

**Dr. Beaney's vindication: with reflections on the inquest held upon the body of Mary Lewis.**

**Contributors**

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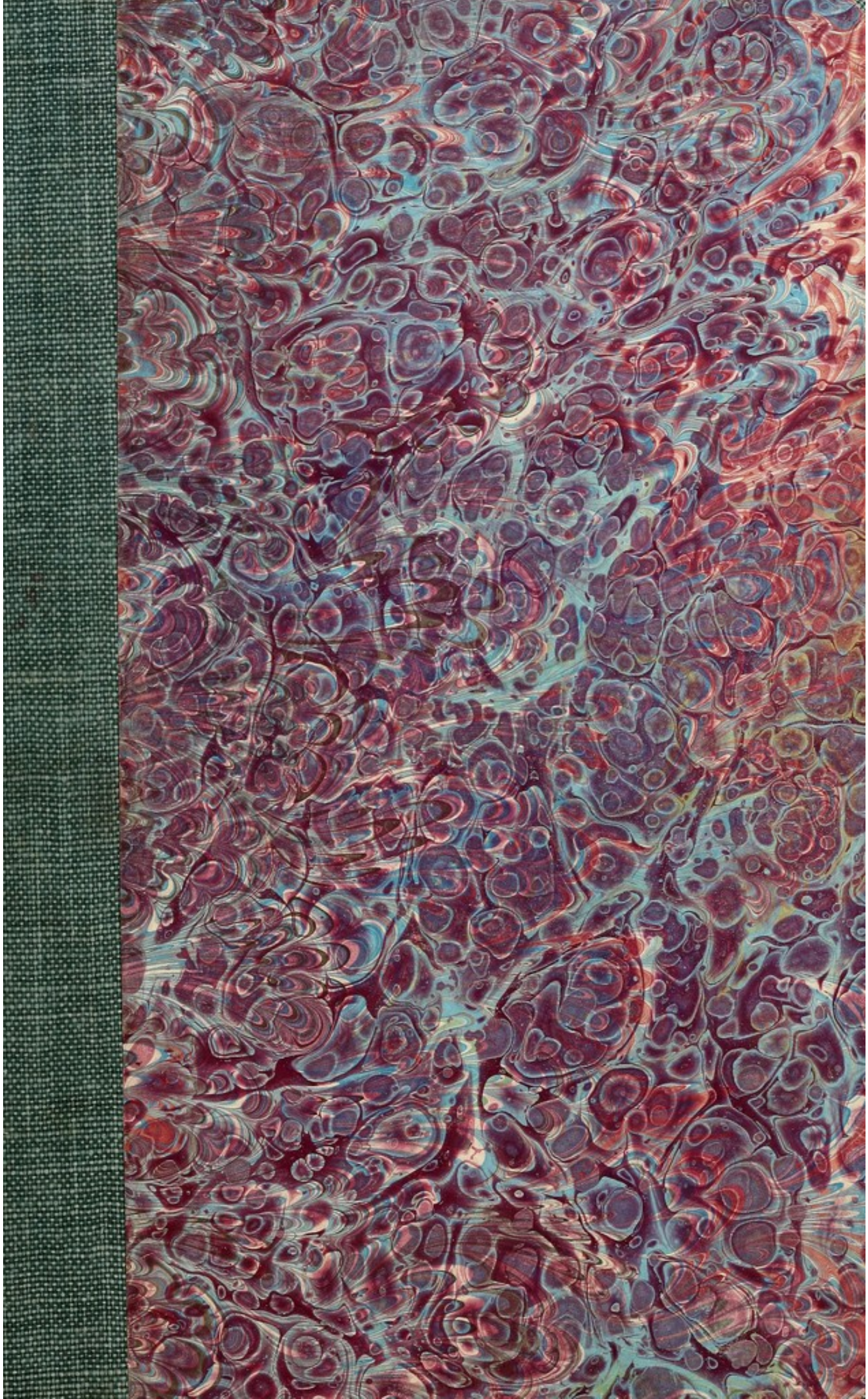
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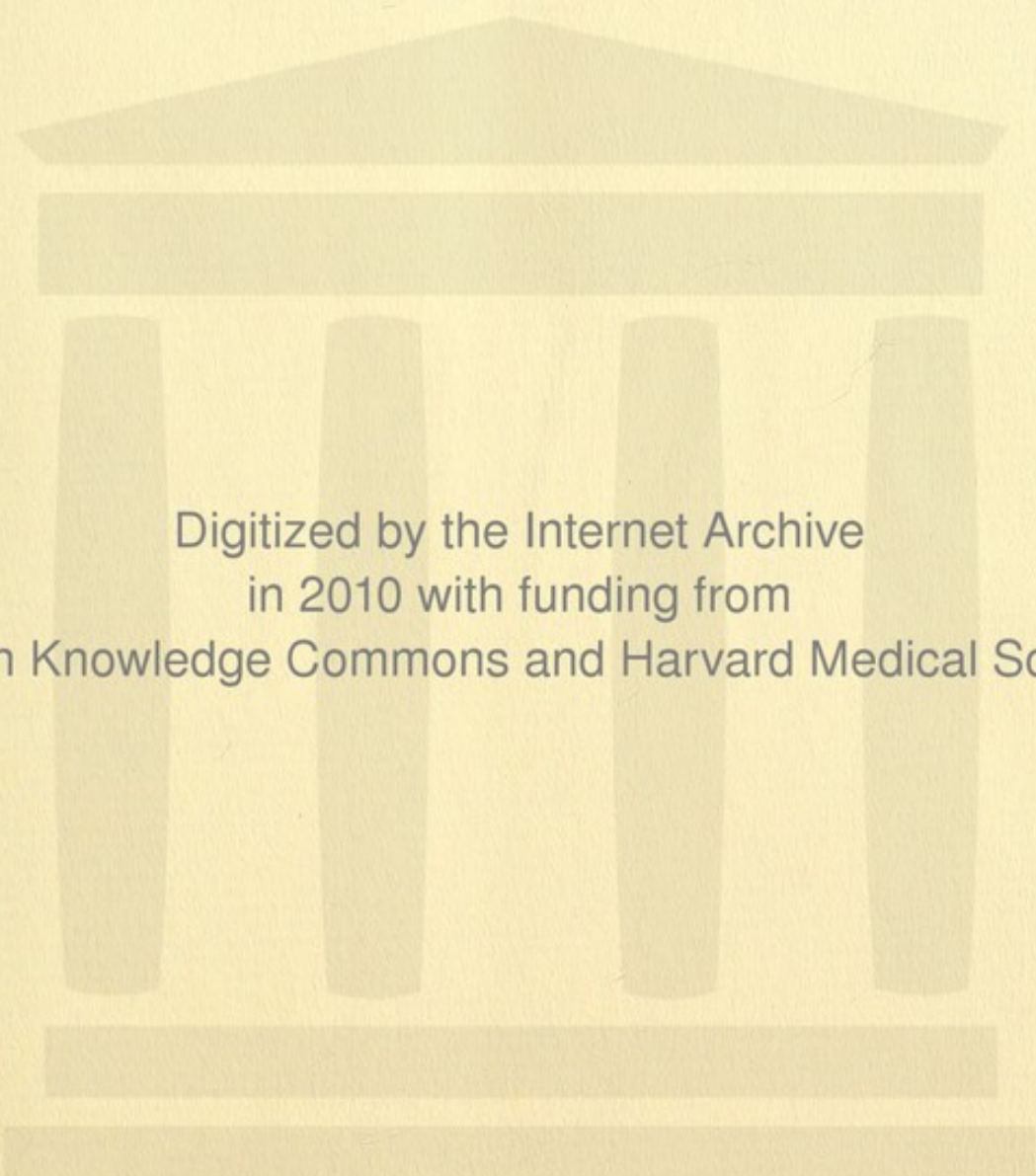
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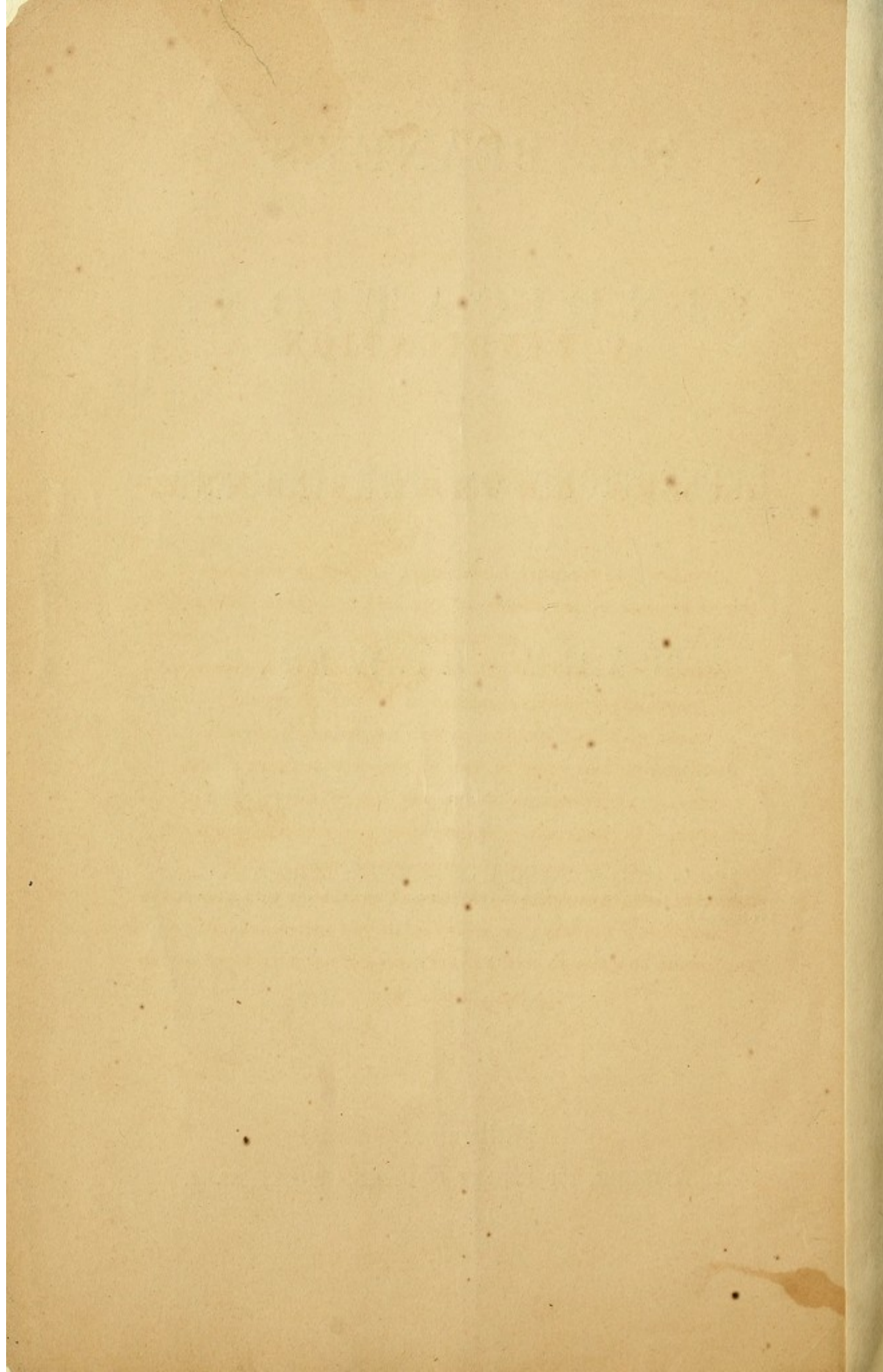
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DR. BEANEY'S  
VINDICATION:  
WITH  
REFLECTIONS ON THE INQUEST  
HELD UPON THE BODY OF  
MARY LEWIS.

