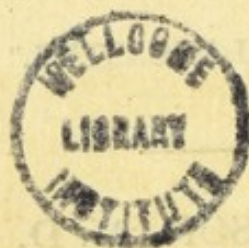
CULLENI NOSOLOGIA.

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1808.



REMARKS

ON A LATE PUBLICATION,

&c.

UPON my return from Lancaster, after a late trial, I found that such misrepresentations had generally prevailed respecting the substance of my evidence, that I considered it incumbent upon me to publish an enlarged statement of it, and had proceeded so far as to put it to the press. Finding, however, that the trial would be published, which, for some time, was uncertain ; and knowing, from the abilities of the Short Hand Writer, that the whole would be correctly done, I abandoned the intention of making a separate publication, hoping, as I have found to be the case, that the perusal of my evidence would soon correct every unfavour-

able impression. My intention of suppressing the publication of the pamphlet was well known to the gentlemen who have lately given to the world a vindication of their evidence, before Mr. Hay went to London. It could not, therefore, be in consequence of any supposed intention of publishing on my part, nor any uncommon desire I had shewn to establish my opinions, that these gentlemen have been induced to publish a defence of their evidence. Indeed, though they do not fully declare that they knew that I had abandoned the intention of publishing, they acknowledge that they were not influenced by any such consideration, but that they conceived it necessary to take this step in the just vindication of their opinions, and for the purpose of calling the attention of the public to the nature of medical evidence. This is certainly a very uncommon kind of controversy. The opinions that a man delivers upon oath have generally been considered so sacred as not to come within the province of criticism. These gentlemen say that, on this occasion, I arraigned their opinions. I did not arraign any opinions. I declared (and, in the situation, could I do otherwise?) the honest convictions of my own mind, in obedience to the dictates of my own conscience, without reference to the opinions of any man. Was that a time for

courtesy? or could I be expected to violate the sacred obligations of an oath, out of deference to them? These gentlemen, however, have contemplated my conduct in a very different point of view. They have considered what, on my part, was an indispensable obligation, as hostile to them, and have taken more than ordinary pains to convince the world that my opinions were erroneous, and my motives unfair. In consequence of the great agitation which this affair has produced in Liverpool, I have applied my mind to the subject since my return, with increased intensity. I have reconsidered the opinions I supported, and have, by every succeeding reflection, been more and more convinced, that, in every material point, my evidence was exactly correct; nor has the recent publication of the opinions of my opponents, which they have endeavoured to support by a large collection of authorities, made any alteration in my sentiments.

In entering upon the perusal of the pamphlet, in which myself and my opinions have the honour to be so frequently mentioned, I was not a little struck and surprized at the difference which the case here exhibited, from what it was as described before the Hon. Sir Alan Chambre, at Lancaster. I was not present at the examination of the body,

nor did I attend the inquest of the Coroner. Whatever, therefore, is not contained in the published Trial, must be thrown completely out of the question. The gentlemen had an opportunity of correcting their evidence; the trial, therefore, may be supposed to convey a fair statement of the appearances and symptoms, and of their deductions from them. In an affair of this nature, a very slight variation in the statement of facts might produce a very material change in the deductions. It seems not a little surprising that gentlemen should be carried, by a zeal for their own defence, so far as to contradict, publicly, the solemn asseverations of an oath. For, if they concealed any thing that was important, are they not as culpable as if they had added what never existed? The whole history of the symptoms, and the singular important additions to the appearances on dissection, made for the first time at this distant period, are wholly to be put out of view. Whether the account they have delivered now, or the statement they delivered at Lancaster, be true, is nothing to me. My evidence could only apply to the latter, by which alone my inferences are to be examined.

The following is a concise account of the symptoms of Miss Burns's complaints, so far as they can be ascertained by the only witnesses, the cook

and housemaid ; and, for the correctness of this account I refer to the trial, where they are detailed at greater length. These servants had only been a month in the house, had had no previous acquaintance with the deceased, and therefore were ignorant, in a great measure, of her general state of health. Miss Burns never appeared to them to be anyways indisposed until the morning of the twenty-third of March, when she appeared to be very ill, but did not complain. She took some breakfast. After breakfast had laid herself down upon the sofa—afterwards seemed to be in pain as she moved through the room, leaning upon the backs of the chairs. She complained of being thirsty, and directed some water gruel to be made for her, of which she drank, in the course of the day, according to the account of the house-maid, nigh three quarts ; but the cook, who made the gruel, said it might be about a pint or a quart. She rejected the gruel from the stomach almost immediately—she vomited frequently during the day—What she vomited appeared to the house-maid to be, at first black, afterwards yellow or greenish. This account is reversed by the cook, who said that it appeared, at first yellow, and afterwards black. She lay quietly for the most part, without moving or complaining upon the sofa. The next morning, Thursday, she appeared

nearly in the same situation in which she had been the preceding evening. The sickness continued till towards evening, when it left her, and she could stir more about—She took only water-gruel this day, as she had done the day preceding. On Friday morning, the twenty-fifth, appeared to breathe with greater difficulty than before ; but, in other respects, no difference was observed. She took gruel and some warm beer—She does not appear to have vomited what she took this morning. Miss B. expressed a wish for some Madeira wine ; the house-maid was sent to fetch it ; and on her return, found Miss Burns dead, *cowered* of a lump in the corner of the room, with her head erect, leaning against it. During her illness, both her understanding and her articulation do not seem to have been in the least injured, as she gave, 'till within a short time of her death, directions respecting the management of the family. Her complaints seem to have abated much from the evening preceding her death. That the irritability of her stomach had, in a great measure, been removed, is evident from the quantity of gruel and other liquids with which the stomach and intestines were filled. If there had been any considerable morbid irritation of this organ, such a great quantity of liquid would not have remained upon

it. She seems also to have been troubled with a diarrhœa.

The account which I have now given of the history of Miss B.'s complaints, is correctly as it was related before the Judge at Lancaster. The account which has been published by the gentlemen who have honoured my evidence with an examination, is very different from this, being descriptive of a much more violent disease. These gentlemen say that it is not easy to get a correct statement of the symptoms from persons not acquainted with medicine. But I think it may be presumed, that the awful impression made by her death, would induce the servants to consider the symptoms as more severe than they were in reality.

The body was opened on the Sunday following, about fifty hours after the death, by Mr. Hay, a Surgeon in Liverpool, in the presence of Dr. Gerard, Dr. Rutter, and Mr. Robinson, Mr. Hay's assistant.

Upon opening the cavity of the abdomen, some yellow coloured matter was found in the convolutions of the intestines. In drawing the stomach towards him, the surgeon discovered a hole, or præternatural opening in the anterior and inferior

portion of the stomach, about the extent of a crown piece, at the distance of about four inches from the Pylorus. The edges of this hole were pulpy, tender, and ragged, and the substance of the stomach all around, for the space of two inches, was in a destroyed state, allowing an easy passage to the fingers. The rest of the stomach was in a natural state, of a natural colour, and covered with the mucus which usually lines the internal surface of this organ. There was some slight peritonæal inflammation in different parts, but scarcely so much as to be called a disease. It was considerable upon the small, but scarcely observable on the large, intestines. The internal villous coat of the duodenum was slightly inflamed.—Upon cross-examination, Mr. Hay observed that he never examined a sounder subject in his life, excepting with respect to the hole in the stomach, and the circular margin of this hole.

The womb was found much larger than it is usually in the unimpregnated state. The Surgeon cut into it. The cavity was so large as to be capable of containing a whole quart of fluid. There was a circular ruff mark upon the fundus four inches and a half in diameter, which, he had no doubt, was the place from which a placenta had been recently detached. The vessels which he

supposed, served to nourish the child, were plainly discoverable. The *os uteri* was dilated. There was nothing in the womb, only a very small quantity of florid-coloured blood oozing out of some plainly discoverable vessels at the *fundus*. The other gentlemen agreed with Mr. Hay in this description of the appearances. They had not the least doubt, from the appearances which the womb exhibited, that it had recently parted with a child, and that this child had nearly reached its full period.

The fluid that was found in the intestines, which, from its resemblance to that of the stomach, they had no doubt had passed through the hole, was collected for chemical analysis. The fluid contained in the stomach, and that contained in the *duodenum*, were also collected, to be subjected to chemical examination.

These three different fluids were examined by Dr. Bostock, who has long been known to the world for the accuracy of his chemical knowledge. This chemist applied the most delicate tests, but could not discover the existence of any mineral poison. Dr. Bostock, however, maintained, that, from experiments which had been made upon dogs since this unhappy affair took place, and which will be

more particularly noticed afterwards, an animal may be killed by corrosive sublimate mercury in solution, without any remains of this substance being discoverable in the contents of the stomach after death. No part of the substance of the stomach was subjected to chemical analysis. The examination of the intestinal canal was not pursued further than the *duodenum*; neither was the *œsophagus* examined.

Miss Burns had been observed by some persons who saw her occasionally, to grow larger for some time previous to her death. But her most intimate friend, and indeed the only friend she had, declared she was as large twelve months before her death as she had been a few weeks before it—that she was uncommonly flat bosomed, and that, in every other part excepting the abdomen, she was not half the person she used to be—that she had not been as young women in health are for fourteen months before her death—that, at Miss Burns's request, she had consulted her mother about her, who recommended some medicine which had been of use to her (Mrs. Jones)—That Miss Burns was very subject to shortness of breath, and was pale faced. The commencement of her bad health this witness dated several years back, from the time Miss Burns had fallen out of a boat into the

water. Mrs. Barton, Mrs. Jones's mother, confirmed this statement, so far as she had been concerned.

Dr. Gerard, Dr. Bostock, and Mr. Hay, having been interrogated respecting the cause of the hole in the stomach, maintained that, not knowing any natural cause, nor any disease to which they could ascribe this hole, they believed that it must have been occasioned by some deleterious drug taken into the stomach; that this drug, in their opinion, was corrosive sublimate mercury in solution, and that, as this hole was a sufficient cause of death, they believed that the deceased had come to her death by poison.

These are the opinions which were unanimously supported by the medical witnesses on the part of the Crown. It appears that they had not maintained them with the same firmness before the Coroner, and that they there admitted that a difference of opinion might have existed respecting the causes of the hole in the stomach. But any doubts with which their minds might have been originally affected, seem to have been completely removed before their arrival at Lancaster:—these, in all probability, were banished by the result of the experiments upon the two dogs—experiments

which we shall have an opportunity of examining afterwards, and which will, no doubt, confer a high celebrity upon the authors of them. These experiments seem also to have relieved their minds from all doubts upon another point, namely, the kind of poison by which the hole was produced, by making it plain that it must have been corrosive sublimate mercury in solution.

In my examination, I supported opinions in many respects different from those maintained by the authors of the "Vindication." I contended that the hole and the destroyed appearance for nearly two inches on every side, could not be accounted for on the supposition of a deleterious drug taken into the stomach, arguing that the substance which possessed such deleterious properties as to occasion so extensive a destruction as was here observed on one part of the stomach, must have acted with great violence upon the surface of the stomach, gullet and intestines generally. This would especially happen with respect to the stomach, in consequence of the anxious tossing of the body accompanying great pain in that organ, and of the action of vomiting. The poison that is there supposed could not, in particular, act with intensity on one part of the stomach only, on account of its being so easily soluble. But the rest

of the stomach had every where a natural appearance, was uninflamed, and covered with the natural mucus of the organ. The authors of the "Vindication" argue that I am not correct when I state that all mineral poisons may be agitated from one part of the stomach to another: that, for instance, arsenic fixes upon the place which it first reaches. This objection requires explanation. Arsenic is only partly soluble in water—the portion soluble will be moved from one part of the stomach to another, after the manner here described, but that which is insoluble will at length subside, and adhere to a particular place. But the dispersion of these small insoluble particles is so general, that in cases where any very considerable quantity of arsenic has been taken, such as would be required for producing the destruction which this stomach exhibited, the stomach, gullet and intestines have been found inflamed, corroded and gangrenous throughout. The alimentary canal, in these cases, often exhibits a riddled appearance.

If the destruction, discovered in this stomach, had been occasioned by some deleterious drug, this effect must have been produced when the poison existed in the greatest quantity and concentration in the stomach. At the time of death

it had been washed away, so that not the least quantity of it remained, therefore this aperture would have existed sometime before death; and the liquids that had been taken into the stomach immediately before death, would have passed through this hole into the general cavity of the belly. But only a very small quantity was found in the convolutions of the intestines, while the stomach itself was full. The authors of the "Vindication" have endeavoured to explain away this objection, by supposing that the hole might not have actually taken place till after death, although the injury to the substance had. But if any part of the stomach had been, some time before death, in so tender a state as easily to admit a passage to the fingers, the action of vomiting, which, when violent, as is described by them to have been the case, in this instance, sometimes ruptures a sound stomach, must easily have ruptured the tender portion of this.

Upon the supposition that this hole had been occasioned by some mineral poison, this poison must have acted in one of two ways. It must have destroyed the texture of the stomach; by combining with its substance, and acting upon it as upon dead matter of the same kind; or

by exciting inflammation and gangrene. Upon the supposition that the injury was effected according to the first of these ways, by chemical combination, then the quantity of poison required to destroy the texture of a part upwards of six inches in diameter, must have been enormous. The poison, in this case, would have produced almost instantaneous death, and have been found in combination with the destroyed part of the stomach. Why was not the tender part of the stomach submitted to chemical examination, which must, in my opinion, have been decisive of the question whether the destruction had been occasioned by some corrosive drug, in the way supposed, or not?

The destruction could not have been occasioned by the poisonous drug exciting inflammation and gangrene; as in that case, the gangrenous part must either have been separated from the sound, which would have been easily discovered, or a part must have been in a state of high inflammation. But this was not the case. The gentlemen, indeed, admit, that the aperture could not have been occasioned by gangrene. Had this happened, it would not even have inferred the administration of poison, as the stomach is subject to inflammation and gangrene from other causes.

Had the aperture been occasioned by any acrid substance acting before death, blood vessels would necessarily have been corroded, and would have discharged blood, which would have been ejected by vomiting and stools. Vomiting and purging of blood are too remarkable to have been overlooked, had they occurred.

The symptoms of the disease, by which this lady was affected, were not those which we know, from the experience of mankind, are produced by the operation of an active poison, especially when administered in such quantity as to destroy any part of the substance of the stomach. Mahon, the elegant and intelligent author of the *Medicine Legale*, says, that corrosive sublimate, taken in such quantity as to produce death, kills, in a short time, after the most frightful convulsions, and enormous bloody and bilious vomitings and purgings.* The derangement of the system arising from the administration of arsenic, is nearly

* Le Sublimé, avalé a la dose de plus d'un ou deux grains, est un poison terrible qui tue promptement, apres d'affreuses convulsions, des vomissemens énormes, des dejections dysenteriques et sanguines; enfin a peu pres avec les memes symptomes qui quand on a pris l'arsenic. A l'ouverture des cadavres, on trouve *egalement* l'œsophage, l'estomac et les Intestins inflammés et gangrenés.

Medicine Legale, de Mahon, p. 557.

the same with that excited by the use of corrosive sublimate. Excrutiating pains in the stomach, and bowels, inextinguishable thirst; reaching; and the instant rejection of whatever is swallowed; anxiety and intolerable anguish, expressed by moans and lamentations, which no sentiment of precaution could suppress; by restless agitation, and tossing of the body and limbs; hiccup; faintings; convulsions; failure of the voice; inarticulate speech; difficulty in swallowing; and aberration of mind, are among the symptoms which united, or in greater part, accompany the operation of an active mineral poison, given in a powerful dose.

Miss Burns, however, does not appear to have suffered any severe degree of pain. She was generally found by the servants lying upon the sofa quietly, and without complaining. She only once complained of pain, to any of them, during her illness. From the Thursday afternoon, the irritation of the stomach appears to have been completely removed. From that period she had no vomiting, reachings, nor pain in the bowels. That the strength of the stomach had been in a great degree recovered is proved beyond all doubt, by the quantity of gruel and warm beer which was found in it and in the intestines after death. Such a quantity of nutritive substance could not have

been kept by a stomach labouring under the effects of great irritation. The general strength, also, was recruited along with that of the stomach. She could stir more about. So far from being delirious, she appears to have had the most perfect recollection; she continued to give directions respecting the management of the house until the period of her death. Her speech and articulation do not appear to have been changed. The only symptoms which she had in common with those affecting persons destroyed by mineral poisons, were thirst, a vomiting of bilious matter and purging. These are the attendants, it is well known, of many diseases, and only indicate some irritation of the stomach and bowels, which may be excited by a thousand causes, acting either directly upon them, or by association in consequence of that sympathy that subsists between these viscera and every part of the frame. All the symptoms which attend the administration of poison, occur separately in many complaints. The symptoms above stated only constitute an argument in favour of poisoning, when they are found altogether or in greater part combined. The absence of them nearly all from this case, proves that Miss Burns could not have died from the administration of corrosive sublimate, nor of any deleterious drug.

A great deal has been inferred in support of the supposition that poison had been administered from the blackness of the matter vomited. In the first place there is a contradiction in the evidence on this head. The housemaid said that the matter vomited was first black and afterwards yellow or greenish :—the cook, on the other hand, describes it to have been at first greenish, mixed with yellow; and afterwards becoming black. The dark colour might depend upon many things :—the gruel and beer which she drank might have given the matter rejected that appearance. It might have proceeded from the gall-bladder, liver, or pancreas; but it does not appear that the authors of the “Vindication” searched for the cause of this appearance, where it was most likely to have been found, in these *viscera*.

The general appearances of the carcass did not characterize a death by poison. The bodies of persons killed by poison run more rapidly into putrefaction than those destroyed, perhaps, by any other cause. In a very short time the skin of every part swells, and the features become disgustingly deformed. The stench of the body is intolerable. The flesh becomes soft, and is easily separated from the bones. None of these characters marked the carcass of Miss Burns.

There were no putrid appearances, nor any putrid smell.

Besides, corrosive sublimate mercury in solution is so nauseous a poison that no human being could be induced to take it in such quantity as to occasion death. The taste is a certain natural indication of its deadly qualities. No man that ever tasted corrosive sublimate mercury, even in a very weak solution, but must be convinced that it was a most dreadful poison.

If any mineral poison had been administered, it would, in all probability, have been detected by the analysis of those substances most likely to have contained it.

I therefore contended that, of the three great constituents of which the proof of poison consists, namely, the existence of poison in the alimentary canal, which is the strongest ; the symptoms suitable to the administration of that poison ; and the appearances which are exhibited by the body after death ; not one was found to have existed in this case. The detection of poison in the body is the strongest, but by no means singly conclusive of a death being occasioned by poison. Poisonous matter may be taken to a certain extent without

occasioning death ; and, in the mean time, death may have been produced by some other cause. In this case, though a small quantity of poison had been detected, nothing certain could have been inferred from that, because the water of which the gruel was made, not having been distilled, might have held in solution a small quantity of some poisonous material. The stomach, too, appears to have been washed out with common water, whereas they ought to have employed distilled water. If poison is not found, then the other two constituents of the proof should be complete indeed, before even the suspicion of poisoning should be excited in the mind of a physician. The authors of the "Vindication" say that the account of the symptoms is uncertain, not being given by a medical man. The gentlemen were therefore reduced to one class of the three constituents of the proof, namely, the appearances upon dissection ; and how well they availed themselves of this class will afterwards appear. The appearances should have been well marked indeed, before any inference in support of so horrid a crime, could have been deduced from them.— But the appearances which bodies killed by poison usually exhibit, were nearly all absent. None of the three classes of things which constitute the proof of a death by poisoning, existed in

this case ; and I repeat again what I advanced upon oath, that no cautious physician will ever affirm it to be his opinion that a death *must* have been occasioned by mineral poison, unless these three classes are found in combination.