"GENIUS cannot open a noble career which depravity will not attempt to debase;  
nor invent an engine for the exaltation of the human mind which vice will not pervert  
to its degradation."—ALISON.

Melbourne:  
W. L. AMBLER, 130 GREAT BOURKE STREET EAST.  
1866.



# A VINDICATION

BY

JAMES GEORGE BEANEY,

FELLOW AND MEMBER OF THE ROYAL COLLEGE OF SURGEONS,  
AND LICENTIATE IN MIDWIFERY OF THE ROYAL COLLEGE OF SURGEONS  
OF EDINBURGH;

MEMBER OF THE MEDICAL AND THE ROYAL SOCIETIES OF VICTORIA,  
AND THE HUNTERIAN MEDICAL SOCIETY OF EDINBURGH;

LATE HONORARY SURGEON TO THE MELBOURNE HOSPITAL;

SURGEON ON THE STAFF OF THE VICTORIAN VOLUNTEER FORCE;

FORMERLY DEMONSTRATOR OF ANATOMY AND OPERATIVE SURGERY;

AND AUTHOR OF "ORIGINAL CONTRIBUTIONS TO CONSERVATIVE SURGERY,"

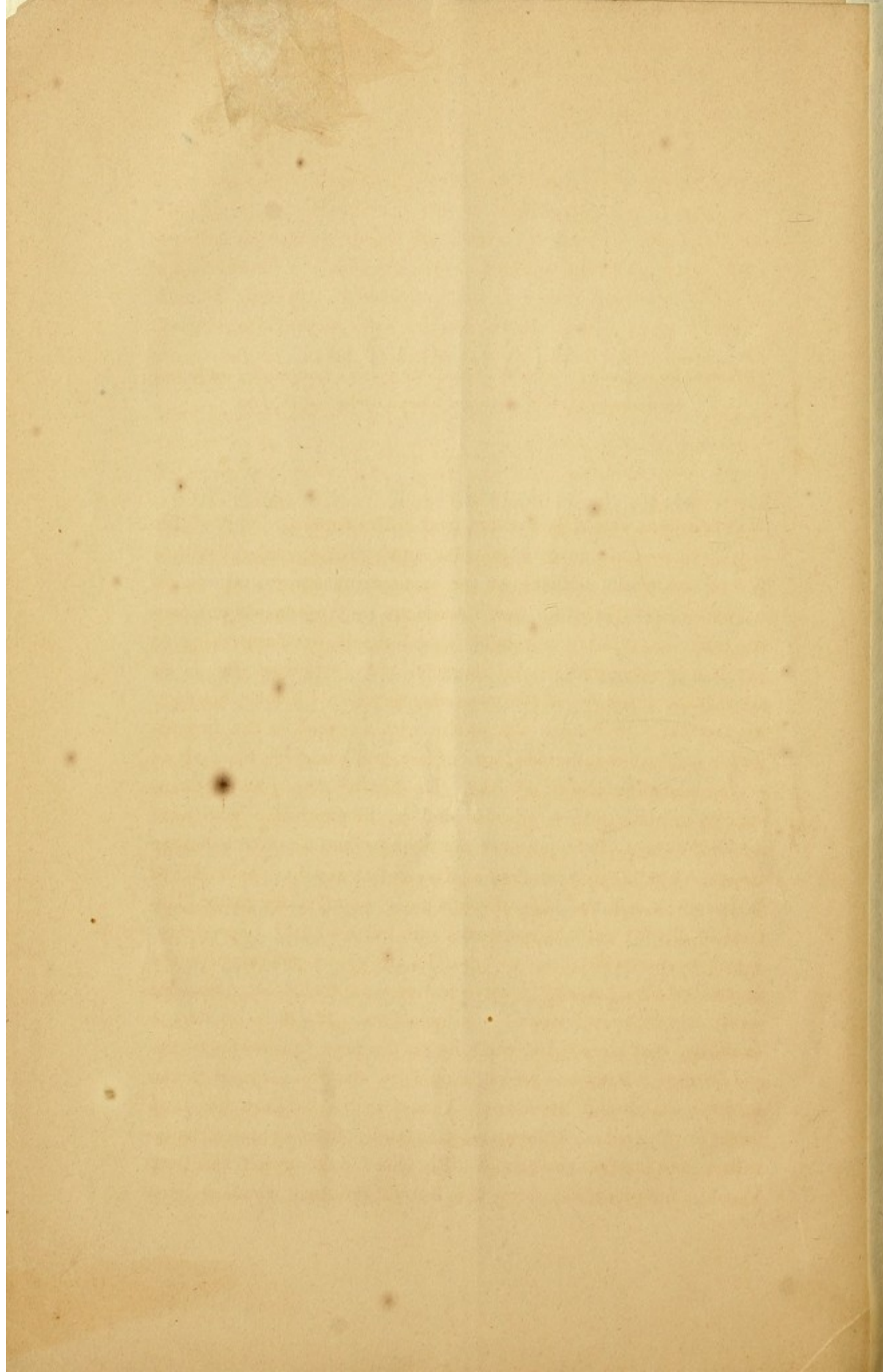
AND "CONTRIBUTIONS TO PRACTICAL SURGERY;"