But it will be contended that all my reasoning, however plausible, is merely hypothetical ; or, as these gentlemen are pleased to call it, futile and fallacious ; and must yield to the superior force of experiment. That an animal, they contend, may be killed by corrosive sublimate mercury in solution without the poison being discoverable in the contents of the stomach after death may certainly be inferred from experiments that were made upon two dogs. A grain and three quarters of corrosive sublimate mercury was dissolved in forty drops of water, and poured into the mouth of a little dog, who, after discharging a good deal of froth, vomiting milk which he had taken, and frequent discharges of black coloured excrement, died in the space, I think, of half a day. Two grains, in a solution, I suppose, of the same strength, were given to another dog :— (some of the solution, in this case, was spilled in giving it) it did not kill the dog : Next day the dose was repeated, and it killed the animal in the evening. The same symptoms attended in this

case as in the former, only this dog discharged some bloody froth. He took nothing all the day preceding his death. The stomachs of these two animals were examined, they were not found corroded, but red and inflamed, and corrugated. The contents of the stomachs were subjected to chemical analysis, but no corrosive sublimate was found.

Now I contend that there is a notorious deception in these two experiments. I maintain it to have been not only improbable but almost impossible that any of this corrosive sublimate could have reached the stomach of either of the dogs. Forty drops of liquid will scarcely moisten the palm of the hand. When the corrosive nature of such a strong solution of sublimate making a violent caustic is considered, any thinking man will be satisfied that it must have combined with the fleshy parts of the throat almost before it reached the top of the gullet. Besides the difficulty of introducing any thing of a nauseous corrosive nature into the stomach of a dog is well known, as the gullet and diaphragm of these animals by irritation of the throat are easily excited into spasmodic action. A man might as well search the Ocean for the stone he had thrown into the Mersey yesterday, as have searched the stomachs of these dogs

for any of the solution of corrosive sublimate which had been poured into their mouths. How, then, are the symptoms of vomiting, purging and black stools to be accounted for? By a violent affection of one part of the alimentary canal the whole of it is excited. Hence by the affection of the top of the gullet, vomiting and purging would naturally ensue. Black is frequently the natural colour of the excrement of these animals. Inflammation would, without doubt, be excited to a certain extent along the whole course of the alimentary canal.

Admitting even the possibility that any portion of this solution could have been received into the stomach of the dog, there are circumstances from which it may be inferred that none of it ever reached it. Unquenchable thirst is an uniform concomitant to the administration of mineral poisons to human creatures, and I believe also to all animals. But these dogs so far from being thirsty, even refused to drink. The catching of the jaw, and the bloody froth demonstrate to a certainty the violent affection of the parts about the throat. If these accurate experimentalists had examined the gullet and throat, they would have discovered by its effects the place the destructive corrosive sublimate had occu-

pied, and ascertained the reason why none of it was found in the contents of the stomach, nor any erosion made upon its coats.

These experiments, to repeat again their own language, futile and fallacious experiments, constitute the foundation upon which all their reasoning respecting poison is founded, experiments which contradict the knowledge of mankind upon this subject; experiments made too on the animal creation which differ so widely in their habits and constitution from the human. Failing to discover among the numerous histories of poisoning which unfortunately disgrace the records of our species, a case which bore any resemblance to the one in question, they seem to have been determined to make one. They ransacked the vegetable and mineral kingdoms for poisons of every quality and power, and subjected a number of helpless animals to the severest tortures which it is possible for animated nature to sustain; at length, after many disappointments, their drooping hopes were revived, and their wavering purposes confirmed by the two experiments above recorded, experiments which will no doubt confer a lasting fame upon the authors of the "Vindication." It is worthy of notice, that corrosive sublimate in solution is the poison that is fixed upon. Why in

solution? Because in any other form in which it had been administered, it had been found in the contents of the stomach, and had corroded and blistered its coats. Yet it was upon the faith of these two experiments, that the medical evidences for the crown came forward, and swore to the cause of the death of one person, involving in the result the life of another.

Poisoning is the basest, most cowardly and most cruel, of all kinds of murder; and evinces an extreme depravity in the heart that can be guilty of it. The grounds, therefore, upon which such an enormous crime, so revolting to human nature, are to be founded, ought to be of known stability, and not the deceptive quicksand surface of a day's formation, over which light and feathery beings may pass with safety, but which will be avoided by the manly step of the cautious and the wise.

What then was the cause of the hole in this person's stomach, if it was not produced by poison? Though we were not able to account for the appearance, and though there had never existed an example of such an appearance, it would be in the highest degree unphilosophical to ascribe it, in this case, to any particular cause, as poison. Because, say these gentlemen, we cannot account

for this appearance from any known causes, among which they must include poison; they nevertheless ascribe it to a cause from which they could not account for it. This is certainly a beautiful specimen of the logic of these gentlemen; but others, equally excellent, will be found in the sequel.

But there are many instances of holes, similar in character to this, having been found in the stomachs of persons after death, who could not have been suspected of having taken poison. Bonnetus, Lieutaud, Morgagni, Mr. John Hunter, and indeed, all those persons who have been much conversant in morbid dissection, afford abundant instances of this kind. These appearances of destruction have not only been found in the stomach, but in various other parts of the body; the large veins have often been found perforated, likewise the intestines; and various organs, as the spleen, pancreas and diaphragm, have been found in part consumed. In consequence of the frequency of such occurrences, which could not be ascribed to any disease, and of their having some resemblance to the effects of poison, there arose a division of poisons into external and internal. By the external were meant such as were taken in by the mouth; by the internal, those which had been engendered by the body itself. The secre-

tions of different organs which, in the usual state, are subservient to the purposes of health, were supposed to become, in certain cachectic and and putrid states of the body, so changed as to be endowed with qualities of a very deleterious nature. The secretions of the liver, pancreas, stomach, intestines, and kidneys, have been known to possess such acrimony, as not only to destroy animal substances, but even metals. Hence the appellation of bilis æruginosa, or bile that could destroy brass. On this account the celebrated Morgagni, who was much conversant in the examination of bodies supposed to have come to their death by violent means, has advised physicians, in cases where previous disease had existed, to be cautious, lest they should ascribe such appearances to an external cause, as they might, in all probability, arise from the internal poison of the body.*

* Les matieres bilieuses produisent souvent des ravages terribles en peu de tems. Les trousse galant (*cholera morbus*) Les dysenteries, les differentes especes de cachexies, et *certaines morts subites*, pourroient souvent donner lieu a des procedures criminelles qui par le consours de quelques circonstances singulieres diviendroient funestes á des innocens.

Mahon. p. 288 vol. 2.

Consult Hoffman de Veneno Corporis humani.

Lieutaud is very full upon this subject, and has given many histories of dissections in which holes in the stomach were found. In some of these histories the cause of the hole was, without doubt, some disease of long duration. But an attentive consideration of them will convince any man that, in general, the holes he describes could not be accounted for from any disease, nor could poison have been suspected. In many of his cases the disease had only been of a few hours standing: nevertheless the stomach was found much destroyed, the spleen and pancreas often nearly consumed, and other extensive marks of destruction, which no disease could have produced in so short a period. As it is in general only the bodies of persons who have died under singular circumstances that are opened and particularly examined, and as there always existed some disease by which the death was occasioned, these holes were either considered as the effect of disease, and the cause of the death, of which, in reality, they were only the consequence. In some of the instances given by Lieutaud, the stomach was perforated in different places. It is not probable that any disease could have produced these perforations at the same time. He generally describes these perforations by saying that the stomach was putrid and perforated; at one time he says that the hole

was, without doubt, the effect of the *bilis æruginea*, a species of the internal poison,

The late celebrated Mr. John Hunter, having observed holes of a description similar to this which was found in the stomach of Miss Burns, in the stomachs of persons who were in perfect health immediately before death, and who could not have been suspected to have taken any deleterious drug into the stomach, supposed, as the stomach had the appearance of a substance half digested, that this phenomenon might be accounted for from the action of the gastric juice after the destruction of the vital principle. The gentlemen who opened the body in the evidence they gave at Lancaster, and now in their publication, in defence of that evidence, have said that they had in contemplation the gastric juice, but that upon a consideration of the circumstances, and a comparison with the appearances in Mr. Hunter's cases, it would not apply in this instance.

The first objection to the supposition of the gastric juice having this effect is, that it only acted in cases of sudden death from a violent cause, when the gastric juice was in abundance and in proper quality. With respect to the suddenness of the deaths they agree with the present,

as that of Miss Burns was awfully sudden. When the stomach is under considerable irritation, as was the case with that of Miss Burns, the secretion of that organ is in greater abundance than usual, and more acrimonious. According to the opinion, then, of the experienced Morgagni, the secretions of the stomach and different organs would, in this case, be more likely to produce destructive effects, than in cases where death had instantly succeeded perfect health.

The second objection they urge against the supposition of the gastric juice, is that, in these cases, the neighbouring viscera, as the spleen, and the diaphragm have been generally affected. It is only in one of the three cases of Mr. Hunter, that the spleen, or the diaphragm, or any other part, except the stomach, is said to have been affected. But admitting that they had, it certainly appears a singular mode of reasoning, and exhibits another excellent specimen of these gentlemen's logic, to contend that because a cause had produced a greater effect upon certain occasions, it could not therefore produce a less effect upon another occasion, and under a change of circumstances.

The third objection is, that Miss Burns having drank, and frequently rejected large quantities of

fluid, the gastric juice must have been so much diluted as to be deprived of its solvent qualities. But one of the three cases of Mr. Hunter at least, could as little be accounted for, from the effects of the gastric juice, if any influence is to be allowed to this objection, as that in question. For the man who had been killed outright by a poker, immediately before death had eaten a plentiful supper, consisting of meat, bread, beer and cheese. Therefore, in this case, the gastric juice must have been as much diluted as in the case in question.

Fourthly, The injury was not in the lowest and most dependant part of the stomach. Neither was it in Mr. Hunter's cases. The injury was in the large curvature adjacent to the spleen.

The fifth objection is, that the appearances in Miss Burns's stomach did not correspond with the effects of the gastric juice upon the stomach, as described by Mr. John Hunter. This objection certainly surprizes me not a little. The appearances described by Mr. Hunter were, almost word for word, the same with those described by the gentlemen in their evidence at Lancaster, in this case. The edges of the hole, say they, were pulpy, tender, ragged and broken down. The edges of the holes in Mr. Hunter's cases were

pulpy, tender, and ragged. The parts about the hole had the appearance of being acted upon by the caustic alkali; and, as I mentioned in evidence, the parts about the aperture in this stomach were described to me by Dr. Gerard, as having the appearance of being acted upon by the caustic alkali. The only difference seems to be, that the blood could be squeezed out of the ends of the vessels in Mr. Hunter's cases, but not in this. But this difference is purely accidental, and arises from the following cause: The part of the stomach which Mr. Hunter observed to be perforated, was in the large curvature opposite to the spleen. Now, it is well known to all anatomists, that the vessels called vasa brevia pass from the spleen to the stomach and spread on its surface at this part. The blood-vessels at this part are large and numerous. When the stomach is full, as was the case in these instances, these vessels are known to be more distended with blood than when the stomach is empty. This accounts for the quantity of blood that could be squeezed out of the divided vessels in the cases observed by Mr. Hunter. But in this instance the perforation was much nearer the pilorus on the same curvature where it is known the blood-vessels of the stomach are very small. Hence little or no blood could be squeezed out of the ends of vessels.

The sixth and last reason is that the gastric juice affords no explanation of the inflammatory appearances in the stomach and duodenum. But according to the evidence of Mr. Hay, the Surgeon who opened the body, there was no inflammation in the stomach, and the villous coat of the duodenum was only slightly inflamed. This description was not contradicted by Dr. Gerard, nor by Dr. Bostock. But it is well known to all persons the least conversant with morbid dissection, that inflammatory appearances are found in almost every body to nearly as great an extent as they are even related now to have been by the authors of the "Vindication." It must be recollected that Miss Burns laboured under a disease of considerable severity effecting particularly the stomach and bowels. Some inflammation then was to have been expected in these parts.

We have here, then, six distinctions without a difference.

The authors of the "Vindication" have all along considered Mr. Hunter's hypothesis respecting the solvent powers of the gastric juice after death, as an established truth, and are more inclined to dispute his facts than to imagine that his hypothesis could be erroneous. They dwell upon

the inapplicability of Mr. Hunter's theory, in order, it would appear, to get clear of his facts.— Dr. Gerard observed, that Mr. Hunter was the first and only person who had observed this effect of the gastric juice; thereby insinuating that Mr. Hunter's descriptions were likely to be erroneous. But I must tell Dr. Gerard that Mr. Hunter is neither the first nor the last anatomist who has observed holes in the stomach that must have occurred after death, but he is the first who ascribed them to that cause. The truth is, as both Dr. Gerard and Dr. Bostock must have well known from the attention they had paid to the experiments of Spallanzani, and from their knowledge of the chemical properties of the gastric fluid, that such holes as those described by Mr. Hunter could not be accounted for from the effect of this fluid. I am accused of arrogance in having disputed the opinions of Mr. Hunter. I reverence the talents of Mr. Hunter as much as any of the authors of the "Vindication," and perhaps have studied his works with as much care and satisfaction. But I should ill imitate the illustrious example which that great man has set of a mind at all times disposed to think for itself, and that knew well how to disentangle itself from the servile bonds of authority, if I did not canvass his doctrines with freedom, and judge of their truth according to the

dictates of my own reason. Mr. Hunter was not perfect. He was the most accurate observer, and faithful narrator of facts that medicine, or perhaps any other science can boast of; and has thereby provided a plentiful supply of materials; but he was not equally successful when he attempted to draw general inferences from those facts. He possessed a most penetrating genius and an enviable enthusiasm for knowledge; but he was unfortunate in the want of an early education; a want which the greatest talents and industry have scarcely ever been known completely to supply.

If these holes found in stomachs after death are not produced by the gastric juice, what is the cause of them? In my evidence I attempted an explanation of these phenomena on a different principle from the gastric fluid. On account of the length of the detail which would have been required to do justice to my sentiments on this subject, and which was inadmissible in a Court of Justice; and on account of the disadvantages under which a medical man labours on being examined by gentlemen who cannot be supposed to be fully acquainted with the subject; though in this respect I had little reason to complain; my explanation of the cause of these appearances as given in evidence is necessarily imperfect. The perforations

in the stomach observed by Mr. Hunter, and that discovered in the stomach of Miss Burns, are I consider in a great measure connected with sudden death. From the very valuable and most ingenious experiments of Sir John Pringle,* and Dr. M'Bride,† it appears that water at the temperature of 90 degrees will dissolve animal substances in fourteen hours. This septic process will take place to a greater degree if calcareous earth or common salt in a small proportion, about the proportion usually taken with our food, be mixed with it.

The solution is favored by the exposure of the mixture to confined foul air. Heat, moisture, and confined air, produce a rapid solution of animal substances. The component parts of the living fibres are held together by a different affinity from that by which the ingredients of that fibre would be held in dead matter. Hence the organization of animal substances cannot long subsist in the ordinary circumstances after death. The vital principle is the cause why animal substances remain differently combined from the ingredients which compose these substances in dead matter, and

* Pringle on the Diseases of Seamen.

† M'Bride's Experimental Essays.

supports organization. As soon, therefore, as the vital principle is withdrawn, the principles which compose the animal structure have a tendency to follow their natural affinities, and a certain process called putrefaction, or, more properly, animal fermentation, commences. This fermentation is hastened by the presence of the materials I have mentioned, heat, moisture and confined air. In the ordinary gradual modes of death, the vital principle is not extinguished, until the heat of the body is reduced nearly to the temperature of the surrounding objects. Therefore one of the principal things required for the solution of animal substances, namely heat, is wanting : but in cases of sudden death, the vital principle is destroyed, while the heat of the body is still at, or above, the temperature of 96 degrees. There existed, then, in the stomach of this person, at the period of her death, a high temperature, a quantity of gruel which had been taken warm, and in which the common proportion of salt had been probably dissolved, and confined air. The animal fermentation, therefore, would instantly commence in the stomach. The body lay from eleven till half past one o'clock in a small parlour, in which there had been kept a constant fire. It was afterwards removed to a room over the parlour. The liquid with which the stomach was filled, was of a slimy adhesive

nature, and had been taken warm. As this liquid would very slowly part with its heat, a high temperature would be preserved for a longer time in the stomach, the center of the body, than in any other part. When the animal fermentation has fairly commenced in any part, additional heat is engendered by that very process. Dr. Monroe having thrust his hand into a putrid whale found it warm. In these circumstances, then, the substance of the stomach, before the heat was reduced to a low temperature, must have undergone a certain degree of solution. But it may be asked, why was not the stomach all equally affected, and only partially. The reason of this appears to have been as follows. The liver pressing upon one end of the stomach, and the spleen on the other, the fluid contents would occupy the middle of the viscus. As the cold particles of the fluid would fall to the most dependant part, as the body then lay, the upper surface, upon which the anterior portion of the stomach rested, would retain the heat longest. The animal fermentation, therefore, would advance to the greatest extent upon that portion of the stomach, the anterior and middle portion, which rested upon the fluid contents of the viscus. Hence, the destruction of one part of the stomach is accounted for, while the other parts of the body may remain sound. But why, it

may be asked, did not this happen in the intestines, which also contained the same fluid? The column of fluid contained in them, was less than that contained in the stomach; therefore the heat would be sooner dissipated.

But an objection, apparently strong, may be urged against this explanation: There was no putrefactive smell perceived when the stomach was opened; on the contrary, there was a sour smell. In answer to this objection, we have to observe, that there was a vegetable matter in the stomach. From the experiments of the same ingenious Physician above-mentioned, Sir John Pringle, it appears that decoctions of flour, oats, and barley do not for some time impede the progress of the animal fermentation, in a mixture of the temperature stated, but that, at length, the vegetable fermentation commences, checks the septic process, and sweetens the putrid effluvia. At the time this body was opened, the vegetable fermentation had commenced. had stopped the septic process, and had even produced a sour smell.*

* The authors of the "Vindication" have argued, that I have misunderstood Sir John Pringle, and that I have confounded putrefaction with chemical solution, two things completely different. This is a correction which I do not under-

It is remarkable that many of the cases mentioned in Lieutaud, of holes in the stomach, were of persons who died from short and violent illnesses.* The instances particularly mentioned by Mr. Hunter, of holes found in the stomach were cases of sudden death. The first time he observed the stomach perforated, was in a man who had been killed outright, by a blow on the head with a poker. The stomach was perforated at its large end, and the contents of it were found in the general cavity of the belly, in contact with the liver, spleen, &c. The second case was also that of a man who died almost instantly, from a fracture of the skull. Here not only the stomach was consumed, but the adjacent side of the spleen; the diaphragm was perforated; and the contents of the stomach were found in the chest, in contact with the lungs. The third and last case which he

stand, The decomposition of animal substances by water at a certain temperature, whether it be termed putrefaction or animal fermentation is as much a chemical solution as sugar dissolved in water. How common salt acts in hastening this decomposition is not clearly understood. I was certainly not a little surprised at this criticism coming from a class of men, one of whom is a professed Chemist; but this proves that a man may be skilled in all the practical details of chemistry without understanding its principles as a science.