FORMERLY ASSISTANT-SURGEON IN MEDICAL CHARGE OF THE 3RD ROYAL

LANCASHIRE REGIMENT OF INFANTRY IN THE MEDITERRANEAN;

AND ACTING SURGEON TO HER MAJESTY'S TROOPS, ON FULL PAY, DURING

THE CRIMEAN WAR.



*'No scandals are inoffensive! A pebble armed with a sling becomes a deadly missile; and the most trivial rumours may be of vital import to human destiny.'*—MRS. GORE.

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(C)

HAVING been placed by a recent trial in the Supreme Court of this colony in an attitude of a peculiar and extremely painful nature before the world, without, as the issue demonstrates, one single excuse or justification for such treatment by those to whom I owe the infliction, it is but reasonable that I should have something to say of a personal and general character. A gentleman, who is an accomplished member of the profession to which I belong, has done me the favour to furnish the public with a record of the investigation conducted under the forms of law, and has given his analysis of the medical evidence elicited. He has also been by no means sparing in his strictures upon several of the gentlemen who were opposed to me. It is, however, not my intention to adopt a similar course. The voluminous details, though necessarily disjointed, are before the world, and will occupy a place amongst the many illustrations already existing connected with our medical jurisprudence. I propose to avoid, as far as possible, any direct reference to the medical phenomena, and to keep clear of those technical expressions which usually crowd around such questions. It will be obvious to every one that already too much by far has been paraded before the public gaze of matters which should be strictly confined to the medical schools and literature. A most undue publicity has been given to physical conditions, and in so crude a form as to demoralise rather than instruct the people. For this I hold myself free from blame. I deprecate sincerely the baneful influence which it must

have had on the community by the publication of evidence in the daily journals. It was not without satisfaction that I noticed a growing reticence amongst the journals as the trial proceeded, and a judicious withholding of many details which the exigencies of the court demanded. Notwithstanding this care on the part of the Press, it was, nevertheless, painful to find much of a purely professional and delicate nature divulged to a crowded gallery, where the statements drawn from the medical men by counsel would doubtless have, in many instances, a very pernicious influence. The onus of this injury to society must rest with those who thought proper to bring on the prosecution. I shall, before I have done, show that I am free from the grave responsibility thus incurred. It may be said that absolute publicity in these matters should be maintained, and that the safeguard of English law—that it is administered with open doors—should not be violated. It is, however, competent for the judges in special cases to close the doors; and certainly no circumstances can arise of a more cogent character than such as occurred during the late trial. I allude to this view of the case, because so much was said during the progress of the trial by the public generally, touching the indelicacy and demoralising tendency of such investigations, where the details are allowed to be poured, without check, into the public ear. The public voice in this respect is perfectly correct, and with it I heartily concur. It is to be hoped that ere long the practice of the courts of law will be so modified as to render it impossible for such scenes to exist as now are permitted, and that the morbid thirst for the sensational of those who usually frequent the galleries of our law courts will not be gratified. Public justice is not benefited any more than public morals by the details of a peculiar class of criminal acts, but would, in many cases, I am persuaded, be saved from undue influences by their recital with closed doors. The recent trial had especial features illustrative of the view I and many intelligent men take—eliciting facts which should never reach the public ear. Such considerations as these ought to weigh with public men and the guardians of public morals, before they enter so exhaustive and perilous an arena as a court of law. The rashness with which the late prosecution was initiated and con-

ducted, indicates a lamentable want of those conservative considerations which should restrain thoughtful men before they incur such grave responsibilities. Surely there could be no more serious a question raised than the one we are considering. The case was of more than usual interest, involving, as it did, circumstances and principles beyond the bare technical allegation. It is admitted that the sacredness of human life necessitates the keenest vigilance on the part of society to see that it is not endangered, and that frequently it is necessary, to further the ends of justice, that the machinery of law may be apparently unduly applied, but this does not warrant the reckless seizure of any plausible pretence, in order to inflict an injury on an obnoxious member of any particular section of the community. There are many crimes which in no way outrage public decency either in their perpetration or in the investigations they necessitate. About these there is not the same need for caution in relying upon merely *prima facie* or circumstantial indications. But there are others, where, in the name of justice, and on behalf of public morals, the wisest counsel should be taken before the exhaustive analysis of a court of law is applied. When persons take upon themselves the *onus probandi* in reference to any supposed charge, it is also important that they should determine whether society is likely to be benefited by the experiment they have resolved to make. They ought first to ascertain whether the end to be gained will of necessity emancipate them from the imputation of rashness, at least, if not from a graver one.

The case in which I unfortunately occupied the position of defendant was one in which we saw every prudential idea set at naught. The history of the earlier investigation and proceedings betrays the most unwarrantable haste, and the most manifest bad taste. All considerations of a public nature appear to have been annihilated by the preponderance of private and personal antipathies. Here lies, at the threshold of the affair, the *gravamen* of the censure, which the public now unhesitatingly apply to the authors. The ordinary proprieties observed on such occasions were unceremoniously disposed of, and a Star-chamber expedition adopted, perfectly incompatible with the extremely momentous

circumstances consequent thereon. The Coroner's inquest was as unnecessary as it was unusual, but was the first step to be taken in a course of hostility which was about to culminate. I had long known that the casualties of my practice—which is very considerable—were carefully watched for the discovery of any accident which would give a colouring to the meditated assault. Here was a case which apparently furnished the requisite data; rumour said that a woman of questionable antecedents had fallen a victim to circumstances which her licentious habits suggested, but beyond this rumour nothing transpired to give the faintest colouring to my alleged complicity with her to perform an illegal act. The parties chiefly engaged in the inquest, the Coroner and his medical aids, entered upon their pseudo-investigation deeply influenced by the rumour set a-going by interested parties, and allowed this bias to govern their whole conduct. Had not the long-known animus against me become greatly intensified by time, they must have seen at the very onset that events occur each day in the duties of every general practitioner of large practice, which furnish, apparently, just as much reason, and more so, for a Coroner's supervision, as the death of Mary Lewis.

Before I enter more fully into the conduct and functions of the Coroner, as suggested by this case, I shall again refer to the twofold bearing of charges like this. In addition to the ordinary phase which they present, there is also one immediately affecting the medical profession itself, and one which is worth some slight recognition and consideration. The medical man stands in a very peculiar relation to society—one which is utterly unlike that of any other professional man. His duties are necessarily of a sacred and responsible character, demanding the most unrestrained freedom of action, that he may be prompt to act in the emergencies of disease without the dread of public or professional question. Were he to feel that all his acts are to be canvassed and submitted to public or professional ordeal, there would at once be an end to his usefulness, and society would suffer severely from fetters of its own forging. Were a system of professional *espionage* to become general, such as has been in operation towards me for

the last few years, it is manifest that no medical man would be safe from criminal charges, although, as in my own case, he might escape from his pursuers without injury to his reputation. Society demands that our palladium shall not be invaded, and that the *juste milieu* shall not be overstepped in dealing with the casualties of the profession. There are occasions where direct violence is done by medical men, as well as by others, where the law properly interferes; but I assert that, unless the case is beyond dispute and admits of no question, on no ground should supposititious cases be trumped up against a class of men whose usefulness depends so essentially on their freedom from outward influences. Still more reprehensible is the conduct of medical men themselves, who, writhing under the ignoble influence of jealousy, should prostitute the powers which their position gives them to bring about the destruction of one of their order. The imputation, coming from such a source, is liable to be almost as dangerous as a conviction, and might, unless the confidence of the public in the accused were unusually strong, effectually blast the reputation of an innocent man. Such a circumstance as the late prosecution will for a long period be regarded by impartial men as a deep disgrace to the profession to which I have the honour to belong, and will exist for ever as an unexampled illustration of how seriously men, who ought to adorn a noble profession, can fall from the status conferred on them by their *Alma Mater*, to gratify the basest impulses. The feelings engendered in the public mind by it were those of contempt and loss of confidence. The displays of ignorance and unfairness were generally stated to be unworthy of the men to whom the public had been prone to attribute higher and nobler qualities. The weakness, vacillation, and disingenuousness of the witnesses for the prosecution were such as their opponents regret, and none more so than I, the victim of their ill-judged hostility. These frailties, not to say vices, would have been better concealed than paraded publicly for general comment. The sequel of the trial has been anything but flattering to the profession. It has exonerated me from an unfounded and base charge, but has, at the same time, left a stain on the medical body of this city, which no

penitence on the part of Messrs. Rudall and Co. can efface. Honourable and fearless men plunged into the arena to confront sophistry, vindictiveness, and cruelty. They sacrificed comfort and ease to the cause of justice, and by their erudition and skill annihilated an ignorant and designing faction; but, notwithstanding the learning displayed, and the victory gained, the profession, as a whole, has not been raised any higher than before in public esteem. The stone, so mercilessly and unskilfully thrown, has bounded back upon the assailants; but, while injuring themselves, they have also shed a portion of their disgrace upon their professional brethren. It is not by antagonism and the meaningless jealousy of costermongers that our profession is to qualify itself for its high mission—to heal the sick. When we consider how much we do not know, we may readily form some estimate of the little we yet know as a scientific body, and admit the need of unity and hearty combination, in order to enrich as rapidly as possible our limited store of knowledge. It is not to be expected, nor is it possible, that any individual can be fitted by nature with such sagacity or powers of comprehension as to exhaust even what is already known; hence we must, in a considerable degree, rely upon each other for aid in difficult and urgent cases. Society also demands that, as the guardians of public health, and aids under physical afflictions, we should develop to the utmost the resources of our art. This is, however, not to be done by acting at cross-purposes, or by seeking the downfall of those of our medical brethren who are apparently earnest and successful labourers in the field we have chosen. All such unreasonable and childish manifestations amongst us tend to tarnish the dignity of our class, and lessen very materially the confidence of the public, both in our good sense and our reliability. Greater still must be the odium that will fall upon us when it is openly exemplified, without any attempt at concealment, how ready we are to destroy each other, without regard to the injustice of the act, or the baseness of the means employed.

Never was there in the history of Great Britain a more flagitious case than the one in which I was so seriously involved. From the first to the last recognised forms of procedure were set

aside, and the most arbitrary acts performed to neutralise every effort that might be made in defence. A pre-judgment had been formed and every circumstance was made to bend to it. Common courtesies were ignored, and the most unwarrantable insolence substituted for them. Coarseness, of a type to be tolerated only in the worse society, was indulged in with a *bravoure* that astonished all who witnessed it. Yet this was practised under the cover of law by those who claim to be recognised as gentlemen, and conservators of public order and decency. These gentlemen went out of their way, and exercised a vigilance that is eminently suggestive, and which is quite unaccustomed to them in the discharge of what they deem to be public duties. They knew from the first that the work they had set themselves was one which would fail in the main. They scarcely thought it possible that they could get rid of me by capital punishment or even by imprisonment, but they felt perfectly confident that they could submit me to so expensive an ordeal as to seriously embarrass me. This became, soon after the initiation of their proceedings, the only end they saw within their reach, and to this purpose they clung with a tenacity that is unparalleled. They now plead, as an extenuation, that they took certain action in order that the ends of justice might be answered, and that a supposed social injury might be investigated. If we give them credit for entertaining so worthy a feeling at the outset, it was utterly impossible for it to have been in existence many hours. Ten minutes at the inquest fully dissipated any necessity for so lofty a plea. It was then necessary to conspire for a baser purpose, and I have occasion to remember as long as I live, with what wicked pertinacity and cohesion they prosecuted their design. I was subpœnaed as a witness, and I was actually the only person who could give conclusive evidence in the case, but it was not intended from the first that I should be allowed to give evidence, it was only intended to offer me an affront. As a matter of course, my evidence was not required, and thus the light which might have been thrown on the case, and which would have caused it to end there, was rejected. When matters assumed that phase, and it was seen by

my medical brethren and friends that a most unjust attitude was taken towards me, a considerable number of them attended subsequent sittings, and in the form of a polite note to the Coroner, stated their readiness to give evidence. One would naturally suppose that such a course, taken by leading men in the profession, would have been hailed with pleasure by the Coroner, and that he would have felt himself very opportunely aided in his investigation. We must not, however, judge Dr. Candler by the ordinary processes of thought common amongst men; he had other aims. He accordingly rejected the generous offer, and day after day swore in Messrs. Rudall and Pugh, whose evidence alone was that which he wanted, as it had been nightly prepared in concert with himself, and the defects of the previous day remedied by fresh extracts from medical works. The conduct of the Coroner and his aids was so utterly one-sided and unjust, that when my medical friends who wished to be heard made their application, he replied that "the jury might hear them if they liked; for his part *he was perfectly satisfied!!*" Satisfied of what? Satisfied of the guilt which his own mind had created? Could he by any possibility be satisfied about an occult case, of which he knew literally nothing of the circumstances? How, pray, could he be satisfied in so grave a case as one on which he considered the life of a fellow-practitioner hung, without any adequate investigation? I ask any impartial person whether it was decent for Dr. Candler to take upon himself to say that he was satisfied a medical man had committed murder, before he had taken any evidence whatever that could throw the least light upon the case? Was it not a grave and unpardonable wrong, and a violation of the decorum of the position he occupies to say to the jury, whose business alone it was to determine, that he had no doubt but that a certain medical man had committed murder, and must be committed? In this particular the Coroner stands open to the keenest censure, and is amenable to a certain tribunal for the wantonness and indecency he exhibited on that occasion. His mode of conducting the inquiry was absolutely unlike what it should have been. Leading questions were constantly being put to the favourite witnesses, and a vast variety