* Lieutaud *Historia Anatomico-Medica*. vol. 1, p. 35, 36, 37, 38.

particularly mentions, is that of a soldier who had been executed. Mr. Hunter, however, describes apertures appearing in the stomach upon dissection, as a very frequent occurrence. He further says that he found few stomachs which were not, to a certain degree, digested at their large end,* using the word digested in reference to his peculiar theory. And it is curious to observe with what care the gentlemen who opened the body avoid the use of this word in application to the parts surrounding the hole in this case: "It was not," says Mr. Hay, "a *digestion*, but a *destruction*."

It is, however, by no means to be inferred that holes in the stomach will occur in every case of sudden death. If the stomach be empty at the time of death, then one of the particulars required for the speedy destruction of organization is wanting, at least in such quantity as to prevent the rapid dissipation of the heat. If the weather be cold, and the body placed in a cold exposure, this effect will be prevented, even if other circumstances should be favourable.

The application of these principles will enable us to explain many curious phenomena of which

* Philos. Transact. vol. 62, p. 447.

perhaps no satisfactory account has hitherto been given. It is well known that the blood of persons who die suddenly of apoplexy ; of epilepsy ; from blows on the stomach and head ; and from suffocation, does not coagulate. The blood of animals which die in the chase does not coagulate.* The cause of this phenomenon appears to be in all these instances the same, the destruction of the vital principle while the temperature of the body is still at or above the standard of health. It is well known that the blood does not coagulate until it is reduced to a certain degree of cold. Now a considerable time will elapse before the blood of a person who dies suddenly will be reduced to the coagulating standard. In the mean time, heat, which resists the coagulation, favours the animal fermentation, and destroys, if I may be allowed the expression, the organization of the blood, upon which its coagulating property depends.

The carcasses of persons who die of violent and sudden deaths, and who die of poison and putrid diseases, pass more rapidly, under the same circumstances, into a state of putrefaction, than of those persons who are cut off gradually by other diseases.

* Leber's Anatomy by Vaughan.

The reason why the bodies of persons who die suddenly pass rapidly into a state of putrefaction, is easily deducible from what has been said respecting the cause of the blood, in these cases, not coagulating.

The reason why the blood of persons who die of poison and of putrid diseases does not coagulate, and why their carcasses pass more rapidly than others into putrefaction, seems to be as follows :

It is evident that the small quantity of poison that is taken into the body cannot have any effect directly upon the mass of fluids. It appears most probable that poison produces the phenomena we have mentioned, by its influence upon the nervous system. It may, through this, be supposed to affect the vital principle in a peculiar manner, and, without extinguishing it, to deprive it of its peculiar properties. Now, one of the properties of this principle is to resist putrefaction ;—may not, then, poison deprive the vital principle of its power of resisting putrefaction to a certain degree, while the heat of the body remains at the ordinary standard ; and thus, before death takes place, the putrid ferment have considerably advanced among the fluids ? In putrid fevers, it would appear from the very successful practice recommended by

Dr. Hamilton, that the existence and continuance of the disease depend, in a great degree, on the presence of an animal poison in the alimentary canal. This matter may be supposed to affect the vital principle in the same manner that the external poison has been alledged to do, and that therefore the septic process advances in the body to a considerable extent, before the extinction of life.

But to return: The authors of the "Vindication" wish it to appear, that on the question of poison, there existed some trifling difference of opinion between them and me, but that we were not directly opposed on that head. But I contend that it was on the subject of poisoning that our opinions were most directly contrary. Dr. Gerard and Dr. Bostock swore, that, in their opinion, the hole in the stomach must have been occasioned by some deleterious drug taken into it. Mr. Hay professed more charity, but was at least equally positive. "It must," says he, "have been occasioned by some deleterious drug taken into the stomach." Could they have asserted a more decided opinion, even though they had found arsenic in the stomach, only substituting the word arsenic for some deleterious drug. The question of poisoning was, with respect to the object of the trial, by far the most important. Though it had been certainly

ascertained that a child had been recently born, yet this circumstance could have had no effect upon the general result of the trial. It could only have operated as a strong presumption that the deceased had come to her death by poison. But no presumption, however violent, could have had the least influence against the clear and decisive proofs of the contrary, which I advanced, and which carried conviction to the breast of every reasonable and candid man. Supposing I had not said a word respecting the pregnancy, the result of the trial must have been the same. We are referred in proof of their having doubts respecting the poisoning, to a statement they laid before the coroner. We are marched from the coroner to Lancaster, from Lancaster to the coroner, without the least ceremony, and as suits their own convenience. But what have I, or has any man, to do with what they said before the coroner. It is worthy of notice, however, in this case, as it will give some information respecting the progress of their opinions. Taking, say they, all the circumstances of the case into consideration—Here we discover the foundation of all their errors. What, in the name of God, had they to do with circumstances? If circumstances were permitted to have any influence upon their opinions, they became at once the judges of the accused, not the witnesses of simple

facts. When called upon in cases of such awful responsibility, as those of deciding upon the causes of the death of one person, involving the life of another, we ought to abstract our minds from every other consideration, except the medical case. We have no right to form expectations, nor to entertain suspicions. We have nothing to do with circumstances, nor presumptions, nor with character. We ought to confine our thoughts still more. We have no right to allow the appearances of a distinct nature which may present themselves in one part of the body, to have any influence in the formation of our opinions, of the cause of the appearances in another. For instance, in the present case, these gentlemen ought not to have allowed the state of the womb, to have had any influence upon their judgment respecting the hole in the stomach. The question of poisoning is independent of the state of the womb, and ought to stand upon its own grounds. Neither ought the hole in the stomach to have had any influence upon them, in forming their opinions of the pregnancy. They are independent questions. I would ask these gentlemen whether having found upon dissection a hole in the stomach of a person who could not have been suspected of having taken poison, they would then have given it as their opinion, that it had

been occasioned by some deleterious drug taken into the stomach?

Had these gentlemen attended less to circumstances and more to their proper business, the result would not have been so discreditable to them as it is to-day. For I contend that from the imperfect and most censurably deficient examination of the body, they had, in point of law and justice, no right to give any opinion respecting the causes of this Lady's death. For, supposing they had found in the stomach what might have been conceived a sufficient cause of death, how could they tell whether some other cause might not have existed elsewhere, to which this was subsequent, or of which it was an effect. But though her death was awfully sudden, they never examined the head, the fountain of life, and the most abundant source of sudden death. This neglect is the more remarkable, as the rupture of a blood vessel in the head, and many affections of the brain, might have produced the very symptoms, frequent bilious vomiting, with which she was affected. Mr. Bell, in his excellent Treatise on Diseases of the Head, relates the case of a lady who died in consequence of the rupture of a blood-vessel in the brain, from a slight false step, in which case the symptoms

were almost exactly the same as in this.* Considering that the most marked symptom of the disease by which she was affected immediately before death was shortness of breath, was it not most natural to have examined the organs of respiration? Yet the thorax was not opened. The heart, after the brain, is the most important of all the viscera, and a fruitful source of sudden deaths——Yet they did not examine the heart. Though the abundant secretion of bile and its altered appearance would, to any considerate mind, have suggested the idea of a diseased state of the liver or pancreas,—yet it does not appear that they had examined any of these viscera. On the continent of Europe, where morbid dissection is more frequent than in Great Britain, and where the laws of medical jurisprudence are better understood and observed, it is regarded as a fundamental maxim, that any conclusions, drawn from a partial examination of a body, are illegal and ought to be void. It was fully in the power of the counsellors on the part of the defence to have stated a legal objection, which no Court could have over-ruled, to the evidence of the gentlemen who opened the body. They had no more right to give an opinion respecting the cause of Miss Burns's

* Bell on the Diseases of the Head.

death, than the most illiterate person in Court. They had not availed themselves of the opportunities of ascertaining the grounds upon which a cautious correct opinion could have been founded.*

As an apology for these omissions, Dr. Gerard observed that, fully expecting to find poison in the contents of the stomach, (charitable expectation!) they did not think it necessary to proceed further. But though their expectations were disappointed in this, as in other instances, this did not diminish their belief that poison had been the occasion of her death. The experiments upon the two dogs, experiments which certainly deserve to be commemorated, enabled them to get clear of this trifling difficulty.

The authors of the "Vindication" appear very anxious to withdraw the public attention from the

* On Pourroit meme soutenir qu'une ouverture de cadavre, dans laquelle on auroit negligé ce precepte (ouverture de trois cavités du Corps) devroit etre declarée non-legale et de nul effet.

Medicine legale, p. 237.

Tulpius has justly observed: "Abditorum morborum causa haud satis fuerit inquisivisse in naturam vulneris, nisi simul perscruteris corpus universum, ne inconsiderate adseveres quemquam subisse speciem ejus ut occisi, quem mors sua peremit."

question of poisoning, and to fix it exclusively upon the pregnancy, as if that was the only important part of the case. They have not shewn any activity to get signatures in confirmation of their opinions on that head. When they came to the determination of supporting their opinions, not by argument, for that they knew to be impossible, but by authorities, such a degree of fairness might have been expected of them, that they would have submitted the whole case for consideration. But when Mr. Hay went to London, in his hurry, he left the stomach behind him. Their reason for that, they pretend to be, as has been already observed, that we were directly at issue with respect to the pregnancy ; whereas, with respect to the poisoning, there was room for an innocent difference of opinion. But, in reality, we were more directly at variance in the case of poisoning than in that of pregnancy. Let it not be supposed that I mention this from any apprehension that my opinions respecting the pregnancy cannot be maintained ; on the contrary, they remain unaltered. But I wish to point out the dexterity and skill with which they have contrived to raise the importance of one part of the question, where they conceive themselves strong, by sinking the other, by far the most important part, where they know they cannot defend themselves.

We now come to the second grand head of the examination, “ Did the womb afford sufficient proof that it had recently parted with a child?”— Here is the tug of war. I have hitherto, single-handed, had to contend with four redoubted knights. But a whole host of new foes have sprung up against me, clad in complete armour, and of furious aspect, all of a sudden, like the warlike produce of the venomous fangs of the Dragon monster, still preserving in their transformation, the murderous qualities of their parentage. My opponents knowing this to be the weak part of the fortress, have like skilful generals collected all their forces to this point, expecting to take it by storm. But when I consider the character of these new assailants, I feel the fears which the first view of their numbers had inspired change into renewed courage; perceiving that like the numerous followers of an Eastern army, they will be found an incumbrance, not a succour, to their friends, on the day of battle.

The authors of the “ Vindication” contend that the womb afforded the most certain proof of recent delivery, and that they were as convinced of it as if they had seen the child born. Upon my examination, I argued, that there were appearances which being maturely considered led

my mind to entertain doubts of it. These appearances were chiefly the very distended state of the womb ; its lax and bag-like form ; the great space it would encompass in a state of expansion ; together with the extent of the mark to which a Placenta was supposed to have been attached.—To these may be added, the state of the mammæ and the previous history of Miss Burns's complaints.

That my argument upon this subject may be more clearly understood, it will be proper that I should enter into a little detail.—In pregnancy the womb assumes a globular form : the child is connected to it by a cord, which at one end issues out of the naval of the child, and which is connected by the other to the internal surface of the womb, by means of a cake-like substance called the Placenta. Numerous blood-vessels enlarging according to the growth of the child, pass from the womb to the Placenta, after a peculiar manner not necessary to be described. If in the advanced stages of pregnancy, the Placenta be torn or separated from the womb, continuing in the same state of dilatation, a great hæmorrhage would take place from the divided vessels, terminating in the death of the mother. To prevent such an occurrence, nature has instituted a particular process.

At the full period of gestation, or from particular circumstances at any period, the womb with the assistance of the abdominal muscles and diaphragm, contracting, first expells the child, and continuing to contract permanently, at last expels the after-birth. The area of the place upon the womb to which the Placenta had been attached, becoming by this process so much less than the face of the placenta which does not contract, the connecting vessels are as it were cut through; and the placenta is in this manner separated from its attachment to the womb. The transverse section of the divided blood vessels on that part of the womb which had thrown off the Placenta being contracted in proportion to the area of this part of the surface of the womb, these vessels upon a sufficient contraction of this organ are mechanically closed and pour out little blood.

In those cases in which the loss of blood is soon stopped, the dimensions of the womb remain for some time larger than they had been before impregnation. From the dissections of women who have died two or three days after delivery, from other causes than the loss of blood; the womb has been found to vary in size from that of the closed hand to that of the head of a child of two

years old.* In these cases the difference of the external dimensions arises from the difference in the thickness of the parietes, not from any considerable difference in the cavity: Accordingly the parietes have been observed to vary in thickness from two to three inches, which will make a diameter of solid womb of from four to six inches. Unless some displacement of the materials of which the womb is composed, took place; it is plain that during its contraction the thickness of the walls would increase inversely, as the periphery diminished. But during this process, blood and lymph are squeezed out of the vessels which with the fluids they contain constitute a great share of the substance of an impregnated womb. The difference in the thickness of the walls between two wombs after delivery, will arise chiefly from the diminution of the cavity of the vessels belonging to them containing blood and lymph. It is evident, therefore, that the cavity of the womb may be contracted so as that its opposing internal surfaces may be firmly pressed against each other long before the process of contraction be completely finished; or less, ambiguously, long before the thickness of the parietes be reduced to their dimensions before impregnation.

* Vide Sepulchretum Bonneti. Morgagni de Causis et Sedibus Morborum. Hamilton.

It appears, then, other things being equal, that the loss of blood after the separation of a Placenta will be in proportion to the extent of the mark to which the Placenta had been attached. Although the womb may not have undergone that degree of contraction by which the vessels on the part from which the Placenta had been detached, are mechanically shut; the hæmorrhage may be stopped, and life saved, by clots forming and plugging up the vessels, in case of a languid circulation from exhaustion.

To apply these observations to the case in question. The womb was not certainly contracted to that degree necessary to shut the mouths of the blood-vessels opened by the separation of a Placenta. It was capable of containing a whole quart of fluid. The walls were only half an inch in thickness. It could not, therefore, have undergone within a short period any considerable degree of contraction. The place of the supposed attachment of a Placenta was fully four inches and a half in diameter,* nearly the diameter of a Placenta at the full period of gestation, which, according to Denman, is about six inches. The

* I now speak of the dimensions given by the authors of the "Vindication."

bore of the vessels, upon the supposition of the removal of a Placenta, must have been so large that unless a very great additional contraction had taken place, death, from loss of blood, must soon have been the consequence ; and the hæmorrhage must certainly have continued until either a more perfect contraction or death had ensued,

To be fully satisfied of the truth of this conclusion, we have only to consider what takes place in cases of abortion, during the third month of pregnancy. At that period the ovum is not larger than a common egg, and the womb dilated only to the extent necessary to contain it. Even in this state, if a part of the Placenta only be separated from the womb, floodings bringing the mother almost to the very point of death, frequently occur. If then such extensive floodings occur when the womb is in so contracted a state, and when the vessels must have been so small, how much greater floodings would necessarily ensue in this instance when the womb was capable of containing a quart of fluid, and when the bore of the vessels must have been enlarged in proportion to the extent of the womb ?

Supposing a Placenta had been recently detached from the womb in question, and supposing

it to continue in this dilated state ; was I not warranted in declaring that a flooding must have prevailed ; and that this flooding must have continued to the death of the mother, or until the formation of coagula ; and conversely, if no flooding had taken place, nor coagulated matter formed to plug up the vessels, the same state of the womb being supposed, that a Placenta could not have been recently detached ? Whether a flooding, continuing, as it must have done, to her death, had prevailed, or whether coagula had plugged the vessels, it was not for me to say. If any credit is due to the proper evidence, none of these could have happened. A very small quantity of florid coloured blood was found oozing out of some vessels at the fundus of the womb when examined by Mr. Hay. This was to have been expected without either the separation of a Placenta, or the existence of menstruation. At the time she was discovered dead, her cloaths, which had not been changed, were scarcely stained with blood, nor was there a spot of blood in any part of the room.

It seems that Mr. Hay at first entertained the opinion, no doubt from the state of the dilatation of the womb, that Miss Burns must have died of a flooding ; and gave it as his opinion, upon oath, before the Coroner, that this must have been the

cause of her death. But it was certainly in Mr. Hay's power to have ascertained whether she had died of a flooding or not; and since he entertained that opinion, it was his duty to have availed himself of the opportunity. Heister relates that a woman who had carried twins was delivered of one of them, and died of a flooding before the birth of the other. This celebrated anatomist opened the body of the mother and of the child that remained in the womb, and found the heart and veins of both of them empty of blood. It is well known that women in this situation will part with more blood before they die, than can be lost, perhaps, without death, in any other circumstances. This fact must have been known to Mr. Hay and his colleagues. He acted, therefore, with culpable neglect, in not having examined the heart and veins of the deceased. From the days of Hyppocrates to the present time, there never was a more deficient, unprofessional dissection, on which any important consequences depended, than that of the body of this lady.

The reasoning which I have advanced will, I confess, only apply to the case of a child who had been alive either at, or at no very distant period before birth. If the child had been long dead before its birth, a very material change might have

been effected in the state of some things, which I confess I did not contemplate at the time I gave my evidence, and which the authors of the "Vindication" do not seem to have known. Soon after my return from Lancaster, when arguing this affair with my friend, Mr. M'Culloch; this gentleman stated it as an objection to my argument, that a child which had been long dead might be born without either a mortal flooding occurring, or the womb being more contracted than that in question. I immediately perceived and acknowledged the force of the objection. If the child had died some weeks before its birth, the Placenta becoming also in time, dead; that action would take place between the womb and the Placenta, which usually takes place between living and dead matter; and the Placenta would be separated from the womb in the same manner that a mortified part is separated from a living. In this case, at the time of birth, there would have been no open vessels upon the internal surface of the womb; the mark of the attachment of a Placenta scarcely, if at all, perceptible; and, in my opinion, any mark that would have been left would not have been rough, but smooth, as it would have been covered with a new cuticle. Though, therefore, the womb had remained in this state of dilatation at the time of

the birth of the child, no blood would have been lost.

If this state of the case be supposed, it is evident that the rough mark at the bottom of the womb could not have been a Placental mark. It will also appear evident that it is perfectly impossible to fix any period from the appearances of the womb, when the child had either died or been born. There is no reason why the womb might not have remained in the same situation after the birth of the child for any given time. In order to place the truth of this observation in a clear point of view, it will be necessary to enquire briefly into the causes of the contraction of the womb, after the delivery of a child.

The powers by whose means the solid parts of our frame are put into action are muscularity and elasticity. Elasticity is a property connected with the structure, and independent of life; muscularity on the other hand, is so connected with the living principle that it ceases at or soon after the extinction of life. It is by the combined influence of these two powers that the permanent contraction of the womb is performed. The muscular fibres of this organ are neither numerous nor very perceptible. The office of contracting the womb is,

without doubt, chiefly to be ascribed to the elastic fibres of this organ, and of the vessels, particularly the arteries which belong to it. It is plain, therefore, that the womb, unless in a state of disease, when dilated beyond a certain degree, must exert a certain effort to recover what may be termed its natural situation. This effort, except so far as the muscular influence is concerned, cannot be affected by recent debility, nor, for a certain time by death itself. The opinion, therefore, so confidently asserted by Mr. Hay, that the languid condition of Miss Burns, occasioned by her disease, would abate the contracting efforts of the womb; and that death would instantly destroy them, is unfounded, and betrays a complete ignorance of the structure and physiology of this viscus. Experience in this case completely confirms the deductions of reason. The contracting efforts so far from being diminished, are found to be augmented by the debility occasioned by the loss of blood, and by the approaches of death itself.* The principal cause of this appears to be the elasticity of the arteries of the womb. These vessels, being less powerfully distended with blood, in consequence of the feeble action of the heart, sustain a diminution of their cavity, and a shortening of

* Denman's Introduction to Midwifery.

their axis as is known to happen during and after death, and thus powerfully aid in contracting the sphere of the womb. It is in consequence of this elastic power acting after death that the arteries completely empty themselves of blood, which is in general all found in the veins. The womb, like the arteries, continues to contract after death till the resistance becomes equal to the elastic power.

The fibres of the womb may be so diseased without exhibiting any appearance of altered structure, as in a great measure to be deprived of their elasticity. Should therefore a dead child be separated from a womb in this situation, the elastic power of the organ would be balanced by the resistance long before it had recovered its usual dimensions. There is a case in Bonnetus of a womb having remained in a state of dilatation from the birth of the last child which happened upwards of a year before the death of the mother.* When I first noticed this case, I was of opinion that the womb must first have contracted to save the life of the mother, and that it had been afterwards dilated by some other cause than pregnancy. But I now think that the statement of Bonnetus may be admitted upon the supposition that the womb

* Sepulchretum Bonneti.

had parted with a dead child ; and that, in consequence of a diseased fibre, the elasticity had been balanced by the resistance, while this organ was still in a state of dilatation. Cases are related, in which the womb has parted with several quarts of water monthly.* In these instances, this viscus, in my opinion, must have existed in a constant state of dilatation ; for it cannot be supposed that it could have contracted and dilated regularly in so short a period. If in any case the contracting effort, and the resistance are balanced for any short period at any particular stage of the contraction, what reason can be offered why that state of the womb may not continue for any given period ?

Supposing that this womb had parted with a child that had been long dead before its birth ; and on the supposition that the mother did not die of a flooding it could have parted with no other ; it is impossible to fix any period at which the delivery had taken place ; the womb had certainly reached a stage at which the contracting power and the resistance were balanced ; it might have remained in this situation from any preceeding period, and if Miss Burns had lived, it might

* Wilkes's Historical Essay, and Smellie's Midwifery.

have continued in that situation to any given period. Upon the supposition that there was no flooding at the time of the death, the mark at the bottom of the womb certainly could not be occasioned by the separation of a Placenta. All the appearances may therefore be explained from other causes as well as from the birth of a dead child. Indeed, the elasticity of the fibres of the womb was most likely to have been impaired by some cause of long duration, as by dropsy or moles, which may continue for years. The original dilatation was therefore more likely to have been occasioned by those causes than by pregnancy.

In order to understand this argument fully, it does not require a practical knowledge of medicine. After the description which I have attempted of the structure and mechanism of the womb, every man whose mind has been disciplined by mathematical learning and who understands the principles of mechanical philosophy is fully able to form a correct opinion on the subject; and, in my judgment, the man whose mind has been so disciplined, though he may never have seen a womb is a much more competent judge of the question, than the man whose mind has not been so disciplined, though he may have dissected and handled a thousand.

The great and insurmountable obstacle to the supposition of any other cause than pregnancy producing the appearances which this womb exhibited, is, in the opinion of the authors of the "Vindication," the circular mark on the bottom of the womb. The Gentlemen acknowledge that the distention of the womb and even the dilatation of its mouth may have been occasioned by other causes, as by dropsy, but they maintain that no other cause could produce the mark in question and the enlarged condition of the vessels within the circumference of this mark excepting pregnancy.

When I first examined the womb, this mark certainly did not appear to me to resemble what I supposed would be the mark left by a Placenta, and had, no doubt, its effect in raising doubts in my mind respecting the pregnancy. This circular mark exactly resembles the description of appearances which the fundus of the womb is occasionally known to assume under a state of dilatation from whatever cause. Anatomists have observed frequently, though the appearance is not constant, the fundus of the uterus pitted by considerable holes, in which drops of blood are generally found in those women who have died during menstruation. Mauriceau, Spigelius, and Wind-

slow have described these appearances on the internal surface of the fundus of the womb. "These holes" says Artruc, in his excellent treatise on the diseases of women, "become in the uterus of pregnant women, of a round and oval figure of from one line to two—from the increase of magnitude which the parts of the uterus suffer at that time."* Though Artruc speaks of this appearance as accompanying pregnancy, it is evident that he means that it must accompany the distension of the womb from any cause. The fundus of the Uterus is circular in its unimpregnated state and therefore will preserve the same figure when the womb is generally enlarged.

The vessels belonging to this part of the womb, and which are properly described by Mr. Hay as *plainly discoverable*, were only the venous appendices, which open into the fundus of the womb, increased with the general enlargement of that organ. Mr. Dawson and the authors of the "Vindication" state, that vessels capable of receiving a common bougie, and as large as a crow quill, are observable within the circumference of the mark alluded to. But I must be permitted to

* Artruc, sur Maladies des Femmes, vol. 1. p. 19 (English copy.)

say, that I could not observe any such vessels at my first examination. If they had existed in that state, why did not Mr. Hay, who was much urged to give a full description of this mark, mention such a prominent and important feature in the picture. In fact, these vessels, as well as many other things of importance, have been discovered since the trial. What a misfortune it is that the whole body had not been preserved; we should then have had a very learned account of the appearances on dissection, new modelled.

Since the trial, I have been favoured with a view of the womb, in the presence of Mr. Christian and Mr. Dawson, two surgeons who have given decided opinions in opposition to mine.—The womb was in a state of great decay: I do not believe that, in substance, it was above one half of what it was when I first examined it. Its structure was, of course, in a great measure, destroyed. The vessels which have been described so minutely by Mr. Dawson and the authors the “Vindication,” were pointed out to me by Mr. Dawson, and inflated by a blow-pipe. It will scarcely be possible to conceive the astonishment I felt at the deception into which these gentlemen had fallen. The vessels of which they speak were nothing else than communications between dif-

ferent parts of the cellular membrane, which was considerable on the fundus and cervix of the womb. The same openings were found in the same extent upon the cervix, but as the inflation had not been so much practised here as upon the fundus, the communication between the cells was not so free. The inflated appearance could never have been produced by blowing into blood-vessels unless the coats of these vessels had been perforated and allowed the air to escape into the cellular membrane. The veins, indeed, anastamose, but this happens chiefly in the ramifications. The inflation of veins would not, as happened in this instance, spread upon the surface but sink deep into the substance of the womb. The distinct appearance of these cellular communications was the necessary consequence of the dissolved state in which the womb was, and would have appeared in any part of the body in the same state where cellular substance existed in any considerable quantity. Mr. Christian, who saw the womb at the time it was extracted from the body and who after the opinion he has given in writing, will not be suspected of admitting any thing unfairly favourable to my cause, said, that he could have had no idea of the womb being in such a state of dissolution.

Another circumstance, convincing me that the circular appearance on the fundus of the womb could not possibly be the mark which a Placenta had left, is the extent of that mark. Mr. Hay, when interrogated respecting the extent of the diameter of this mark, observed, that he wished, out of charity, to be within bounds; and was, with difficulty, brought to admit that it was four inches and a half; wishing that it should appear that he was not inclined to state the utmost extent, which would have indicated the birth of a child at nearly its full period. This is another eminent instance of Mr. Hay's charity; for that Gentleman must have well known that the larger he admitted the extent of this mark to be the stronger were the objections to the existence of a child at all. Mr. Hay once observed to me in a conversation, which will be afterwards noticed, at the Infirmary, that he had no doubt this mark was six inches in diameter. The authors of the "Vindication" say "that it was full four inches and a half in diameter". Why so many opinions respecting a thing that might have been ascertained with such certainty, and upon the extent of which such important consequences rested? Why was not this mark measured? When I lately saw the womb, I desired Mr. Christian and Mr. Dawson to point out to me the dimensions of the supposed

Placental mark, that I might have an opportunity of measuring it. They did so; and I took the dimensions according to their limitation, and found, by a measurement made in their presence, that the circular mark upon the fundus was seven inches and a half in diameter one way, and six inches and a half the other way. As this womb might contain about a quart, this mark, as will evidently appear, covered about one half of the whole internal surface of the womb; far beyond the proportion of the womb that is ever covered by a Placenta. I have not been able to find any data from which the capacity of a womb at the full period of gestation can be ascertained. There must, of course be a great diversity in this respect in different cases. I find from the conversations which I have had with several experienced Accoucheurs, that in their opinion a womb in the condition supposed, would at least contain five quarts. Upon the fair supposition of only an uniform extension of the Placental mark compared with the general extension of the womb; if a circle upon the circumference of a sphere whose solid is equal to one quart, measures seven inches in diameter, what will be the diameter of a similar circle upon the circumference of a sphere whose solid is equal to five quarts? From the demonstra-

tion of this theorem given in a note,* it appears that the diameter of the circle upon the larger sphere would amount to fully twelve inches.—Now, according to Dr. Denman, and the best authorities, the face of a Placenta at the full period of gestation, measures about six inches in diameter. We find, then, that the face of the Placenta of this woman at the full period of gestation would have covered a space four times as large as that which is usually covered by the Placenta; it being well known that the areas of circles are to one another as the squares of their diameters. Miss B. was a woman of very small stature. There is, I know, a difference in the size of Placentas, as there is in every thing human. But I could as soon be induced to believe that men existed of the stature of twenty feet, as I could believe that the mark pointed out to me by Mr. Christian and Mr. Dawson, had been occasioned by the separation of a Placenta. This is an objection which all the authorities in the world can never overcome.

After a proof so completely conclusive, that the rough appearance on the bottom of the womb, could not have been occasioned by the separation of a Placenta, it would appear superfluous to advance any other argument. I will, however, state another circumstance. This mark exactly covers

* See the last page.

the bottom of the womb, a part of that viscus to which a Placenta is very seldom, if ever, in that manner attached.

A corpus luteum has been found in one of the ovaries! This is another discovery that has been made since the trial, and is regarded by the authors of the "Vindication" as a certain criterion that Miss Burns had once been pregnant. "Nothing" say they, "can account for a corpus luteum in the ovaria but pregnancy." Very late authors of great authority state the contrary.—"An adult virgin ovarium" says Dr. Hooper, "contains a number of highly vascular vesicles, filled with a transparent fluid; these are ovula and were first discovered by De Graaf; besides these, there are occasionally two or more blackish spots; these are called *corpora Lutea*; they are supposed to be a certain criterion of a woman's having borne a child; but this is erroneous, for corpora lutea exist in virgins." Indeed, the assertion is contradicted by the very authority they quote. Denman says, they are found in females who have borne children, and such as are salacious, by which he must mean females of that character who have never borne children, else why the distinction? Indeed, the whole supposition respecting corpora lutea depends upon a theory of conception, to

which there are insurmountable obstacles. But allowing the theory to be true, the existence of a corpus luteum in the ovaria, would only prove that the venereal orgasm had taken place, which, without doubt, may happen *sine coitu*.*

Upon the supposition that Miss Burns had not died of a flooding, and that no coagula had formed in the uterus; and, of course, according to my argument, that she had not lately been delivered of a child; I was then asked by what other cause could the appearances in that womb be accounted for. I answered that there were many causes, meaning steatoms, moles, dropsies, tympanitic affections, by which the womb has been known to be frequently distended; but that, in my opinion, the most probable cause, in this case, was that species of dropsy termed the hydatid. The authors of the "Vindication," have strangely perverted the meaning of my argument on this subject. They have represented what I advanced only as a probable cause, among others, as if that had been maintained by me to have been the real and certain cause. They have therefore undertaken a great deal of unnecessary labour in attempting to dis-

* Oviparous animals, it is well known, part with their ova, without any intercourse with the male.

prove a conjectural opinion ; and in pursuing this extraneous object they have altogether neglected my real argument. There is evidently a great deal of dexterity displayed in their generalship on this occasion. They found that my argument, respecting the separation of the Placenta, in a certain state of dilatation of the womb, without excessive flooding, was not to be easily overcome. They have therefore passed this over with a word or two and directed all their force against the hydatids, which, in fact, were of no moment, but which they have contrived to magnify into the greatest importance. Mr. Clarke, they say, has seen Uteri remaining as much dilated after delivery as this, without a flooding taking place. The opinions of Mr. Clarke I shall afterwards have an opportunity of noticing. Assertions which contradict the known principles of our constitutions, ought to be regarded in somewhat the same light as miracles, and are not to be credited, except upon the strongest evidence, and certainly not upon any single authority. If any man were to tell you that he had seen an arm cut off, and that no blood was lost, although no means had been used to prevent it, would you consider him worthy of the least credit ? So imperfect is our knowledge of nature, that we can often discover circumstances which

prove the fallacy of an hypothesis, without being able to substitute any thing more certain in its place. Though I had not been able to assign any reason for the dilatation of the womb, and the other appearances it exhibited, still the force of my objection upon the suppositions stated, to the pregnancy, would have been equally valid. In this case, the mind, in balancing difficulties, could have no hesitation on which side to incline the scale. For, by admitting the supposition of pregnancy, you are obliged to admit a conclusion contrary to the laws of nature; whereas, by rejecting that supposition, you would only admit an inexplicable phenomenon; and heaven knows that in the complicated fabric of the human body—the most stupendous machine in the universe—there are many phenomena for which the wisest can give no account. We are not, however, even reduced to any such dilemma; the authors of the “Vindication” admit that the distention of the womb, and even the dilatation of its mouth may be occasioned by other causes than pregnancy, as by dropsy. “No viscus in the female abdomen,” says Dr. Wilkes, “is more subject to dropsy than the Uterus, and this too in every stage of life. * * * * Many innocent virgins have lain under the heavy censure of pregnancy, when the dropsy of the Uterus has been

the evil they laboured under.”* At another place the same author remarks, “ Sometimes collections of water to the amount of many pints are discharged monthly from the mouth of the womb, when the belly falls.” I was the more inclined to consider the distention of the womb in this case, upon the supposition that it had not been the effect of pregnancy, to have arisen from dropsy; that the symptoms with which, according to the strongest testimony, she was affected, were those which characterise dropsy of the womb; namely, shortness of breathing, softness and flatness of the breasts, paleness of the face, wasting of every part of the body except the abdomen, fluor albus, and the absence of the catamenia, for a period much longer than the duration of pregnancy.

The most difficult encounter, in the opinion I suppose of my opponents, still remains to be sustained, the authorities of certain Practitioners in London and Liverpool. My adversaries have had recourse to a singular mode of settling a medical dispute. Are we now returned to the period of ignorance and bigotry, when all matters of reason and conscience were determined by privileged authorities? Is an end to be put to all individual

* Wilkes's Historical Essay on Dropsy.

independence of sentiment by the terrors of an Inquisition? This is a most dangerous example, calculated to suppress the frequently happy temerity of youth, and threatening the dearest interests of Science. I appeal from this self-constituted tribunal to the public at large. In the first place I submit it as a question for serious consideration, Whether the simple inspection of a womb that had been nearly seven months extracted from the body ; and which, as was confessed by one of my opponents, was in so complete a state of decay as scarcely to retain any of its original characters ; could have afforded sufficient data from which any man, however great his experience and knowledge may be supposed, could have justly decided whether that womb had been impregnated recently before its extraction or not? Yet it is from the structure and appearances of the womb, that the London gentlemen confess to have formed their opinions—a structure which was in a great measure destroyed, and appearances that were totally altered. These gentlemen knew nothing of the previous history of the lady ; of her habits or diseases ; and, above all, of the state of the *mammæ*. I have heard that a very strong case was submitted to their consideration. But if this case be the same with what has been published in the “ Vindication,” and considering the importance of the object that was to have been

obtained, it is not likely to have been less favourable to the views of my adversaries ; any opinions influenced by descriptions so foreign to the purpose, ought to pass for nothing. In a matter of this importance, and in which the interests and professional character of an individual were so deeply concerned ; good manners, or at least a respect for the appearance of justice, would, it might have been expected, have induced them to pause and to defer their decision until they had known what that individual had to advance in defence of his doctrines. It is said that Mr. Hay, having placed before these gentlemen the womb, first delivered his own sentiments and then mine. But even supposing that I could have considered Mr. Hay as an impartial historian, in an affair in which his own interests were so deeply concerned, and in which his feelings appear to have been so keenly engaged, that gentleman is among the very last persons whom I would select for being the vehicle of opinions that required any thing like the exercise of reasoning in the reporter.

None of the opinions delivered by any of the six London Gentlemen, except one, applies to the present case. The question in dispute between the authors of the " Vindication" and me, is not whether Miss Burns had recently been delivered

of a child ; but whether a child, in the dilated state in which the womb existed, could have been born without a flooding continuing till death, or till the womb had been more perfectly contracted. Some of these gentlemen say that they cannot satisfactorily account for the appearances which this womb afforded, except upon the supposition of a recent delivery of a child. But this argues only the imperfection of their knowledge, not the existence of pregnancy. I would ask Dr. Denman, whether, if he had seen the *mammæ* of this lady and found them flat, flabby, and pendulous, without the least appearance of an areola around the nipple ; and had known, also, that she had formerly had full and firm breasts ; he would still have maintained that she had reached an advanced period of pregnancy ? The areola, or brown circle, around the nipples, has generally, by men of experience, been considered as a certain and universal concomitant of pregnancy ; Dr. Denman says it is general, though he thinks not universal. Why does he think so ? Not from his own experience ; because if he had ever seen such a case, he would have said, without any qualification, that it was not universal. But in this case there was no brown circle around the nipples : as that circle cannot exist in the manner supposed, except when the

mammæ are enlarged beyond the state in which they were before impregnation.*

One universal attendant of advanced pregnancy was absent in this case. Had the gentlemen who opened the body only taken the trouble to have looked at the mammæ, (and who, in a case of supposed pregnancy, would have omitted it?) they would have found sufficient reason to have abated a good deal of that confidence with which they delivered their sentiments upon this subject.

Mr. Clarke is the only one of the London Practitioners who comes to the point at issue between me and the authors of the "Vindication." This gentleman says, "I have examined Uteri after the death of patients lately delivered, in whom there was no hæmorrhage, which, however, have been contracted to no greater degree than the Uterus which is in the possession of Mr. Hay." Mr. Clarke observes also, "that there is an appearance in one of the ovaries, which never is seen except in an impregnated, or lately impregnated Uterus." Now, I have already shewn that the first part of this assertion is erroneous; for that the appearance, meaning a corpus luteum, in the ovaries

* Denman's Introduction to Midwifery.

may, and does exist in the Uteri of virgins. The second part of the assertion, "impregnated, or lately impregnated Uterus," is in contradiction to the united testimony of those even who believe in the doctrine of corpora lutea; for these are supposed to remain for life, and by no means to indicate a late or remote pregnancy. When a man, to support a certain cause, is found, in the compass of a few lines, to be the author of two assertions which are not well founded, what confidence can be reposed in any assertion he may make in the same cause? especially if that assertion be in the nature of things altogether improbable. Besides, Mr. Clarke has not mentioned whether in these cases the children had been dead, or not, long before birth. Nor has he stated the diseases of which the women died. There might have existed such an organic affection of the Uterus, or of the parts about it, as to have destroyed in a great measure the permeability of the arteries of the womb, or of the trunks from which they had ramified. Any argument drawn from such cases would not apply to the present question.

At this remote situation, we are disposed to consider the Practitioners in London as a different species of mortals, possessing a certain degree of infallibility. This has arisen chiefly from the report

of the pupils who issue annually from their classes. These Tyroes, having just emerged from the shop of the Apothecary, with no other knowledge than that of gallipots and pills; after attending the London lecturers for a few months, come forth finished Surgeons and Accoucheurs; and exercise their skill upon the lives and the limbs of their fellow creatures, with a confidence that can be equalled only by their ignorance. As admiration is the natural growth of an ill-informed mind; they are astonished at the display of things they do not comprehend; consider the rudiments of knowledge, as a wonderful proficiency; and regard their masters as the wisest of men. I must confess that I have the misfortune to look upon the London Practitioners as fallible, like other men; and even to suspect, from the bustle of one kind or another, in which those of any reputation are engaged, leaving little time to be employed in study, that they are below the common average of the profession.