of questions which ought to have been asked, in order to elicit the truth, were cautiously avoided. The indecent haste with which he hurried on to the pleasurable—as he no doubt deemed it—function of committing me to goal was only equalled by the avidity with which he seized the opportunity when the moment arrived. Pipe in mouth, and his hands engaged in cutting tobacco, he flippantly announced that I was “committed for wilful murder, and that the witnesses must meet me *at the next gaol delivery.*” The whole was done in the most offensive form, and when he had lighted his pipe, he deliberately blew the fumes in the faces of myself and my friends. It was his firm determination not to admit me to bail, and this resolve was only overcome by the pressure of my medical brethren, who, at the same time, handed in a document, affirming that, notwithstanding his decision, and his being *perfectly satisfied*, they were of opinion, after having examined the body, that the deceased died from natural causes. Their evidence was tendered and refused during the examination; but such discourtesy did not deter them from sending in their practical protest against the conduct of the Coroner. I am justified in saying that, under the circumstances, the stringency of the Coroner was entirely out of place. It could scarcely be a question of imperative necessity that I should be deprived of freedom when so many able men in the profession emphatically placed on record that there was no ground whatever for even a suspicion of malpractice. From this point of view the inference is legitimate that from the first there was an intention foreign entirely to the true purpose of a coroner’s inquest, and that the intensity of the animus was too strong to allow of its even partial concealment. The marvel is that so much ingenuity was displayed in “extracting the sunbeam.” It is only by torturing the facts excessively that anything like malpractice could be brought out. The history is as simple and intelligible as that of any daily occurrence. The unfortunate young woman came to my house, without any pre-intimation, on Monday evening, the 12th of March, of this year, at the hour when my evening patients assemble. She informed me that she was the barmaid of the Terminus Hotel, St. Kilda, that she was extremely ill, and could

no longer attend to the duties of her situation. She complained of great prostration and faintness, with pain in the lower part of the abdomen, and stated many other external and special symptoms, which led me at once to conclude that she had disease of the womb. She was pale and tremulous, indicating nervous anxiety about her health, believing herself to be dangerously ill. I then gave her some general directions, such as injections of warm water, and directed her to go to bed, as her being up under such physical disorders as she complained of was extremely injurious to her, if not highly perilous. I promised to visit her on the following day, and, after examination, inform her what was the nature of the disease she was suffering from. This, however, I found I could not do, as I had omitted to take down her address; hence I had to hear from her before I could attend to her as promised. She discovered also that her address had not been left with me, and, knowing that the want of it would prevent my seeing her, she sent a woman of the name of Cronan to inform me that she would be found at the place described. I visited her in the afternoon, which was as early as I could, consistent with my other engagements. At this visit she gave me a history of her case in something like the following order, save that she entered more fully into details which it would not be pertinent in me to mention here. She said:—

“I am twenty-one years of age, and have always enjoyed tolerably good health until thirteen months ago, when I was delivered by instruments of a female child, which is alive. Since that time I have never been well. Sometimes I would be very bad indeed for many days in one form, and then for weeks be equally ailing in another form. I had occasion to tell my mistress, Mrs. Bennett, that standing so much was very much against me, and made me feel very ill, and that I felt it was absolutely necessary for me to have a little rest. I have been attended by a surgeon who, I am sure, *has done his best for me*. I have taken a *good deal of medicine*.” When I asked her if she had had a mishap, she replied, “Oh dear no, Dr. Beaney, for I should have known if such had occurred.” On careful examination, I found no indication whatever of pregnancy, of tumour, or any other body

existing in the womb. There were external indications of manifest disease of the organ, but nothing beyond that. My diagnosis was, that there was considerable inflammation of the womb, if not extensive ulceration. The treatment which appeared to me to be the most appropriate consisted in prescribing such remedies as would relieve the pain, improve her strength, and the free use of warm water. The scientific details leading to the diagnosis, and the medicine administered, are given in the work lately sent into the medical world by my friend Dr. Reeves. It would be out of place to relate them here. On visiting her the following day I found her easier, but she had not been able, for want of a suitable instrument, to use the lavements directed by me; I consequently used my own instrument which was in my bag—a convenient vehicle for carrying instruments that are in most general use in the practice of every surgeon who has much to do. This *bete noir* to these gentlemen is carried with me daily.

She said she was easier than when I last saw her, but she still vomited occasionally; she had slept badly during the night, and felt giddy when she sat up in bed; her tongue was dry; she complained of great thirst, and her breath was offensive, with a peculiar fœtor. She was pale, with a bluish tint of the lips, and her pulse was rapid and feeble. I rendered her all the aid I could, and directed the nourishment and medicine to be continued. I was summoned to her again about nine o'clock in the evening by Mrs. Cronan's daughter, who said she was more in pain, and that she could not sleep. I put in my pocket a small bottle of chloroform, and visited her at once; she said she had more pain, and would "give the world for sleep." She had more pain in the immediate region of her disorder. I gave her a composing draught, and soothed her with a little chloroform, and left a draught, with instructions that should she complain of pain after waking, it should be given.

On the following day (Thursday) I saw her again about half-past four in the afternoon, and found her in a state of collapse. Her lips were very dark-coloured, face dusky and expressive of great anxiety, and her voice feeble. The hands and feet were of a bluish

colour, and the extremities were cold; there were sordes around the teeth; the breath was very offensive; pulse rapid and feeble, scarcely perceptible. Her chief symptoms were considerably aggravated; I accordingly again sent for my bag, and by the use of the syringe, obtained for her very considerable relief; certain morbid accumulations being washed away, which, by their retention, were giving considerable pain. I was necessarily very angry with Mrs. Cronan for not having rendered the same important service to the sick woman, in obedience to my distinct and emphatic instructions; I also insisted upon her using the instrument I had with me, in my presence; which she did very well. I ordered bottles of hot water to the patient's feet, hot brandy and water and beef tea internally, with instructions to send for me if she became worse. I was sent for about half-past seven o'clock in the evening of the same day, as they thought she was dying. I arrived soon after this, and was told she was dead.

Such is the history of the case as far as my knowledge and opportunities extend. I have detailed the whole of the circumstances as they occurred under my notice, stripped of medical technicalities, and I ask, where is there anything to warrant the course that was originally taken by the Coroner and his party? The character of the girl, no doubt, gave rise to the presumption that she had been attempting to relieve herself from a troublesome burden by illegitimate means; but was a base surmise, arising out of the accident of this girl's character, a sufficient warrant for a wilful onslaught upon the character of a citizen who, in the discharge of his public functions, happened to be brought into a professional connection with her? Dr. Candler relied on the irregular life of this woman as *prima facie* evidence that her death had resulted from violence of a certain kind, and had not the sagacity to see that there was not any other circumstance to sustain the rash conclusion. Whatever may have been done prior to her application to me for medical aid, it is self-evident that the facts under my cognizance bear no relation whatever to the presumptions of Drs. Candler, Rudall, and Pugh. My opinion as to the safety of the young woman soon after she consulted me was

decided, and unfavourable to her, and the probability of my diagnosis and management of the case being questioned never for a moment crossed my mind as in the least degree probable. She had evidently been suffering severely for a considerably time from serious organic disease, as was fully explained by her mistress, Mrs. Bennett, who said at the Police Court and at the first trial, that "she complained of being ill a month or two before she left, and on several occasions of pains of such severity as to prevent her standing, and that blood and slime constantly passed from her. During her daily avocations she had frequently to lie down—sometimes on the sofa in the bar-parlour, and sometimes upstairs. She never walked, for she complained of not being able to walk." For some months before leaving her situation she declared her inability to walk, indicating most markedly the aggravated nature of the disorder from which she suffered. That she did thus suffer and was long in ill-health was affirmed by persons who saw her frequently and knew her well, amongst whom were Mr. Henderson, Mrs. Brown, Mrs. O'Neil, and Lucy Green.