But the morality of these gentlemen has, on this occasion, been even worse than the exercise of their authority was presumptuous. They must have been aware of the purpose for which their opinions were obtained; namely, to establish the reputation and interests of a set of men, upon the ruins of those of an individual, who, were he known to

them, might appear to possess as strong claims to their protection as the persons whose cause they have thus unfeelingly abetted in prejudice to him. After reviewing this transaction, a person would be almost disposed to suspect that the reputation of a pupil and the credit of a particular school of medicine, had had too great a share on their conduct.

It seems that the spirit of persecution in matters of opinion, prevails with as much force and intolerance in the minds of some men, even in these enlightened days, as it ever did in the days of Tycho Brache or Gallileo ; and that it is owing to the mild equity of our laws, not to the candour and liberality of some minds, that freedom of opinion, even in matters of science, is not suppressed. Finding that my sentiments were fast gaining ground among the enlightened part of the community, my adversaries became alarmed ; and knowing themselves unequal to the contest, they have had recourse to their London associates to prop a declining cause. But the benefit of this device can only be momentary—this feeble last resource will be as ineffectual as it is disgraceful to them and their London friends.

Magna est veritas et prævalebit.

With respect to the gentlemen of this town who have entered into a combination, whose certain tendency and only assignable purpose are to ruin my medical reputation, I must be permitted to be a little more particular. When a man publishes his opinions upon any subject, criticism has only to do with these opinions ; and the author, except so far as he is concerned in them, is out of the question. But the case is very different when a man, or a body of men, lend the authority of their names in confirmation of a doctrine. It then becomes the province of criticism, in order to prevent any imposition on the public, to inquire into the value of that authority. This is peculiarly requisite, if the interest of any person is likely to be injured by this authority passing for more than it is worth. The public are also concerned in the examination, as impositions of this kind are most injurious to the best interests of society. It becomes my right and my duty to estimate the qualifications of those gentlemen, who, either by the joint subscription of their names, or by separate letters, have constituted themselves the public censors of my sentiments. What can these gentlemen have in view by this conduct ? Do they hope to proscribe the judgment of the public, or expect that a reverence for their names will terrify the world into an assent to their opinions, without an

examination of the grounds of them? Are these Liverpool accoucheurs so noted in the world as to give them reason to look for such an obsequious obedience to their authority? On the contrary, in all this large collection of Liverpool Physicians, Surgeons, Apothecaries, Accoucheurs and common Dentists, is there a single name that is known to literature or science? Forbid it, Heaven, that literature or science, or any thing that is esteemed good, honorable, or praiseworthy, should have any connection with such an association.— We can only judge of the qualifications of men of science and literature by their published performances. The value of the authority of these gentlemen must be derived from those specimens of their talents which they have laid before the public. But excepting in one unimportant instance, I do not know of any such specimens. I have never heard that a discovery of the least value has ever been made by one of them; that any obscure point has been elucidated, or that any thing has ever been added by any of them to the general stock of human knowledge.

Success and local reputation, as a physician, it is well known, are by no means the criteria of real merit, or of profound medical skill. They are not unfrequently the produce of very

different qualifications with which the manly independence of the scholar, the unpresuming simplicity of the scientific mind, or true liberality and nobleness of heart, cannot easily coalesce. They are often the fruit of an assiduous attention and fawning submission to the great; of dark attacks upon the reputation, and of well timed insinuations against the skill, of a rival; and of a successful study and dexterous management of the characters constituting the community in which the physician resides.

I am told that some persons, who have been persuaded to join in this persecution, have maintained that they did not intend, by it, any injury to me; but that they only meant to express their inoffensive opinions on a particular subject. Is it possible that any man can be so weak as either to be deceived himself or attempt to deceive others by such contemptible sophistry? The effect so far as their authority can go, must have appeared to them evident; and, having known the consequences, are they not responsible for the means which, with such a knowledge, they employ? By a premature avowal of their sentiments, they have deviated from that honorable impartiality which is due to any member of the profession in the differences that may arise between him and any other

member of it. Instead of waiting to assume the honorable character of judges, they have become parties to a cause that did not concern them. What object, I would ask, could be gained by this premature avowal of their sentiments? Certainly not the attainment of truth which could not be influenced by opinions nor signatures, and which remains exactly where it was before. Whatever covering may be attempted to be thrown over this scheme, the purpose of the framers of it is plain; it was to induce all the medical men in Liverpool to become a party against me; to place them in a situation of such hostility to me, that honour would prevent me, in future, from having any friendly intercourse with them, and thus to leave me alone, as it were, in the profession. The zeal and activity which my opponents have shewn, and the artful lures, adapted to different dispositions, which they have thrown out, to increase the number of their adherents, have been remarkable. They have deceived the simplicity of some, by convincing them that they did not intend any thing hostile to me; they have inflamed the patriotism of others, by insinuating that it was a public question, a matter of legislative importance, involving the laws of medical testimony, which they assert I had violated; they have awakened the fears of many by suggesting, both directly and through

the mediation of friends, that if they did not make a public declaration of their opinions against me they would share in the unpopularity of my doctrines. The power of my antagonists has, no doubt, had its influence ; for since the trial took place, Dr. Gerard has been exalted to the dignified situation of Mayor of Liverpool. Several of those who have engaged with activity in this persecution, bore me, of old, a deadly grudge. They remember the signal victory I obtained over them at the dispensary. They recollect that I detected their illiberal plans, and exposed them to the indignation of the public. They have suppressed, till now, their ill-disguised resentment ; but, falsely thinking that I was laid low, they have seized this favourable opportunity of annoyance ; and, imitating an illustrious kindred example, have approached and aimed at me a dastardly blow. Others had been consulted upon the case from the beginning ; and, as is well known, had given an opinion conformable to that supported by the authors of the " Vindication." It is well known that there are certain medical characters in this town, who consider any opposition to their sentiments as more heinous than treason—as an offence never to be forgiven.

Though, indeed it is mortifying to think that any person belonging to a liberal profession, could

be found to degrade his character so much as to become the creature of influence, the tool of party, the instrument of injustice ; yet, considering the imperfections of human nature, and the powerful motives that have been held out to it ; it is, upon the whole, honourable to the profession of Liverpool, that after every exertion, the collection of authorities has been so small ; for the design has been discovered and condemned by more than two thirds of the medical gentlemen in this town ; and, considering the nature of the association, it is needless to add, by far the most respectable in virtues and in talents.

The opinions given by some of the gentlemen in this town require a more particular consideration. I have certainly been much entertained and instructed by the long account given by Mr. Dawson of the placental mark. It is certainly a very minute and learned description, exhibiting many proofs of great research, as the very language of several authors, who have written upon the subject, has been copied into it. Indeed it is a master piece, and the only fault it possesses, which, indeed, I am far from considering as a fault, is, that not one word of it applies to the womb in question. I have also seen the womb lately extracted by Mr. Dawson, which he says exactly resembles

that in the possession of Mr. Hay. Here, also, the effects of a warm imagination are perceptible. At the time when the womb, in Mr. Dawson's possession, was extracted from the body, according to the report of Mr. Graham, an old surgeon who was present, it was about the size of the closed hand, had a firm consistent feel like that of the heart of an animal newly killed, and that the little cavity it possessed was filled with clotted blood. The placental mark, on the surface of this womb, so far from shewing any resemblance to the rough mark in the bottom of the womb in possession of Mr. Hay, confirmed me in the belief that they could not have been occasioned by the same cause, and that the former was only the occasional natural appearance of that part of the womb in a state of dilatation from any cause. Mr. Dawson is a most obliging young man, and very convenient for supplying appropriate cases to those who may be in want of them. I remember when Mr. Park, more than a year ago, read a paper upon the retroversion of the Uterus, at the library; Mr. Dawson, who has never, as I understand, had much practice in midwifery, because, forsooth, he is a very young man and a gallant batchelor, had the good fortune to have seen no less than five cases, all tending to confirm the theory of Mr. Park; while the oldest practitioner in town had never seen more than one

or two. If the good fortune of Mr. Dawson continues, with what an assemblage of wonders will his head at length be stored! This town appears indeed, to be most excellently adapted for the residence of those who wish to publish upon medical subjects. They need only mention what facts and cases they want, with all the particulars, and they will be soon supplied with abundance to their mind, on good authority. Many of the young surgeons, particularly Mr. Dawson and Mr. Christian, have them ready made, or nearly so, requiring only some slight touches, like pigeon-hole constitutions, adapted to all occasions.

Dr. Traill, another very young man, would, it appears, be found no less useful than either of the two gentlemen I have mentioned. This gentleman has seen a human Uterus, in the progressive stages of pregnancy, as he at one period practised midwifery. We are not informed upon what extensive theatre this practice was exhibited. But there certainly must have been an uncommon mortality among the women who fell under his charge. They seem to have died for the purpose of giving him a view of their wombs, and enabling him to write this letter to his friend Dr. Bostock.

It is worthy of remark that the greatest number of the medical gentlemen of this town, whose letters to the authors of the "Vindication" have been published, had never seen the womb until the date of these letters. They confessedly went on purpose, and in all probability carried these letters, already written, in their pockets. It will appear from the date of these opinions, that none of these gentlemen had made any communication on the subject, until after the reception of the opinions of the London practitioners, whose sentiments and even language they have frequently adopted. This transaction admirably confirms the opinion which the illustrious Cullen entertained of the generality of medical practitioners, and which he has so happily expressed in the sentence which I have used for a motto, denominating them *Imitatorum servum pecus*. It is curious to trace the channels through which the influence has run, for the purpose of obtaining those authorities; Mr. Shaw has been induced to go and examine the womb, in consequence of a conversation with Dr. Lewin; Mr. Hay has procured the learned letter from his friend and colleague Mr. Dawson; Dr. Traill's valuable communication has been obtained through the influence of his friend Dr. Bostock. These letters exhibit internal proofs of a conspiracy. The plan has been well contrived

by the prime movers of the machine ; every man has been appointed to influence his friend ; concealment of purpose has been combined with speedy execution, the two great characteristics of well conducted enterprises. But, as often happens in such cases, some one, from imprudence, excess of zeal, or treachery, discloses something which serves to elucidate the whole design ; so, in this case, the hostile intentions of my opponents have been fully revealed by one of themselves, as will appear by the following correspondence. Having understood that Dr. Brandreth had, upon several occasions, since my return from Lancaster, accused me of having, in one instance in which he was consulted along with me, shewn proofs of gross professional ignorance ; and having further learned that the doctor had expressed his intentions of making no secret of this in future, I wrote to that gentlemen a letter, of which the following is a copy.

TO DR. BRANDRETH.

Liverpool, 18th Oct. 1808.

SIR,

I have, from various quarters, been informed that you have lately indulged yourself in a very unbecoming freedom of remark respecting me ; and, in particular, that you have said, that in a

case which you attended along with me, connected with the uterus, I had shewn great ignorance, and recommended a very improper treatment, or words to that effect. I am disposed to suppose, that there is some mistake in all this; for I have had of late, sufficient occasion to know how false rumour is; and cannot, upon slight grounds, be induced to believe that a man could disgrace a liberal profession, by so unfounded, unprofessional, and ungentlemanly an assertion. You are, I know, sufficiently sensible of the influence you possess in this town, to be aware that the report of such an assertion having proceeded from you, must be highly injurious to my interests. You cannot, therefore, consider it unreasonable that I should require of you to state the case and the error I had committed, or afford me the means of contradicting so scandalous a report, equally injurious to your character and to mine.

I am, Sir,

Your most obedt. Servt.

JAMES CARSON.

To which the following answer was almost immediately returned.

TO DR. CARSON.

SIR,

Since a transaction in a business that has afforded great surprise to any well-informed medical man that I know, in which you have been conspicuous, I have, I believe, more than once said I had been consulted in a case of pregnancy in which you were concerned, and that on this occasion you appeared both to myself and Mr. Park wholly unacquainted with the subject. I do not recollect I have ever mentioned this opinion, except in the presence of Mr. Park, who has uniformly expressed the same.

I am, Sir, Your's,

J. BRANDRETH.

I then wrote letters, of which the following are copies, to Dr. Brandreth and Mr. Park :

TO DR. BRANDRETH.

Seel-street, 18th Oct. 1808.

SIR,

I have been favoured with your note, which has fully satisfied me respecting the correctness of the reports which I had heard. But I have to require that you will further satisfy me respecting the time and the occasion at which I exhibited those proofs of professional ignorance, with which,

according to your own acknowledgment, you have repeatedly charged me in my absence, and that you will also state the reasons which induced you and Mr. Park to consider me so ignorant.

I am, Sir,

Your most obedient servant,

JAS. CARSON.

To MR. PARK.

Seel-street, 18th Oct. 1808.

SIR,

Having been informed that Dr. Brandreth had, upon several occasions, charged me in my absence with gross ignorance, in a case of pregnancy, in which also he had been concerned, I applied this morning to Dr. Brandreth respecting this report, and have been honoured with an answer from that gentleman, of which the following is a copy :

(Here Dr. Brandreth's letter was copied.)

It appears that you also were concerned in this case, and that you have joined with Dr. Brandreth in accusing me of gross ignorance. I have to request, therefore, that you will state the time and the occasion at which I exhibited those proofs of

ignorance, and also the reasons which induced you and Dr. Brandreth to consider me so ignorant.

I am, Sir,

Your most obedient servant,

JAS. CARSON.

From Dr. Brandreth I have received no answer to my second letter. The day following, the 19th October, I was honoured with the following letter from Mr. Park :

TO DR. CARSON.

Bold-street, 19th Oct. 1808.

SIR,

The only case I know that you can allude to, is that of Mrs. ———, whom you know I saw once, and but once, for ————. In this it appeared both to Dr. Brandreth and myself, that Midwifery was a branch of science with which you appeared to be very little acquainted. I do not now recollect the particular circumstance on which that idea was founded. This opinion we mutually expressed to each other, but not (to my knowledge) to any other person whatever till a late occasion, on which I most cordially declare your conduct met my decided disapprobation, as well as that of almost every professional man I know.—Since that I confess I have more than once

expressed my surprise at the opinions delivered by one who had never practised ; and who, when he first settled in Liverpool, appeared to me little acquainted with that branch of science.

I am, &c. Your's,

H. PARK.

The case of which Mr. Park speaks, occurred, I think, upwards of four years ago. It was a case of hæmorrhage, previous to abortion, in the third month of pregnancy. I had seen the lady several times before any of these gentlemen had. My prescriptions were a moderate dose of the oleum Ricini, and a very diluted solution of the sulphuric acid, together with open windows and the recumbent posture. The lady was seized with faintings. I became alarmed. My friend, Dr. Currie, whose memory I shall ever cherish with the warmest affection, and whom I was accustomed to consult, had that day gone on a journey to Scotland, for the recovery of his health. Had this great and good man been now alive, this tribe of Liverpool practitioners in medicine, would not have dared to have conducted themselves towards me, with the injustice they have done. They know that he would have afforded me the mighty protection of his arm ; at the view of which, they would have shrunk dismayed into their original nothingness ;

like the infant child into the bosom of its mother ; scared by the burnished shield and towering helmet of Hector.—In the absence of Dr. Currie, I introduced Dr. Brandreth into the family. Infusion of roses was prescribed, instead of the weak solution of the acid ; and magnesia, in case the oil should fail. The lady recovered soon, without, I believe, taking any thing more, except a little magnesia. In what particulars I betrayed complete ignorance of the case, I do not know ; Dr. Brandreth refuses to tell, and Mr. Park does not remember. I was perhaps more alarmed, than the urgency of the case required ; for, from esteem and friendship, I was much interested in the fate of the lady. At that stage of my practice, too, I was fearful of the consequences of the responsibility of such a case, resting upon me alone. The anxiety which I shewed, arising from these causes, might, perhaps, have been considered by these gentlemen, as the indications of embarrassment, proceeding from ignorance. But if I, a young Physician, had, to their experienced eyes, shewn any ignorance, (and who in the wide field of medical practice has not to accuse himself of having been often ignorant?) ought not these gentlemen, at the time, to have pointed out to me my error, and aided my inquiries for better information? Their language to me then was the language of approbation. Four

years have elapsed without any mention of my ignorance. At a time when the current of popular opinion, springing from errors which they themselves had defended, ran strong against me; these gentlemen, with a skill of which they appear to be complete masters; have seized this favourable opportunity; have assailed me behind my back, and inflicted a severe but dastardly wound. The charge of professional ignorance against a young Physician, from men of high professional character, is an aggravated offence. The robber who enters my house and plunders me of all my goods, is indulgent—is merciful, and does me a trifling injury, in comparison to the robbery which these men have conspired to make of my reputation. It might have been expected that their station in life, and a respect to the character they had to support, would have raised them above such calumny; but this is a proof that has occurred to me, among many others, that neither wealth, nor station, nor opportunities of refinement, can ever completely correct the natural deformity of a low, selfish, and illiterate mind. It is easy for Dr. Brandreth to say, that such a man is ignorant; that he has completely mistaken the case; and such insinuations may have their intended effect among the ignorant and the vulgar, rich and poor. It might be easy, in certain communities, for any man to gain a reputation by such

means, provided he could steel his breast against all the generous and honourable feelings of our nature. Let wealth be the portion of those who can stoop to gain it by such arts ; for my part I would rather eat the bread of poverty, and what would be more poignant to my feelings ; see my wife and infant children eat it, than purchase the world by following the example of these gentlemen in this case. Perhaps the time is not far distant when the world will be disposed to give me as much credit even for medical knowledge, as it ever did to Mr. Park or Dr. Brandreth. Literature and science have been the business and delight of my life. These afford the riches after which my mind aspires. The love of an honest fame has ever glowed in my breast, and though my ardour may have been for a time suppressed by the anxieties that have attended a long and arduous struggle for independence, yet the phantoms of future distinction will occasionally appear on the distant hills, and dispel the gloom by which the horizon of my life has been so frequently overcast.

Mr. Park, in his letter, does not say whether he has joined with Dr. Brandreth in accusing me publicly of professional ignorance, nor does he deny it. To the practice of Midwifery I never

made any pretensions. I have publicly avowed my ignorance of it. I have exercised no deception on that head. But is it to be inferred from that circumstance, that I should be ignorant of the appearances, structure, mechanism, Physiology and Pathology of the womb? As well might it be concluded, that because I am not a practical Dentist, I should, therefore, be ignorant of the structure of the teeth; or because I am not an Oculist, I should not be acquainted with the beautiful and complicated fabric of the eye, or with the laws of vision. Very different qualifications are requisite for the due consideration of the important subject in question, from the actual exercise of midwifery as an art.

But are these gentlemen, who build so much upon their experience, as infallible, even in cases connected with the womb, as they would wish themselves to be considered? Do they remember the case of Mrs. ———? As people generally have short memories in such instances, I will endeavour to recal the particulars of this business to their recollection. This poor unfortunate woman applied to the Dispensary more than two years ago, principally, I believe, with a view to have it ascertained whether she was with-child or not; for though she grew large, she did not find herself

affected in the manner she used to be in former pregnancies. Mr. Christian, whose patient she became, first, I believe, conceived it to be a case of extro-uterine foetation, and was confirmed in his opinion by the concurrence of Dr. Lyon and Mr. Park; who, after the most deliberate examination, pronounced it to be a case of which there could be no doubt; one having felt the feet and the toes; another the ribs, and so forth of the child. An affair so wonderful not only attracted the attention of all the medical gentlemen in this town, but the noise of it spread over the kingdom, the expectation of the medical world was fixed upon the event. *Parturiunt montes.* In the mean time, the child grew apace; and the mother had advanced into the tenth month of pregnancy. As the child did not point to any particular place, and as no signs appeared of its making a way for itself through the parietes of the abdomen; it was proposed and at length determined to relieve the mother from the burden by an operation. Meanwhile, however, the poor woman, who had been sinking for some time, died; and thus the character of the medical attendants was saved; and a horrid tragedy prevented. For, a few days after death, the body was opened in the Infirmary, in the presence of a great number of the faculty, when lo, instead of a child, an immense schir-

rous ovarium was found ! I went home from this dissection, not certainly with feelings of the most comfortable kind, being stung with self condemning thoughts, for having made so complete a surrender of my judgement to the authority of others ; for I had, like almost every medical gentleman in the town, once seen the woman in her lifetime, but had never examined her. Though in this case the child grew rapidly, and had attained a great size, yet the mother never felt it give the least movement ; notwithstanding that in all the cases that have occurred of this kind, in which the child had reached any considerable size, the motions were more painfully perceptible than in the ordinary pregnancy. The breasts, too, were very flat and pendulous, without any mark of an areola around the nipple ; but it appears that the state of the breasts, which used to be examined formerly for the purpose of ascertaining a present or recent pregnancy, are considered now too vulgar a concern to be thought worthy of notice by the wise Accoucheurs of Liverpool.

I would ask, then, in the name of truth, if men could err so egregiously in so plain a case ; of what value ought their authority to be deemed in the present case, which, in the opinion of all candid thinking men must be considered of great

intricacy, and upon any supposition, beset with almost insurmountable difficulties?

I was not interrogated respecting the cause of Miss Burns's death. The causes of sudden death are so numerous, and arise from such a diversity of incidents in our frames, and in this case are so completely undiscoverable, on account of the most disgracefully deficient dissection ever made, and on which any legal proceedings were attempted to be founded, that it would almost appear presumption in any man who had not carefully watched the symptoms, to form even a conjecture about them. Taking into consideration, however, the imperfectly described symptoms, and the position in which she died, I will venture to state what appears to me the most probable conjecture. I consider it purely accidental, and little connected with the disease with which she was affected, and which seems to have been in a great measure removed. The danger of a sudden transition from the recumbent to the erect posture in cases of debility, especially from the affections of the alimentary canal, as in a cholera morbus, dysentery, and putrid fevers, is well known. Intending to have gone for certain purposes into another room, Miss Burns, at the time she had reached the parlour door, began to feel the frequent effects of an

erect posture, a deficient supply of blood to the head, and a diminished action in the brain ; finding herself going, she laid hold of the corner of the room and fell against it. She unfortunately did not fall upon the floor, but the head and upper part of the body were supported in the erect position against the corner of the room. The faint was prolonged by the same cause which had occasioned it, the erect position of the head, and terminated in death. My esteemed friend Mr. Thomson, formerly Deputy Inspector of Hospitals in this District, and my superior ; now head of the medical staff to the gallant armies in Portugal, informed me that, in the West Indies, where he had long been Staff Surgeon, soldiers who had been affected with fevers and fluxes, were frequently found unexpectedly dead, sitting upon their close stools. The explanation which this sage experienced officer gave of this event, the same which I have now related, made a deep impression on my mind. The reason that feeble exhausted persons do not more frequently die of faints is, that the disease proves generally its own cure, by bringing the person to the ground ; for by the recumbent posture, the force of the circulation is restored to the head, the energy of the brain excited, and life renewed.

I have been accused by the authors of the "Vindication" of not having acted with professional openness and candour towards them by concealing my intentions and opinions. This charge they have endeavoured to support by connecting together detached parts of private conversations. But this, like all other charges of actions not consistent with the strictest honour and rectitude that have been advanced against me, will be found totally unfounded. My sentiments on the case in question were well known to many of my friends and could not be unknown to some of the authors of the "Vindication" some time before I left Liverpool. When I first accidentally saw the womb, (for having dined one day at Mr. Reay's in company with his partner Mr. Hay, I was asked after dinner if I had any curiosity to see the stomach and the uterus of Miss Burns) I was struck with its large and bag-like form, and having put some questions about hæmorrhage, a doubt arose in my mind respecting its having parted with a child; and from the manner in which I argued the subject with these gentlemen at that time they must have been convinced that I entertained doubts respecting it. One Sunday, some weeks before the trial, I do not recollect whether I had then been served with a subpœna or not, I met Mr. Hay and Mr. Reay at the apothecary's of the Infirmary.

The poisoning of animals for the purpose of ascertaining the action of different poisons became the subject of our conversation. I expressly said that a hole of any considerable magnitude could not be directly produced during life by poison; and I appeal to Mr. Reay, Mr. Gresly, and Mr. Thompson, the nephew of the Inspector, who accompanied me, for the truth of the assertion. I observed that since they were in the way of killing animals I would be obliged to Mr. Hay if he would open the thorax of some of them in a way I would explain to him, as I was then engaged in investigating the causes of the motion of the blood; and my attempts to elucidate this obscure but most important part of the constitution of animal life, will perhaps soon be laid before the public. He replied that he would with pleasure give me every assistance in his power but that for reasons which would occur to myself, I could not be permitted to witness these experiments. Did this conversation shew any desire of concealment on my part, or a disposition to communicate on the part of Mr. Hay. On another occasion, I told Mr. Hay that I was of opinion that Miss Burns did not die of poison. Mr. Hay said that if that was my opinion I must be ignorant of the case. But Mr. Hay never attempted to remove my ignorance. On the Friday, I think, before the trial, two days before I left Liverpool,

when it was generally known that I had been subpoenaed on the part of the defence, and that I had entertained opinions different from the medical witnesses of the crown, I met Mr. Hay, who, after the usual salutation said, "Well, I understand that we are to be sweated by you and Dr. Campbell at Lancaster." I replied that I was certainly going to Lancaster, and expected to meet Dr. Campbell and some other medical gentlemen, in consultation on this case. Mr. Hay, asked if I knew, as was reported, that some London anatomist was expected to be there ; for they seemed always to be alarmed about some terrible man from London. I replied I did not know. At parting, I said, "Well, Hay, we shall meet again at *Philippi*." On the Wednesday before the trial, as I came out of the Crown court I found Mr. Will. Statham, the solicitor for the prosecution, Dr. Gerard, Dr. Bostock, and, I think, Mr. and Mrs. Lawson, in the passage, waiting, as I supposed, to be called in, to give evidence before the Grand Jury. Mr. Statham said, "Dr. Carson, we are alarmed to see you here." "No," I replied, "I am sure you can never be alarmed at the discovery of truth." "God forbid," said Mr. Statham, "I wish you could be of any service to him ; it is an unpleasant business for all concerned." He mentioned these words with a feeling that did honour to his heart ; at parting, I said, "we

came all here for the same purpose, the discovery of truth." Dr. Gerard and Dr. Bostock were both present at this conversation ; they said nothing ; but I observed the contemptuous smile that played upon the countenances of these gentlemen. On the same day, I think, I met Mr. Hay walking along the Castle wall. After some talking, Mr. Hay observed, that if I had not prepared myself I might make an awkward appearance, or words to that purpose. " Appearance !" said I, " I do not know for what purpose I am brought here," meaning, and Mr. Hay could not have misunderstood my meaning ; that I did not know that I should be required to make any appearance in court. My answer was short, because, I felt hurt at the impertinence of the observation about awkward appearance. Mr. Hay asked me, where I lodged, was informed, and promised to call upon me that evening ; but though I waited in the whole evening on purpose, Mr. Hay never called, either that evening or the next day. As Mr. Hay appears, through the whole of this business, to have acted, not from his own opinion, but, in consequence of consultations with his colleagues, I suppose that it was in these consultations deemed adviseable that Mr. Hay should not visit me, lest, perhaps, he should be too communicative. Now, if there could be any advantage obtained by the communication of

our sentiments, or if it even could be done without forfeiting duty, of which I am doubtful, was it not the part of these gentlemen to make up to me, as well as mine to make up to them? They knew that my opinions differed from theirs, at least on the question of poison, as well as I knew that theirs differed from mine. But the fact is, they were too confident in their own powers and wisdom, to think, that what they had to advance, after so many months study, could be shaken by any thing that could be said by me, or any other person. They certainly all knew that Dr. Campbell was subpoenaed on the defence, why did they not propose a communication with that gentleman?

The authors of the "Vindication" have connected a garbled part of a private conversation between Mr. Hay and me, with another garbled part of a private conversation between Mr. M'Culloch and me, at Liverpool, previous to the trial, for the purpose of proving that I had acted with deceit in the case. They have inserted this very imperfectly stated part of a conversation between Mr. M'Culloch and me for more purposes than one. It was understood that that very intelligent Practitioner entertained sentiments different from theirs on the subject of pregnancy. They wished,

therefore, by one means or another, to let it be publicly known that this gentleman was on their side of the question, as the town has justly much reliance on that practitioner's sentiments in every thing that respects Midwifery. But I am happy that any part of this conversation has been mentioned, as it enables me, without violating my honour by stating a private confidential conversation, to communicate the whole. For some time before I left Liverpool, I had attended both Mr. M'Culloch's patients and himself; for he had had a very severe and dangerous illness. The day before I set out for Lancaster, when he was in a state of convalescence, and able to sit up in bed, I told him that I was under the necessity of delivering up my charge; that I had been subpœnaed to go to Lancaster on the trial of Mr. Angus; and that so far as I had been informed of the case, my opinions differed from those of the gentlemen who opened the body. I said that that hole, meaning the hole in Miss Burns's stomach, was never occasioned by poison; that I was even doubtful whether she had had a child, observing, that I understood there was little or no flooding.—Mr. M'Culloch, without allowing me to explain my sentiments fully, said I was certainly misinformed, for that woman must necessarily have flooded to death; that it was impossible it could be otherwise, con-

sidering the uncontracted state in which the womb was ; for that he had known women flood to death when the contraction was one-half greater than in this case. I said I was glad to hear these sentiments from him, and to find that the result of my reasoning, founded on the established principles of our constitutions, agreed so exactly with his experience. I then observed, that if she did not die of a flooding, did it not follow, that she could not have had a child ? Mr. M'Culloch would not allow of any other supposition but that she had had a child, and must have flooded to death.—He at that time did not mention any thing respecting the delivery of a child that had been long dead, nor for some weeks after my return from the trial.—It having again been urged that, if she had not flooded violently until she died, or if the vessels had not been plugged up by coagula, it appeared to me to follow from his reasoning, that she could not have been pregnant ; he then said “ How can you account for the appearances of the womb on any other supposition ? ” I replied, that that was not absolutely necessary, we were often able to disprove the supposed causes of an appearance, without being able to substitute the real causes in their place ; but I observed, that, as he well knew, there were many causes besides pregnancy of distending the womb ; as steatoms, moles, dropsies, and tympanitic

affections. He then said that he had had two cases of Hydatid dropsy, which had brought on pains exactly resembling labour pains; and that, in his opinion, these were the most likely after pregnancy, to have distended the womb and os uteri. It was upon this suggestion of Mr. M'Culloch's, in a great measure, that I fixed upon Hydatids as the most probable cause of the distention of the womb and dilatation of its mouth, independent of pregnancy and the delivery of a child, when questioned upon that head by the Counsel. It is fair to add, that Mr. M'Culloch still maintained the opinion that she had been delivered of a child, and that, of consequence, she had necessarily flooded to death.*

Now, I would ask any reasonable man, wherein do the sentiments which I supported in evidence differ from those of Mr. M'Culloch? I only pursued the argument one step further. If his opinion, namely, that she must certainly have flooded

* Mr. M'Culloch has seen this statement, and acknowledges it to be in substance what passed between him and me, before my departure for Lancaster. I understand, Mr. M. still maintains that Miss Burns must either have died of a flooding, or parted with a child that had been some time dead in the womb. Mr. M. had seen the womb soon after its extraction from the body.

to death if she had been delivered of a child, be true; then it will follow, that if she did not flood to death, she certainly could not have been delivered of a child. If any proposition be true the converse of that proposition must also be true. If twice two make four, with the same certainty will four make twice two. Although my deductions from the consideration of the structure, mechanism and physiology of the womb appeared to my mind conclusive and certain; I, nevertheless, must confess that their conformity to the experience of Mr. M'Culloch enabled me to support them with a confidence which otherwise I should not have possessed. Any man who is acquainted with the vigorous and clear judgement of this gentleman; and knows how completely his powers have, for more than twenty years, been devoted to his professional duties, will consider me justified in placing great reliance on his opinion.

I cannot pass unnoticed the very dishonourable and unmanly attempt which the authors of the "Vindication" have made to injure my character, by hunting after my private confidential conversations, and by the unfair use of those which they have so scandalously obtained. A system of espionage, such only as could have been supposed to exist under the suspicious tyranny of a Robespierre,

seems to have fixed its cankering roots in the fair fields of Britain.

But I would ask my opponents, even though we had made a communication of our sentiments, what end could have been served by it? Do they suppose that by their giving up something, and me something, we should have come to something like an agreement in opinion? The idea is as absurd as it is unprincipled. Such a shaping and pairing of opinions does not at all correspond with my ideas of morality, in a case where an oath is concerned. I certainly think that I should be offering an insult to the understanding and virtue of any man, were I to make such a degrading proposition to him. And any proposal that I should swear somewhat differently from the convictions of my mind, in order that there might not appear any difference of opinion among us, would be regarded by me as equal to the most opprobrious appellation, and would certainly imply a belief on the part of the proposer, that I was capable of the most dishonest actions.

Besides, I do not think it at all allowable for a witness to communicate his knowledge and opinions to the witnesses of the opposite party. From the time that a man is subpoenaed to give evidence upon any case, he is bound by honour

See page 117 where Doctor Carson complains that Mr. Gay did not

and justice to avoid all communications that may defeat the effect of that evidence. This is especially necessary and right in cases where the interests and character of the witnesses are in any respect connected with the success of their evidence, or with the establishment of the opinions they are known to have adopted.

But it is said that the ends of justice may, in such cases, be always defeated ; that, as the Judge and the Jury cannot be supposed to be fully informed on medical subjects, any difference of opinion between the medical witnesses must necessarily confound and deceive. But if there is any evil consequence likely to arise from this, that evil proceeds from the constitution of the court, not from the nature of the evidence. These gentlemen reflect upon the qualifications of the Judge and the Jury for discharging the duties of their situation. They libel their character, and accuse them of not being able to estimate the evidence that may be brought before them. The doctrine, that the witnesses of simple facts and of plain deductions from these facts, should take a greater range, connect these opinions and facts with circumstances, and constitute themselves, in a manner, judges, is dangerous in the extreme, and deserves the strongest reprobation. It cer-

tainly is a most arbitrary idea, and one most inconsistent with the principles of justice, (particularly with the humane spirit of the British laws) to maintain, that a man on his trial for life, should be deprived of the benefit of such witnesses as he may suppose, from their knowledge of the truth, may be serviceable to him. The proposition cannot be too much execrated. Were it acted upon in any case, it would afford a precedent that would lead to the overthrow of all those barriers by which our liberties and lives are protected, and put it in the power of any set of men, by forming a conspiracy, to destroy the property, character, liberty, and even life, of any man. If, in trials depending principally on medical evidence, any evil exist, (which I am far from supposing to be the case) it consists in the constitution of the Court. In trials respecting naval and military transactions,—transactions far removed from the ordinary occurrences of life, the Judges are naval and military men. The doctrine of the authors of the “Vindication” would lead to this, that, in such cases as the present, the Jury should be practitioners in medicine. But men of plain understandings, even in matters with which they are not fully acquainted, can easily discover whose evidence is plain and consistent, and whose is shifting and contradictory. Accordingly, we do not find

that, where the medical evidence has been opposite, the result has always been the acquittal of the Prisoner. In the memorable trial of Captain Donellan, for the murder of Sir Theodosius Boughton, the celebrated Mr. John Hunter, who had never seen the body of Sir Theodosius, contradicted the medical evidences for the crown; nevertheless, Captain Donellan was executed. Notwithstanding this diversity of sentiment, no blame was ever thrown upon Mr. Hunter, nor on the witnesses on the part of the prosecution. They were all supposed to have declared the honest sentiments of their minds on subjects upon which men might honourably differ. Alberti differed from Bonhius, and Boerhaave from Techmeyer, on cases upon which there were judicial proceedings. But not only have individuals entertained different sentiments on such cases, without any opprobrium to either, even colleges have done so. We find in Zittman, that a wound in the stomach was judged of its own nature *mortal*, by the faculty of medicine at Leipsic, and *not mortal* by those of Helmstadt and Wirtemberg. Valentini mentions, that a wound in the same part was declared *accidentally* mortal by the faculty of Giessen, and *absolutely* mortal by the College of Physicians at Frankfort.

There is one part of my evidence, to which, though it does not exactly come into the present inquiry, I trust I shall be excused for alluding, as an advantage has been taken of it for the purpose of detracting from my professional character. I was asked by Serjeant Cockell whether I had been bred to medicine. I replied that I had not, meaning that medicine was not the original destination of my life. Attempts have been made from this, to impress upon the town the belief that I was a self-taught doctor, and that I had, some how or other, obtained one of the St. Andrews, or God knows whence, degrees, which adorn the names of so many of my opponents. The truth is, I was regularly educated to be a Physician at Edinburgh, where I studied almost without interruption, during the long period of eleven years. I do not mention this with a view to arrogate any thing to myself on that account, as I know well that the attainments of men are not to be measured by the length of their academical studies. It is only a slight foundation of knowledge that can be laid by the most industrious, during the time generally allotted to academic bowers; for it must depend upon the employment of our future lives what kind of superstructure is raised. I was originally educated for the Church of Scotland, and had undergone all the various trials required

by the laws of that Church, previous to the exercise of the clerical functions. Those who are acquainted with the generally excellent education of the Scottish clergy, and with the length of time required by the institutions of that Church, to be spent by them in the preparatory studies of classical literature and philosophy, will not suppose that my early life has been misemployed, or that these studies did not afford a good foundation for a medical education.