According to the evidence, she arrived at Mrs. Cronan's on the Monday night and took some supper, as was her habit. She went to bed, but before she went to sleep she vomited what she had previously taken. As she herself said, her system was completely disordered, and capable of performing scarcely any function normally. Her nervous system was so shattered that the existence of severe organic lesion could not be doubted. Such was her state before I had seen her. Thus, before I commenced to treat her, she was almost in a moribund condition—so seriously disorganised as to preclude the possibility of recovery. It would be just as equitable to lay the blame of her disease at this stage at my door, as to fasten upon me its inevitable consequence, her death. I had, undoubtedly, no part in the circumstances of her previous history, and they, themselves, were the sufficient cause for the fatal denouement. A rumour got abroad in the neighbourhood after her death that she had died of abortion; this silly slander, arising out of inconsiderate gossip, seems to have given the woman in whose house she died some uneasiness, and she called upon me to inform

me "that reports were in circulation in the neighbourhood that the woman had been delivered of a child and *murdered*." She also wished me to go down and open the deceased and "clear her house" from the imputation that rested upon it. I promised to do so, but being extremely busy, and a medical friend, whom I wished to accompany me, having dissuaded me from doing as I intended, thinking it unnecessary, I was content to send what I knew to be a correct certificate of the immediate cause of death, viz.:—"Malignant disease of the womb." My surprise was considerable on being informed that there was to be a *post mortem* examination by Messrs. Rudall and Pugh, and a coroner's inquest. My absolute confidence in the nature of her disorder, and the entire absence of physical indications to support the calumny circulated, caused me to act heedlessly in reference to the inquest at first. It was not considered by me to be of any material importance that I should attend the *post mortem* examination. It was only when I attended at the Coroner's inquest, that I became alive to my mistake, and discovered for the first time that there was a determination in certain quarters to misrepresent the whole case to my serious detriment.

At this juncture several medical friends, discerning that there was not only to be no fair play, but more, that there was likely to be an entirely fictitious aspect given to the case, came forward to make themselves thoroughly conversant with the physical phenomena surrounding it. They found that the statements of Drs. Rudall and Pugh were perfectly erroneous and inconsequential. They denied emphatically the conclusions drawn by these two gentlemen from the appearances before them. Those who care to wade through the evidence, crowded as it is with medical and technical terms, will see that Mr. Rudall makes every circumstance that he met with tend to elucidate his pet idea—that the deceased had been pregnant a short time before she died. Every discovery he made as bearing upon his view of the affair was pointedly shown by others to be valueless, inasmuch as they not only exist under other conditions, but required auxiliary and concomitant circumstances to render them of any weight in proving what he intended.

These essential circumstances did not accompany those which Mr. Rudall had so adroitly arranged.

The inquest absolutely furnished nothing on which a trial could be founded. The allegation covertly made was not sustained by evidence commensurate with its serious nature. It therefore fell to the ground in the end for want of genuine support, and decency was outraged by a hasty appeal to the Police Court, as though a criminal of the deepest dye was in danger of escaping the fangs of the law. Here, with shame be it said, the myrmidons of a cruel faction found abettors to aid their scheme, and, by a trick in law, I was torn from my profession, my name bandied about as charged with one of the most heinous of crimes, and my life jeopardied simply to gratify a spirit of persecution which had found a suitable opportunity for exercising itself. I have ample reason to complain that such indecent haste and anxiety were evinced to criminate me, when the whole movement was founded on the wildest conjecture. Had the inquest failed in the purpose determined upon by the Coroner and his friends from an informality only, there could not be any just ground of complaint that the law should be vindicated by another course ; but when it was self-evident that it had failed because of its uselessness in evolving any facts of a nature indicating that there had been foul play connected with the death of the deceased, there was no legitimate excuse for having recourse to the Police Court. That proceeding can only be designated as an act of pure vindictiveness, and worthy of the days of Jeffries. Viewing it from an entirely impartial point of view, it must be admitted that it was an unusual overstraining of legal forms to drag me before another Court when one, and that the most important, had already failed in criminating me.

If I follow up this spirit I find it pervading every step in the proceedings. Even the Crown Prosecutor evinced a rancour and determination to make out a case which, to say the least of it, was unseemly. So unmistakable was the personal bias of this gentleman and his leaning to the views of his party, that he almost forgot his position as an advocate, and became a heated and restless partisan. This surely does not comport well with the high

functions and status of a Crown Prosecutor. The difficulties in the way of obtaining a conviction were exceedingly offensive to this gentleman, and every occurrence which was calculated to throw light upon the actual cause of death was received by him with dissatisfaction. The public witnessed this improper conduct, and will long remember it with aversion. The witnesses for the Crown were most of them imbued with the same spirit, and as far as the medical witnesses on that side were concerned, it was often necessary for them to draw largely upon the imagination,—to use the mildest term, in reference to some of the statements made on oath. Random, indeed, must have been the evidence of Messrs. Pugh and Rudall, when another witness, incomparably their superior, had the boldness to say that he would not believe their medical statements even on oath. The plan laid out to insure a conviction was so extraordinary, and conducted with such eagerness, that it became evident to most people, especially those attending the court, that the machinery of law was levelled at the individual, and not at the supposed crime. This is indeed the key to the extraordinary burst of applause which occurred on my release. The crowd rejoiced that a man was rescued from a cruel and relentless faction, and violated the decorum of a court of law in obedience to a mighty and overwhelming instinct—hatred to oppression.

The Attorney-General had serious objections to a second trial, as he did not see that public justice required it, but Messrs. Rudall, Tracey, and Barker were so persistent, and give him so emphatically to understand that they had from their recent readings become prepared to make out a strong case against me, that he very reluctantly granted the second trial. Their view of the case and mine differed materially. They desired another opportunity for crimination. I desired another trial that I might be thoroughly exonerated from the baseless charge against me.