It was by accident that I was ever concerned in this trial. Having, in the manner I have stated, seen the womb at Mr. Reay's, and having, from that time, entertained doubts respecting the delivery of a child; the subject, as was natural to suppose, considering the vast importance of it, took firm hold of my mind, and was repeatedly pressed upon its attention, by the frequency with which it was made the subject of conversation in all circles at Liverpool. The more I considered the subject of the pregnancy it appeared to me the more doubtful; so that at length I ventured to express these doubts in the private circle of my friends, not supposing that any use would be made of what I said. The knowledge of my doubts was conveyed to the ears of the friends of the prisoner. When the solicitor, on the part of the defence,

Mr. Atkinson of Lancaster, came to Liverpool in the course of last summer, to obtain all possible information on the case, for the purpose of preparing his brief; and when the medical gentlemen who examined the body, refused to give him any information, (though it was well known that they were closeted almost daily with the solicitor for the prosecution, and had thereby shewn that they were completely enlisted upon one side of the question) he, at the direction of the prisoner's friends, called on me, and requested my opinions upon the case. He gave me a statement of the particulars of the medical part, as drawn up by the prisoner himself, from his recollection of the examination before the coroner. I said I would take the case into consideration, and send him my sentiments in writing, in a short time. Accordingly I applied my mind to the consideration of this great question with seriousness and assiduity, and without bias. At the time the solicitor called upon me, it was not, I believe, intended, at least no mention of such an intention was made to me, that I should be required to go to Lancaster. I was, however, about a month before the trial, served with a subpœna, and was informed, at the same time, that some other medical gentlemen, particularly Dr. Campbell of Kendal, were also subpœnaed. From this

time I applied myself still more eagerly to the subject ; for, independently of the duty by which I was now bound to endeavour to form a correct opinion, it was natural for me, expecting to meet in consultation on such an important case, gentlemen much my superiors in years and experience, and of high reputation in the world ; to wish to appear before them in a favourable light. I knew, too, that it would be particularly expected of me, to bring all the information which my local situation afforded me an opportunity of obtaining. As it is well known that a knowledge of the temperament, habits, diseases and general health of the deceased, is of the greatest value in enabling any medical gentleman to form a correct opinion on such question ; I availed myself of all the means that existed of being fully informed on these points, and that information had no small share in fixing the opinions which I supported. At Lancaster I met Dr. Campbell, of Kendal, who has long been known as one of the most eminent medical characters in the North of England. After a full discussion, we seemed to be of one mind respecting both parts of the question, and jointly communicated our sentiments to the prisoner's Counsellors, who, with the Solicitor, had assembled to receive our opinions on the evening before the trial. We both stated distinctly, that

as our opinions referred to the case that had been drawn up by the prisoner himself, and that as a slight omission or variation in the description might make an important difference in the conclusions that naturally followed, our sentiments upon hearing the medical evidence might be greatly changed. Both Dr. Campbell and myself said, at this consultation, that no good could be obtained, by our being examined in Court, and that they must depend upon the cross-examination of the medical witnesses for the establishment of what we conceived to be the truth. The Counsellors said that in this trial, which rested so much upon medical facts and anatomical details, about which they lamented that they were so imperfectly informed, they must depend in a great measure upon us; and for that purpose they proposed that we should take our seats immediately behind them in Court. This arrangement, accordingly was observed.—After, however, all the very able and long-continued exertions of the Counsellors, it appeared to them at the close of the examination of the medical witnesses for the Crown, that they had failed in completely establishing what they aimed at.—It was then proposed, first to Dr. Campbell, if he was willing to give evidence in court. That gentleman declined it, as he had neither seen the stomach nor womb of the deceased; but observed that,

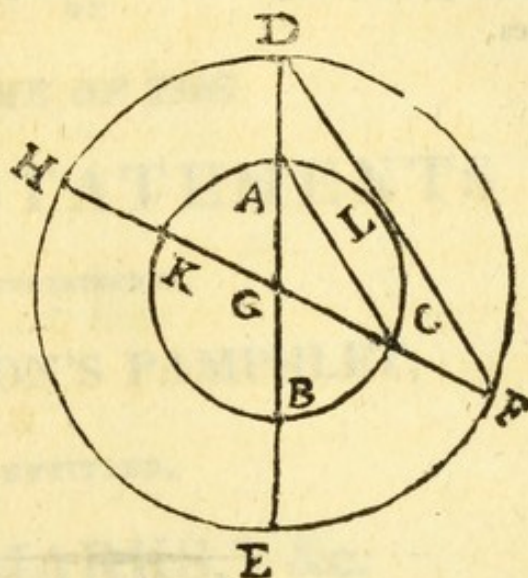
as I had, I might give my opinions with the greatest propriety. The question was then put to me.—It was at this moment of awful expectation a tremendous question. Duty called upon me to consent, but every thing else that could influence the human mind, opposed it. It appeared that it could only be a vain attempt to stem a torrent that, in the general opinion, seemed to be overwhelming. My conduct, I knew, would be exposed to malignant interpretation. The constituted authorities of the town in which I lived, and on the good opinion of which the subsistence of myself and family in a great measure depended, were embodied in the prosecution. I found that I should have to perform the ungracious office of contradicting the sentiments of the other medical gentlemen who had been examined, with whom it was my interest, and a great gratification, to remain on terms of friendship. I would ask any man if any earthly consideration, or any of those sinister motives which my opponents have so freely and uncharitably imputed to me, could have influenced my conduct on so trying an occasion. I was supported alone by the consciousness of rectitude, by the imperious demands of duty, and, above all, by the conviction that I might one day have to answer for my pusillanimity before a tribunal still more awful than that before which the prisoner then stood—even the tribunal of Heaven.

The authors of the "Vindication" have, with much feeling, lamented over the ruins of my reputation, and with admirable delicacy, predicted the complete destruction of my prospects. Far be it from me to imitate these gentlemen, in presumptuously laying claim to the attribute, which belongs alone to the great Searcher of hearts, that of discerning the hidden motives of human actions. But the consequences of our actions come fairly within the scope of human examination. So far as it has been in their power, those gentlemen have contributed to the accomplishment of their predictions. But should even the consequences which, with so much appearance of satisfaction, they have predicted, or worse even than what their hearts could wish, be realised ; it is impossible that I should ever feel the least compunction for what I have done. On the contrary, this transaction will ever be contemplated by the eye of reflection, with a delight that will more than counterbalance any transient evil that may proceed from it. Character and interest are worthy the consideration of every good man, but by no means ought they to occupy the first place in the scale of duty. It has ever been the rule of my life, and I trust I shall never be induced to swerve from the sacred maxim, to do what my conscience tells me to be right, and to leave the consequences to God. But let me tell these gen-

tlemen, that there exists, deeply rooted in the
 hearts of men, a principle of justice, which,
 though it may, on certain occasions, be for a time
 suppressed, overawed or blinded, will, at length,
 prevail over every passion, and will assume the
 seat, which prejudice may, for a time, have un-
 fairly occupied. When that period arrives, which,
 I perceive, is, in this case, not far distant, it will
 then be known who shall have the greatest cause
 to lament over the ruins of his reputation.

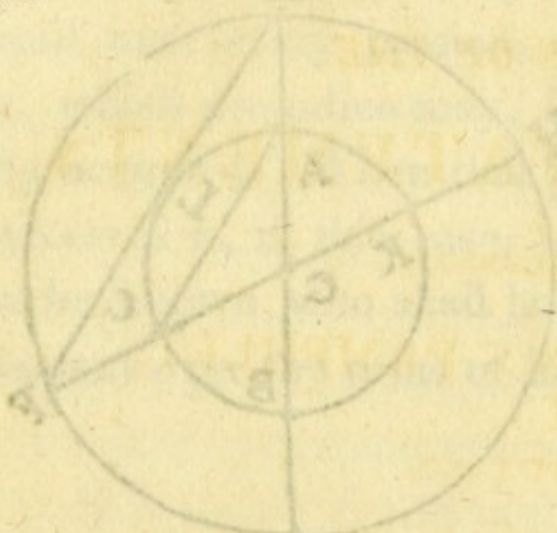
NOTE. See Page 78.

Let $A B C$ and $D E F$ be two great circles in the same plane, of two concentric spheres.—Let $A L C$ be any arc of the great circle of the lesser sphere. Through A, C , draw the diameters $D A G E$ and $F G K H$. Join A, C , and D, F .



Then, $GA : GD :: AC : DF$. Therefore, $BA : ED :: AC : DF$. But the base AC , is to the base DF , as the arc ALC is to the similar arc DF , therefore AB , is to DE , as the arc ALC is to the arc DF . But as AB , is to DE , so is the cube root of the sphere of which ABC is a great circle to the cube root of the sphere of which DEF is a great circle. Therefore the arc ALC of the lesser circle, is to the similar arc DF of the greater circle, as the cube root of the less sphere, is to the cube root of the greater. Suppose the cube root of the sphere, of which ABC is a great circle $= n$; and the cube root of the sphere, of which DEF is a great circle $= m$; and let $ALC = b$, and the similar arc $DF = x$. Then $n : m :: b : x$, but by supposition $m^3 = 5 n^3$. take n equal to any number, as 2; $m^3 = 5 \times 2^3 = 40$, $m = \sqrt[3]{40} = 3\frac{1}{2}$, very nearly. As the diameter of the supposed placental mark was $7\frac{1}{2}$ inches one way, and $6\frac{1}{2}$ the other way, this space would be equal, very nearly, to the area of a circle whose diameter was 7 inches.

Then $b = 7$. Therefore $2 : 3\frac{1}{2} :: 7 : x$. $x = 12.250$, which would have been the mean diameter of the placental mark at the full period of gestation; or, neglecting the fraction, 12 inches.



D E F be two great circles in the same plane of two concentric spheres—Let A I C be any arc of the great circle of the lesser sphere. Through A, C, draw the diameter D A G E and F G K. H. Join A, C, and D, E.

Then, $G A : G D :: A C : D E$. Therefore, $B A : E D :: A C : D F$. But the base A C, is to the base D F, as the arc A I C is to the similar arc D E, therefore A B, is to D E, as the arc A I C is to the arc D F. But as A B, is to D E, so is the cube root of the sphere of which A B C is a great circle to the cube root of the sphere of which D E F is a great circle. Therefore the arc A I C of the lesser circle, is to the similar arc D F of the greater circle, as the cube root of the less sphere, is to the cube root of the greater. Suppose the cube root of the sphere, of which A B C is a great circle $= n$; and the cube root of the sphere, of which D E F is a great circle $= m$; and let A I C $= b$, and the similar arc D F $= x$. Then $n : m :: b : x$, but by supposition $m^3 = 5 n^3$, take n equal to any number, as 2; $m^3 = 5 \times 2^3 = 40$, $m = \sqrt[3]{40} = 3\frac{1}{2}$, very nearly. As the

AN
EXPOSURE
 OF
SOME OF THE
FALSE STATEMENTS
 CONTAINED IN
 DR. CARSON'S PAMPHLET,
 ENTITLED,
 "REMARKS," &c.

IN A LETTER ADDRESSED TO THAT GENTLEMAN.

By JAMES DAWSON, Surgeon.

"When a man, to support a certain cause, is found, in the compass of a few lines, to be the author of assertions which are not well founded, what confidence can be reposed in any assertion he may make in the same cause?"—See Dr. Carson's "*Remarks*," page 38.

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IN A LETTER ADDRESSED TO THE CHANCELLOR



LIBRARY

EXPOSURE, &c.

SIR,

THE attack which, in your "Remarks," you have made upon my conduct and professional opinions, furnishes me with an indubitable plea for publicly defending them.

You have made this attack without provocation of any kind from me; unless the expression of my opinion on a subject of great public interest, can be considered as a provocation. Of the expression of that opinion, you, of all men, had the least right to complain. You, Sir, had yourself, in a manner altogether unprecedented, endeavoured in a court of justice, to invalidate the opinions of others. And as the question in dispute was in the highest degree interesting to every professional man, it ought not to have excited any

surprize in your mind, nor any indignation, that I, amongst others, should have ventured to state my opinion upon it. Further than this, I have given you no cause of offence. I have acted with you in the Dispensary for upwards of three years ; and I cannot charge my memory with any instance in which my conduct towards you has been in any respect hostile or unbecoming. I confess, therefore, that I felt considerable indignation on perusing those parts of your pamphlet in which you have thought proper to advert to me personally. That I differed with you in opinion on the question of pregnancy in the case of Miss Burns, is most certain. I stated the reasons for my opinion in the attestation which I gave to the authors of the " Vindication." But of that attestation, not one word relates to you. If you had deemed my communication worthy of notice, it would certainly have been more decorous on your part to have commented upon it without having recourse to those personalities which disgrace so many of your pages. Not content with including me in that general anathema, in which you piously invoke heaven to interdict, " literature or science, or any thing that is esteemed good, honorable or praiseworthy," from those gentlemen who gave their attestations on the case of Miss Burns,

you have indulged yourself in a strain of sarcasm against me. You have endeavoured to shew, not only that my opinion is inapplicable to the question, but that my representation of the appearances in the case at the workhouse, was distorted by the warmth of my imagination.* In this instance, you seem desirous to insinuate that I am capable of misrepresenting these appearances to serve a particular purpose. Your meaning is too obvious to be mistaken. As you proceed a little further, you take no pains to conceal your design ; for, in a few lines afterwards, in the same page, you assert, that I am one of those who are “very convenient for supplying appropriate cases to any who may be in want of them.” And in the next page you assert, that Liverpool is a residence well adapted for those who wish to publish on medical subjects ; that they need only mention “*what cases and facts they want,*” and that I and another gentlemen “*have such cases and facts ready made, or nearly so, requiring only some slight touches; to be adapted all occasions.*” These are serious charges, and may, perhaps with propriety, become matters of enquiry in another place. They are designed to affect my character ; and whatever my opinion may be of

* See Remarks, p. 97.

the person who has made them, such insinuations can, by no man be altogether disregarded.

Your awkward attempts to render me ridiculous, I despise: your efforts to injure my character, I hold in abhorrence. You have represented me as a very young man, with a view, solely, to infuse doubts with respect to my professional experience, and consequently to destroy the effect of my testimony. You have not the advantage very greatly over me, Sir, in respect of age, certainly not at all in respect of experience; for my opportunities of observation in the Institutions to which I am now Surgeon, have been very greatly superior to any which have, until lately, been within your reach. Your sneers on this subject might therefore have been spared. But you despise professional experience, when put in competition with your so much vaunted "mathematical learning and mechanical philosophy." What your real acquirements in these departments of knowledge may be, it is not easy to determine. We have yet had no proof of any such acquirements. But if they are really such, as you seem disposed to imagine them, it would not have been amiss if you had been a little better instructed in another kind of knowledge, which is of great use in

the business of life ;—the knowledge of yourself, —and of your duties towards your neighbour.— With such instruction, and with a conduct corresponding to it, you might have made yourself as much respected by the profession here, as you are now contemned. Your folly, vanity, and rashness have involved you in a dilemma out of which you will never be able to extricate yourself; but if you are willing to profit by experience, you have been on this occasion taught a lesson which may be highly useful to you in the future part of your life.

You must pardon me, if I should now venture to approach you a little closer on the subject of your insinuations respecting me. Give me leave to ask you, Sir, if you were in your senses when you asserted with such assurance and falsehood that I had “ cases and facts ready made for those who might be in want of them ; requiring only slight touches to be adapted to all occasions ? ” or did you write these offensive and defamatory paragraphs, in one of those paroxysms of phrenzy which have so frequently, as I am told, seized you since the trial of Mr. Angus ? What foundation have you for such assertions as these ? The cases of mine to which you allude, and which I

mentioned after Mr. Park's paper was read at the Library, so far from supporting Mr. Park's opinion, led to conclusions directly contrary to it. You must have known this, for you were present at the time ; and you yourself returned thanks to Mr. Park for his valuable communication. Why, then, do you now allude to these cases ? Your misrepresentation of them is most shameful ; and can only be ascribed either to the most malignant perversity of temper, or the most blundering stupidity of intellect. These remarks cannot be considered too severe, by any who will recollect the provocation I have received from you, and the attempt you have made to destroy my character for veracity. You have no claim to courtesy from me, and you shall have none. I speak to you with the boldness and firmness of a man who is conscious of not having merited such treatment, whom you have attempted to injure, and from whom you have received no just cause of offence. Fabrications of facts are, you must know, neither more nor less than falsehoods ; and, like other falsehoods, are mean and contemptible ; but fabrications of facts and cases, or the adaptation of them to all, or any, occasions, are in medicine particularly dangerous ; because their effect is to mislead others, perhaps in circumstances the most

critical and important. When therefore, you assert that I have “cases and facts ready made, and capable of being adapted by slight touches, to all occasions,” are you aware, Sir, of the nature or tendency of your slander? Has your moral education been so imperfect, or are you so blinded with infatuation, that you cannot perceive that it has a direct tendency to ruin my character for veracity? Believe me, Sir, it is from no respect to your opinion that I dwell upon this subject—Your opinions upon that, or upon any other subject, are of very little importance in my estimation. But the opinion of my friends, and of the public, is of peculiar value to me; and I cannot suffer you or any man to publish to the world assertions so prejudicial to me as those in your pamphlet, without the most pointed animadversion. I shall not, however, be satisfied with animadversion alone. I call upon you publicly to state one instance, in which I have ever fabricated any fact or case for any purpose, or have ever misrepresented any fact or case that has come before me. If you cannot prove the truth of your assertion, you will find yourself in a predicament much more serious than any in which you have yet been involved. The charge of falsehood will rebound upon your own head with a force which you cannot resist. If

you are silent, I have a right to conclude, that you cannot substantiate the fact. And in such circumstances, I will not scruple to give that appellation to your conduct which it will manifestly have merited.

After these remarks, I will enter upon an examination of your criticism of my opinions.

I can account in some degree for the pains which you have taken, and the attempt you have made to invalidate my testimony on the case of Miss Burns ;—indeed, it would have surprized me, could you have remained perfectly temperate upon your perusal of evidence so decidedly hostile to your opinion ; but I am not without hope, that when the irritation of your feelings shall have subsided, and the light of reason shall have dawned through the veil of error which at present seems to obscure your perceptions, you will be disposed, rather to give me credit for the integrity and accuracy of my opinion published in the “ Vindication,” than to indulge yourself in unavailing and splenetic abuse.—

With this brief comment on your “ Remarks” I proceed to a plain narration of facts.

On the 18th September, a young woman, five days after her delivery, died, under circumstances which excited suspicion that her death was occasioned by violence. I was requested by the Coroner, Mr. Molyneux, to examine the body.—After a careful dissection of the body, I extracted the womb; judging that the inspection of it might be of importance towards dissipating the doubts respecting the recent delivery of Miss Burns, to which your extraordinary reasoning had given rise. Several eminent Practitioners in the town were invited to see this lately delivered womb. You certainly cannot charge me with any unfair procedure, or attribute my conduct on this occasion to any other than an anxious desire for the investigation of truth; you were invited, and came for the purpose of inspecting the womb in question, about nine o'clock at night; and according to the report of Mr. Graham, the gentleman in whose presence you saw it, certainly, the inspection you then took, (and you have taken no other,) could not give you any correct impression of the peculiarities of its structure; and yet, upon this inspection, slight and negligent as it appears to have been, you have not hesitated to offer a decided opinion. But, it is beneath “a mind disciplined by mathematical learning, and acquainted with the principles of mechanical philosophy,” to sub-

mit to the tedious drudgery of careful anatomical investigation. Satisfied, however, as I assuredly am, of the important and accurate information obtainable in this way, I endeavoured by frequent and careful inspection of this womb, which no one will question, had recently parted with a child, as well as by repeated comparison of the appearances it exhibited, with the descriptions of eminent authors who had treated on the subject, to familiarize my mind with the marks and peculiarities natural to a lately delivered womb. I had not yet seen the womb in the possession of Mr. Hay:—While the torrent of public indignation ran so violently against you, I was silent; nor should I in any way have interfered on this unpleasant subject, had not the circumstance to which I have alluded naturally excited my curiosity to see the womb of Miss Burns. I expressed a wish to this effect, and soon afterwards, received an invitation to examine the womb, but *I was not invited to give any opinion concerning it.* It is material in this place, towards establishing the independency of my opinion, to state, and I assert it without fear of contradiction, that I undertook the examination with a mind unbiassed, and a pre-determination to judge and decide for myself.

I never heard of any conspiracy against you:

I know of no combination: I am bound to no opinions: I have no doctrines to support. I already knew from actual experience and dissection and from an attentive research into reputed authorities, what really were the uniform and natural appearances of a womb lately delivered; and I hope I shall not incur the charge of presumption, in flattering myself, that I came to the examination of the womb of Miss Burns, not unprepared, or incompetent to form a judgment concerning it. After a minute inspection, I could not, nor, I will venture to affirm, could any man, of unprejudiced mind, avoid feeling a conviction, that this womb had as certainly parted with a child as the one to which I have before alluded; the large venous sinusses which pervade their substance, are alike evident in the cut edges of both,* and are seen directing their course towards that part of the inner surface of the wombs to which the after-births had been attached, and by the separation of which, a number of large open orifices

* These sinusses, ample enough to receive the end of the small finger, have, by an unaccountable (and no doubt accidental) absence of memory, entirely escaped your recollection, for they are not once mentioned in your "Remarks,"—indeed I am not surprised at this omission, when I recollect that you refused to look at these sinusses, when I pointed them out to you, at Mr. Hay's.

or remains of vessels are left. All these are plainly seen communicating with each other, and they form a plexus of the largest and most frequent communications that are known among the vessels of the human body. The resemblance of these two wombs is, indeed, in every essential particular, clear, satisfactory, and decisive. My opinion on this point is unaltered, and unalterable. And here let me ask you, what was the line of conduct which in your conception I ought to have pursued under a conviction so irresistible? You appear to expect that I should have waited until your "Remarks" were published before I presumed to offer an opinion; here, I must be allowed to differ from you;—you must first convince me that I ought to discredit the evidence of my own senses, before I can be induced to imagine it was my duty to pay that deference to your opinion, of which you seem so remarkably tenacious. I know no claim which you have to such deference from any man; for you have publicly declared your ignorance of this subject.

In page 99, of your pamphlet, you are pleased to say, "it will appear from the date of their opinions, that none of the Liverpool gentlemen had made any communication on the subject until after the reception of the opinions of the

London Professors, whose sentiments and even language, they have adopted,"—permit me to speak for myself;—I certainly must acknowledge I had heard, cursorily, that the opinions of the London Professors were favourable to those given by the medical witnesses for the crown ; and of this I informed you immediately afterwards when you called in at the Dispensary ; and which intelligence, I very well remember, you did not receive with the most perfect indifference ; but, Sir, I did not know a single expression,—the structure of a single sentence contained in the letters of the London Professors, or even who those professors were, until I saw their opinions published along with my own in the " Vindication."—With what consistency, by what right, you have presumed thus to dispute the independency of my professional opinions, I am at a loss to conceive ; the motive is best known to yourself, but be that motive what it may, I trust the sincerity of this declaration will counteract the injurious tendency of your insinuation.

I shall now refute a more material accusation which you have ventured to make against me. You have had the boldness to affirm that I am in the habit of accommodating my sentiments to the opinions of others ; and you have brought forward

with much apparent exultation and triumph, an instance in proof as you suppose, of such a disposition on my part; now, Sir, here, again, I will set you right. No doubt you are aware that, in the earlier months of pregnancy, the womb is liable from the mode of its suspension, to have, occasionally its bottom bended backwards and downwards, and under the hollow of the sacrum; and this accident, owing to the connexion which subsists between the contiguous surfaces of the bladder, and neck of the womb, almost always happens when the former is fully distended, and more immediately in consequence of a sudden shock, or accident; and of this description were the cases which I have seen. Now, on the evening when the subject of the Retroversion of the womb was discussed, Mr. Park, (whom I cannot mention without sentiments of high respect, and whose earnestness to communicate any important fact which may occur in the course of this practice, is well known,) to the surprize of all who were present, related the histories of several uncommon cases which he had seen, in which the retroversion took place when the *bladder was empty*, and the *patient laid quietly in bed*. Now, Sir, you see the cases which on that occasion I stated to have come under my observation, were directly at variance with those related by Mr. Park. It

will not avail you to plead ignorance of this circumstance, for you have already informed us that you were present at the relation of these cases.

In exposing this fact to your conviction, I own I feel astonished that a man engaged in the exercise of a liberal profession, and who boasts of the “manly independence of the scholar”, should abandon his mind to the control of a propensity so incompatible with moral rectitude. But to proceed with your mis-statements: At page 74 you assert, that the womb of Miss Burns, when you saw it in the presence of Mr. Christian and myself, was in a “state of great decay;” and “its structure, of course, in a great measure destroyed;” this is indeed begging the question; the womb of Miss Burns is now in a state of preservation; and its structure not of course in a great measure destroyed: so far from any destruction of its texture having taken place, every essential character remains plain and obvious.

Your subterfuge of denominating the numerous large orifices in the neighbourhood of the bottom of the womb, “nothing else than communications between different parts of the cellular membrane,” ought also to be exposed:—I wish to impress upon the public mind, for I cannot suppose you

seriously imagine that these appearances were really what you described them, that these numerous and large oval spaces are absolutely the remains of blood-vessels left upon the separation of the after-birth.

Your next sentence, that "the same openings were found in the same extent upon its neck," is another misrepresentation. One large distinct cavity, of the use of which you seem to be ignorant, you attempted to inflate, but without success ; and yet you have had the nerve to assert, that the "same openings were found in the same extent upon the neck, as were found upon the bottom of the womb." You must certainly recollect the surprise of Mr. Christian and myself, and which you know we mutually expressed at the same moment, at the deception into which you had fallen : we told you that you mistook the glandular follicles of the neck of the womb, for the remains of blood-vessels, and you even attempted to inflate the largest of these ;—but, to use your own words, "as inflation had not been so much practised here as upon the bottom," the stubborn follicle would not yield.

Every one conversant with the physiology of the pregnant womb, must know, that these cavi-

ties or follicles which encircle its neck, are destined to secrete the viscid mucus which commonly fills up and hermetically seals its mouth, soon after conception, and which is thus interposed as a guard between the child in the womb, and any foreign bodies.* A little before labour commences, it separates and comes away, after which, these cavities pour out a thinner fluid which facilitates the birth of the child.†

At page 77, you say, “you took the dimensions of the supposed mark of the after-birth, (as you are pleased to call it) according to our limitation, and found, by a measurement made in our presence, that the circular mark upon the bottom of the womb was seven inches and a half in diameter one way, and six inches and a half the other way.” This is another remarkable instance of your inaccuracy. I will describe the method you adopted to ascertain these dimensions, in order as it appears, to render them subservient to your intention. *You first inverted the womb, and then stretched and pulled it upon a large globular*

* Burns, of Glasgow.

† The celebrated Dr. Hunter imagined it was a very difficult matter to break through this guard, when it was intended to bring on premature delivery; but the history of more modern times, records instances of its easy practicability.

water jug, and in this state of inversion and expansion your measurement was taken; any arguments therefore founded upon the extent of the mark alluded to, as taken in this manner could be neither satisfactory nor fair. So far I have had occasion to notice your misstatements alone; a harsher epithet might apply to many of them; but it is sufficient for me, in this place, to have reduced your assertions to a standard by which their value may be duly appreciated.

I shall now undertake to expose the fallacy of those arguments upon which you have chiefly rested, as to the impossibility of the extent* of the mark in question having been occasioned by the separation of the after-birth;—and which you say, “is an objection which all the authorities in the world can never overcome.”

Though in your measurement of this mark, you have extended the diameter each way two inches, I will wave this consideration, as I shall

* I have now in my possession the after-births of twins, joined together, whose diameters are 17 inches one way, and eight the other way.—The diameters of many after-births exceed eight inches, as I have repeatedly, and as every Practitioner in Midwifery, must have seen.

not require any adventitious aid to prove the absurdity of your reasoning on this point. You have supposed that there is an uniform extension of the mark of the after-birth, compared with the general extension of the womb;—or, in other words, that there is an uniform contraction of the mark of the after-birth, compared with the general contraction of the womb; this supposition, as applicable to the womb after delivery, is manifestly erroneous; for if an uniform contraction of that part to which the after-birth is fixed, compared with the general contraction of the womb after delivery, always took place, it would never happen that the after-birth, (which is loosened by the same contraction which expelled the child, continuing to act,) would remain undetached after the expulsion of the child. Every Practitioner in Midwifery knows that this adhæSION and retention of the after-birth, occasionally takes place:—sometimes, consequent upon a tedious or difficult labour, and not unfrequently from previous illness. Under any of these circumstances, the action of the womb will occasionally cease soon after the expulsion of the child, and before the separation of the after-birth, and yet no loss of blood ensue. And this torpid, or atonic condition, will often continue for a considerable time; and particularly if the womb has been emptied very suddenly: or

in other words, the after-birth will, occasionally, remain entirely undetached, merely from a want of power in the womb to loosen and expel it.—Now if it should happen, that the unfortunate parent die, after the expulsion or extraction of the child, and before the separation of the after-birth, there would be no effusion of blood into the cavity of the womb; and if the after-birth were timely removed after death, there would, upon dissection, be found neither after-birth, nor clots; the womb would be in a partially distended and flaccid state, and the surface of the placental mark would occupy a space so ample as to bear no proportion to the general contraction of the womb. It is, therefore, evident, that although there had not been any flooding at the time of death, yet the mark near the bottom of this womb *could* be occasioned, and assuredly *was*, by the separation of the after-birth.*

Should Miss Burns have died of flooding, and in her exhausted state, a comparatively small and slow loss of blood would have destroyed her; and should the womb, in consequence, be distended

* Page 71, "Remarks," You say, "Upon the supposition that there was no flooding at the time of death, the mark at the bottom of the womb certainly could not be occasioned by the separation of an after-birth!"

with clots, you would, I presume, have expected to have found it upon dissection, gorged with blood :—this would have been an expectation certainly not unnatural ; but you need not be told, Dr. Carson, that the womb may as readily and as easily be emptied (*sanguineâ manu*,) after, as before death. I say, Sir, it is possible.—*I dare not say it was so* ;—and then, the womb would be found upon dissection, empty ; and to describe the appearances in your own words, and which appearances have chiefly led your mind to entertain doubts of the recent delivery of Miss Burns,—“ it would be in a very distended state, have a lax and bag-like form ; and would encompass a great space in a state of expansion.”

At pages 78, and 79, you state, that the mark alluded to, “ *exactly* covers the bottom of the womb, a part to which an after-birth is very seldom, if ever, in that manner attached.”—This is a palpable misrepresentation, and scarcely deserves a serious answer. The fact is, it does not cover the bottom of the womb, but is on the side, and near to the bottom of the womb ; and I will take upon myself to affirm that this mark in the womb of Miss Burns, is most commonly the place to which an after-birth is attached.

Before I finally take leave of your "Remarks," I must be permitted briefly to notice one other observation you have made at page 66: and which places in an obvious point of view how little you seem to be acquainted with the subject on which you have treated. You say "If the child had died some weeks before its birth, the after-birth becoming also in time dead, that action would take place between the womb and the after-birth which usually takes place between living and dead matter, and the after-birth would be separated from the womb in the same manner that a mortified part is separated from a living; in that case, at the time of death, there would be no open vessels upon the internal surface of the womb, the mark of the attachment of an after-birth scarcely if at all perceptible," and in your opinion, "any mark that would have been left, would not have been rough, but smooth, as it would have been covered with a new cuticle! and therefore," you say, "it is evident that the rough mark at the bottom of the womb in question, could not have been the mark of an after-birth."—What must be your surprize, Sir, when you are told that the after-birth remains attached to the womb, not only for some weeks after the death of the child, but that it will remain and increase in its size, even though the foetus had been blighted from the very

early part, until the completion of the usual period of pregnancy. Dr. Denman, in his engravings tending to illustrate the generation and parturition of animals, gives a plate of a morbid human ovum, and the circumstance deserving attention, is the small size of the embryo compared with that of the after-birth ;—it appears that the embryo had been blighted in the early months of pregnancy : *but the after-birth adhered, increased in its size, and remained in the womb until the end of the ninth month.*

I shall briefly notice that you have omitted to draw a line of distinction between appearances incidental to a state of disease, and that of pregnancy. The walls of the womb in Mr. Hay's possession, are more than half an inch in thickness. If you will take the trouble to examine a passage in Lieutaud, p. 319. Tom I. you will find the following case, in which the appearances were actually found upon dissection : the sentence runs thus.—“ In opening the body of a girl whose belly was remarkably prominent, the womb was found so largely expanded, that it occupied almost the whole of the cavity of the belly, having compressed the intestines into a very small compass ;—the inside of the womb was stuffed with reddish coloured matter resembling shreds of flesh : the

walls of the womb were in many places *nearly eroded through, and as thin as paper.*"

I have as yet said nothing of your "**Hydatids.**"—You appear not to know that whenever this disease has existed, it has invariably been apparent upon dissection ;—the undermentioned cases* are so exactly in point, on this subject, that I cannot omit introducing them to your notice. You will observe that the wombs were found upon examination, distended either with water, hydatids,

* *Dropsy of the Womb.*—"A woman after her delivery, still retained an enlarged belly, which, gradually increasing during four years, she died.—Upon examining the womb, it was found to contain an incredible quantity of bloody-coloured water ; and after this had flowed away, it was imagined that its cavity would have received a boy of ten years old, so ample was it. The mouth of the womb was shut up by a tumor."—**BONETUS.**

"A woman aged 50 years, died of dropsy of the womb. This viscus was found upon dissection distended to an enormous size, containing to the amount of seventy pints of water. There were also observed all around its inside a number of small bladders adherent ; at its neck was also found a hard tumor of the size of a gooses egg.—**E Miscell. Curiosis.**"

"A woman who was believed by every body to be pregnant, having exceeded her usual period of pregnancy, at length became sensible of her situation ; and in a few months more died. The womb was found full of water, a circumstance which no one suspected."—**DONATUS.**

moles, or polypi. Now, as none of these appearances were discernible in the womb of Miss Burns, your fanciful hypothesis respecting "hydatids," as applied to the case of that lady, must vanish into air,

"into thin air."

I might here, perhaps, with some degree of propriety, dismiss this subject; but you must pardon me, Sir, if I should expostulate with you a little further upon your conduct. In defending the odd medley of opinions which you maintained

"Upon inspecting the body of a young woman who was supposed to have been pregnant, the womb when opened, presented a round membranous bag, filled with innumerable watery vesicles."—**MERCATUS.**

"In examining the body of a young woman who had for a long time been afflicted with, and eventually died in consequence of a tumor in the belly, the womb was found amazingly distended, and an enormous mole in its cavity, near to its bottom, accompanied with a large quantity of Hydatids.—**E. MISCELL. CURIOSIS.**

"A woman, who had for several months together parted with a pint of clear water daily from the womb, at length died, and upon examination, the womb was found greatly enlarged, and its cavity nearly choaked up with Polypi.—**PAYERUS.**

Vesalius, also relates the histories of several women, in whose wombs after death, were found several gallons of water; and of others, in whose wombs, and different parts of the belly were found adhering, numerous small Hydatids, or bladders of water.

on Mr. Angus's trial, and have since supported in your pamphlet, you have thought it necessary to traduce the characters of a number of respectable men who have given their written opinions in the case of Miss Burns. You have assumed as a fact, that a conspiracy has been formed for the express purpose of injuring your medical reputation, and you consider me as one of the party. You say that you can perceive internal proofs of such a conspiracy in the different attestations, and reason upon it, as if it were actually proved. The charge of conspiring against you, is in its own nature too ridiculous to deserve a moment's notice. I will, however, again tell you, that I never heard of such a conspiracy until I read your account of it: and I am very well convinced that such a conspiracy never existed. It is a mere fable of your own invention, intended to divert the public attention from the points in dispute, and to represent yourself as an oppressed man. It can deceive none but those who are determined or disposed to be deluded by your sophistry and misrepresentations. If I have condescended to notice your attack, it is because I am younger than others of that respectable body whom you have so outrageously abused, consequently less known, and more likely to be injured by your malevolent aspersions. Your insinuations against myself, in

particular, and one of my colleagues, are of such a serious nature, that I must have been thought regardless of my own character if I had not endeavoured to expose to the public the treatment I have received from you. You have so completely given way to the impulse of your passions on this occasion, that you do not appear to be aware of the inconsistencies into which you have fallen.—I might swell this pamphlet to an immoderate size if I were to point out all your inconsistencies. I will, however, mention a few of them. You have asserted that, in the part you took in Mr. Angus's trial, you were "supported alone by the consciousness of rectitude—by the imperious demands of duty;" and by the conviction that you might one day have to answer before the awful tribunal of heaven for your pusillanimity, if you had declined an examination at the trial. And all this is introduced with an air of solemnity, as if the fate of the world had depended on your decision at the moment: totally forgetful that, but a very few pages before, you had been dealing out your slanderous malevolence without measure and without bounds, against all those who had ventured to differ with you in opinion. Did it never occur to you that you might also have one day to answer to heaven for such a display of your malevolence? You have also asserted in the language which you

have borrowed without acknowledgment, of a celebrated orator, that *it has ever been a rule of your life to do what your conscience told you was right, and leave the consequences to God.** From a man swayed and influenced by this virtuous rule, a conduct very different from that which you have adopted, might have been expected. If you really believe that in the whole of this affair you have been directed by your conscience, your mind must be in a state, of all others, the most deplorable. For let me ask you, Sir, *Did your conscience tell you it was right* to traduce the characters of those Gentlemen who have given their attestations in the case of Miss Burns? *Did your conscience tell you it was right*, to assert that they had formed a conspiracy to ruin your medical reputation? *Did your conscience tell you it was right* to invoke heaven to forbid to them “literature or

* You have borrowed this passage from a speech of the Hon. Mr. now Lord Erskine.

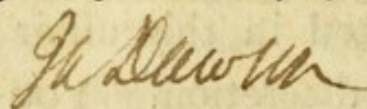
“It was a maxim strongly inculcated upon me in my youth, to do what my conscience told me was right, and to leave the consequences to God. I shall carry with me the memory, and I hope the practice of this parental lesson to the grave.”

You appear to have felt no hesitation in asserting, that in my attestation, I had used the language of other men. Do you feel no shame, on being convicted of plagiarism in this instance?

science, or any thing that is esteemed good, honourable, or praiseworthy?" *Did your conscience tell you it was right* to intersperse through your pamphlet the falsehoods and misrepresentations with which it abounds? *Did your conscience tell you it was right* to assert that I and my Colleague had "cases and facts ready made for any that wanted them, requiring only slight touches to be adapted to all occasions?" And, because I endeavoured to elucidate whilst you had attempted to involve in darkness and uncertainty the obliterate manifest fact of Miss Burns having lately been delivered of a child, *Did your conscience tell you it was right* to single me out from this "tribe," as you have insolently chosen to denominate them, "of Liverpool Practitioners in medicine," and to hold me up to the public as a man upon whose veracity there can be no reliance! I might thus go on to shew you the errors of your monitor, but I am weary of the task, and forbear. I can scarcely suppress the emotions of contempt and indignation which I feel for the proceedings of a man who professes to be actuated by the noblest sentiments, but whose conduct is directly at variance with them almost at every step. You appear to have acted in this affair without judgment, prudence, or discretion. You have, like many other men, unfortunately formed a wrong estimate of the cha-

racters of others as well as of your own.* This world, Sir, is not to be carried by storm. If you are not already convinced of this truth, it will sooner or later be forced upon your conviction. Next to the steady influence of virtuous principle, manners, obliging and conciliatory, and a regard to the opinions, feelings, and sentiments of other men are the only means by which you can ever hope to be respected. But before you can regain the ground you have lost here, some previous measures are, on your part, indispensable. You must make effectual and public reparation to those whom you have publicly slandered and abused. You must recall or retract the offensive insinuations you have uttered. You must humble yourself before the public, and exhibit the most decisive proofs of repentance and sorrow for the conduct you have pursued.

So far as respects myself, if you do not think fit to retract the vile, false, and virulent attack which you have made, both on my honor as a man, and on my means of subsistence in my profession, it will be for my serious consideration whether I shall not appeal to the justice of my country for redress.



Mount Pleasant, 1st January, 1809.