The public can know nothing of the pathology of ruptures of any organ, nor of blood-poisoning; yet, although they cannot follow scientifically the elaborate proofs that exist of blood-poisoning being the most probable cause of Mary Lewis's death, still they can

intuitively discern that the one alleged by Messrs. Candler, Rudall, Pugh, Barker, and Tracey is demonstrably inconsistent with the ordinary probabilities of every-day life. Setting aside the absolute fact that the woman was not *enceinte* when she first visited me, and presuming that she was, for the sake of argument, where was the powerful incentive to induce a gentleman in large practice to go out of his way to violate the laws of the land, with no emolument presenting itself, and in the entire absence of any adequate motive? Why should a surgeon peril his position in a gratuitous venture to screen a stranger from the consequences of her own immorality? Had the deceased been a woman of fortune, and known to have been *enceinte*, and had it also been known that a large bribe had been offered to compass a certain purpose, then there would have been some fair presumption to ground inquiry upon. But when the unfortunate woman Mary Lewis was penniless, and almost friendless, at the same time a stranger to me, by what course of reasoning can it be supposed that so inconceivable a fatuity could take possession of me as to conspire to aid in the turpitude of forced abortion? The entire complexion of the whole affair, as viewed in that light, is so transcendently absurd, that I feel confident of exoneration from wrong intention at the hands of every right-minded person in the colony. It is no small satisfaction to me to receive so many evidences of public and private sympathy as have reached me since my return to my home. Public recognition is always grateful, even to the most retiring, but what is more highly cherished, and which is the most valued and lasting in its influence, is private and unexpected sympathy. My troubles, great as they have been, are much ameliorated by letters which have reached me from gentlemen in all ranks of life in this and other colonies, expressive of their regrets for the ordeal through which I have passed, and their extreme congratulations at my escape from so determined and dangerous an attack upon my life and character. No circumstance could so manifestly have alleviated the deep affliction I have passed through as these generous and kindly communications, nor can I by any language adequately express my deep obligation to my new and numerous friends, who have thus tendered

me their condolence. I append two or three of the many letters which I have the happiness to possess, as examples of the opinion formed by the professional and educated men in this and the neighbouring colonies:—

“*Tasmania, Aug. 30, 1866.*”

“MY DEAR DOCTOR BEANEY,

“I have been tardy in offering you my congratulations. I have purposely waited until the acclamations of the public feeling in your favour should cease to ring in your ears, and until the last wave of sympathetic joy had murmured itself to silence on the distant shore, knowing that the delay of giving expression to such courtesies would not reduce their sincerity by the weight of a single feather, either in your estimation or in that of your beloved wife. I congratulate you, indeed, on the triumph you have obtained. Your enemies are covered with shame, brought on, too, by their own doings.

“Very faithfully yours,

“Dr. Beaney.”

“J. J.”

The following is selected as being the valued expression of one of the ablest medical men in the colony, and one whose experience of Coroners' inquests is very considerable:—

“*Ballaarat, September 3, 1866.*”

“DEAR SIR,

“I beg to congratulate you on your escape from the harassing persecutions to which you have been most unjustly subjected, through the ignorance and jealousy of certain members of the medical profession in Melbourne. I have carefully perused the work by Dr. Reeves, and I deeply sympathise with you on account of the gross injustice you have experienced at the hands of certain members of your own profession, vastly inferior to you in a professional and literary point of view. I was in the habit of reading daily the reports given in the Melbourne papers, and though I do not pretend to be much of a medical jurist, I had previously formed my own ideas of the case, and was satisfied that

*if the Coroner had done his duty in an impartial manner at the inquest, any further investigation would have been altogether unnecessary.* He ought not to have allowed the medical witnesses for the Crown to leave the ovaries unexamined, much less to have given them facilities for making away with them. The whole affair appears to me in no other light than as a conspiracy among the three parties to do you a serious injury, and that they were subsequently abetted by others in the same design. Thank Heaven and honest jurors you have triumphed over their petty malignity, and I sincerely hope that you will not be a loser in the long run, but will continue your endeavours for the advancement of medical science and the good of the public. I have much pleasure in subscribing myself

“Your obedient and humble servant,

“J. S.”

“Dr. J. G. Beaney.”

The following is one of a number of letters from clergymen of different denominations:—

“*Melbourne, June 28, 1866.*

“J. G. Beaney, Esq., F.R.C.S.

“DEAR SIR,

“Although I am unknown to you, you are known to me by sight, and I take the liberty of saying that I was greatly rejoiced this morning when I saw in the paper you had been declared “Not Guilty” of the crime which had been alleged against you, and which, by the two protracted trials, must have caused you and Mrs. Beaney so much anxiety and pain. I looked in vain to see whether the costs to which you have been put would be defrayed by the Crown; I sincerely hope such will be the case, as I think it a piece of great injustice and hardship that a respectable citizen should be put to a great expense in defending himself against the calumnious attacks of gossiping, ignorant, and prejudiced parties.

“Assuring you of my sympathy,

“I am, Dear Sir, yours very respectfully,

“J. B.”

These will suffice to indicate the feeling that is abroad as to the character of the late persecution to which I was subject; they show distinctly enough that the general intelligence of the community clearly penetrated the legal forms, and beyond it discovered the disgraceful design of ruining me at all hazards on a mere pretence; my persecutors have not escaped the vigilance and common sense of the public, nor have they succeeded in robbing me of that honorable recognition by the people at large, which years of industry have won for me. To me, this is my great solace, and I am more and more convinced, that as time rolls on the public verdict will become still more decided that Messrs. Candler, Rudall, Pugh, and Tracey made use of their position and influence for the basest and most disreputable purposes.

One of the letters which I have inserted touches pointedly upon one very important circumstance that needs a little more particular notice from me, as by it the whole course of the proceedings was diverted in the desired channel. I mean the irregular and unjustifiable conduct of the Coroner. It is seriously to be regretted that society in this colony is so careless of its privileges that the Coroners are allowed to be the nominees of the Crown. This fact is an anomaly in a British community. We are as a people eminently sensitive usually about any interference with old and established usages, that involve any question of privilege, yet, in one of the dearest and most valued of our rights, that of electing our own Coroner, there seems to be a perfect acquiescence in the fraud which the Government of this colony has perpetrated. It seems strange indeed that this privilege of electing so important an officer as the Coroner should have been surrendered almost without a murmur. True it is that occasionally an isolated effort has been made by some individual or other, and that the Press has joined in it, to draw public attention to the loss we have sustained, and to the danger we have incurred. No action has, however, been taken to bring about a change. It is to be hoped that the vicious nature of the present arrangement, as illustrated by the recent inquest in which I was concerned, will again create a spirit of inquiry, and lead to some definite legislation on the matter.

The law as it now stands must be abrogated if our lives and characters are to be safe, and our Coroner must be of our choosing. Conduct has been from time to time practised by certain Coroners which is most disgraceful and reprehensible, and which, I think, the public would have resented if they had known it. As the office is now regulated no man is safe. Our lives and liberties are entirely at the mercy of a vindictive man, and a venal executive.

With regard to the election of Coroners, it is one of our oldest and revered privileges, and has never yet been taken from the English people. Our fathers at home still enjoy it, and we may be very sure that they will not readily surrender it. As the law stands in England, "Coroners of the country are chosen by all the freeholders in the county court, by virtue of the writ *de coronatore eligendo*, as by the policy of our ancient laws, the sheriff and conservators of the peace, and all other officers were chosen, who were concerned in matters *which affected the liberty of the subject*." The mode of proceeding by the sheriff upon the receipt of a writ for electing a Coroner is pointed out and prescribed by the 10th and subsequent sections of the statute already cited, 7 and 8 Vict. c. 92.—"That every election of a Coroner for any district shall be held at some place within the district in which he shall be elected to serve the office of Coroner." Before the election is proceeded in the sheriff or under sheriff makes proclamation of the election, and after the candidates are proposed, is to say, by show of hands, on whom the election has fallen. If it be not determined by show of hands, but a poll is demanded, an adjournment takes place to the day but one or to the Monday following, as the case may be, the nature of adjournment being proclaimed at the rising of the court. There are regular polling places and booths arranged, poll clerks appointed, and inspectors. The Coroners then are to be chosen "by the commons of the counties, of the most meet and lawful people to be found in the same counties." "The election being over, the sheriff, in open court, administers to the Coroner elected the oaths of allegiance, supremacy, and abjuration, and also the oath of office." Thus it is seen that the process of election is entirely of a popular character,

that the duty of election appertains unmistakably to the people, and really cannot be taken from them by right any more than Magna Charta. It may be that the silence by the freeholders on this subject, and their acquiescence in the shameful plunder of this inestimable privilege by the Crown may arise from not knowing what is the extent of their birthright, and that this belongs to it. Surely they will soon become alive to the wrong done, and demand the restoration of this popular and conservative privilege. Had the people all through been in possession of their rights, and elected their Coroners, it is almost a matter of certainty that many of the disgraceful things which have occurred under some of the Coroners of this colony would never have taken place, for fear of the punishment which the electors would have brought down upon the officers concerned. We may venture to affirm that Dr. Candler would not have dared to take the course he did had he not been a Crown nominee, and, therefore, for certain reasons, almost irresponsible, and beyond punishment. The directions to Coroners point out to them that, although they hold such extensive powers, they are to exercise them with discretion and prudence. They are to have regard to the feelings of the community, and not intrude themselves into the privacy of the family without perfectly justifiable reason. "Under whatever circumstances, this authority must be exercised within the limits of sound discretion; and unless there be reasonable ground of suspicion that the party came to his death by violent and unnatural means, there is no occasion, except in the case of a person dying in gaol, for the interference of the Coroner. In fact, Coroners have, on several occasions, been censured by the Court of King's Bench for holding unnecessary inquests." It is the opinion of many that if the Coroner had been free to exercise common discretion, and had not been swayed by motives of a questionable character, he would not have found it necessary to hold an inquest at all on the body of Mary Lewis. It is, however, beyond question that he found nothing on the inquest to sustain suspicion, which was proved by the inquisition being declared void.

"The Coroner's inquest is to ascertain truly the cause of the

party's death, and is rather for information of the truth of the fact than for accusation. It is not so much an accusation on an indictment, as an inquest of office to inquire truly how the party came to his death. On this account it is the duty of the Coroner to receive evidence on oath, as well on behalf of the party accused as for the Crown." "It is true that the Coroner is bound to hear the evidence *on both sides*, because the inquiry how the party came to his death *cannot be satisfied* unless all the witnesses who know anything of the death be examined." "The law presumes that the depositions will be fairly and impartially taken." "The Coroner has no right to refuse to examine any persons upon oath at an inquest, *even the parties accused*." How strikingly different was the conduct of Dr. Candler, the Coroner, in the case of Mary Lewis. Although I was subpoenaed, and prepared most willingly to furnish all the information necessary to remove all doubt as to the primary and immediate causes of death, yet the Coroner distinctly refused to hear what I could have said for the information of the Jury. As before stated, he also refused point blank to receive the medical evidence of several gentlemen who had examined the body, and who informed him in writing of their desire to be examined. I ask, was this in accordance with law and usage on such occasions? Was not Dr. Candler's conduct highly censurable, and a distinct effort on his part to frustrate the ends of common justice? There have been occasions where Coroners have been committed for such an act, and have been deprived of their high office. It is to be hoped that a similar Nemesis will follow the Coroner for South Bourke, who so wantonly violated all the rules which are laid down as necessary to govern his conduct in eliciting the truth. Jervis states that "it is now agreed that Coroners' inquests must in all cases hear evidence on oath *as well for the party accused or suspected* as for the Crown, if it be offered." Also, that "*it cannot be ascertained* how the party came to his death *unless all the witnesses* who know anything of the death be examined." Who should know as well as I the cause of death? Was not I, who had attended her during the last few days of her life, the best informed as to the cause of death? No

one else was in any degree competent to give exact information on that point. All the rest must necessarily be surmise. Messrs. Rudall and Pugh could but guess, and were led entirely by their imagination. I was conversant with every important fact attached to the case. How imperfect then was the investigation! How negligent and culpable was the Coroner to attempt to found a charge upon mere conjecture when he had at his hand—but would not use it—all that could possibly be required to set the matter at rest. When my medical friends had, after careful examination of the body, become perfectly persuaded that the deceased had died from natural causes, and had made this known to the Coroner, it was outrageous in the extreme for him still to foster the opinions of Messrs. Rudall and Pugh. The fact of opposite opinions being held by our leading men should have—and would have—induced an honourable man to receive with extreme caution the evidence of the gentlemen who had first given their evidence that the death was caused by violence. It is difficult to determine how the Coroner can escape from official inquiry into his conduct on this occasion, and how he can any longer be allowed to perform functions for which he is so manifestly unfit. That he did not do all that he ought to have done to obtain the requisite information is beyond question.

It is now the humour of Messrs. Barker, Tracey, Rudall, and Pugh to exalt the medical attainments and experience of themselves, and to place at a discount, as far as they possibly can, those gentlemen who hold opposite opinions upon the recent and memorable trial. It is impossible for the reckless to avoid throwing stones, although they generally live in glass houses. If they do find unpleasant missives hurled at them in return, they can but blame their own temerity. It is not usual to let the braggadocia escape without pointing out the absurdity of his pretensions. It is also remarkable that the incompetent invariably cherish an unqualified dislike to those who, from necessity, are obliged to supersede them, and remedy their blunders. My having frequently been the instrument in correcting the errors which they had committed, sufficiently accounts for the intense hostility they maintain against me. A few

instances may be given as illustrations both of the imperfections of these self-important persons, also of the causes which have roused their ire :—

Dr. Tracey is known to have attended a Mrs. M., of Emerald Hill, and failed to remove a tumour from the womb of that lady, after putting her under chloroform. I was called in and operated successfully, aided by Drs. Mackenzie and Kempster.

A digger, suffering from a large tumour growing from the knee-joint, was attended by the same Dr. Tracey, who said he could not cure him, also, that no surgeon would have the temerity to attempt its removal. He gave the patient the consoling information, that if he allowed me to attempt its removal, he would lose his limb, if not his life. The man came to me, and I operated and cured him. Dr. Stuart assisted me as the attendant physician.

Dr. Tracey, when in consultation on a lady suffering from pain in the womb, with other very distressing symptoms, after a digital examination, pronounced it malignant disease of the womb. The lady, not being satisfied with the diagnosis of the great oracle, consulted another medical man, who discovered a detached polypus—not in the womb—undergoing decomposition, which he removed at once with the greatest ease. The lady recovered her health in a few days. (*Vide Medical Journal*, November, 1865.)

Dr. Tracey attended the wife of a man in the employ of Mr. Degraives for tumour of the abdomen. Whilst he (the doctor) was absent in Tasmania, the wonderful tumour turned out to be a *fine healthy child*, which made its entry into the world at the proper time!

A lady was attended by Dr. Tracey with supposed *tumour* of the abdomen. He on one occasion used certain instruments to explore its character and diagnose it fully. The learned doctor had scarcely left the house when this *tumour* also came into daylight as a full-grown child!

Will Dr. Tracey confess that he tapped a woman for dropsy when alas! there was no water?

Will Dr. Tracey permit me to ask him whether he did, on one occasion, when operating on a woman at the Lying-in Hospital for *non-malignant* tumour, and discovering that it was malignant, in the

endeavour to remove it, also cut away the bladder of the unfortunate patient? Death, of course, being the immediate result! If this were the case, as I should be glad to be called upon to prove, surely there was something for Dr. Candler to take notice of. How is it that a death so suggestive of manslaughter was allowed to pass? Does this not establish that there is a dangerous freemasonry in high quarters among the officials who occupy places of honour and emolument in this country, and especially so in the medical department? Truly there should have been a Coroner's inquest, and if Dr. Candler were equally vigilant as in the recent inquest, there would have been the vaunted "gaol delivery." I wonder how Dr. Tracey would have felt in reviewing his shameful blunder in the palace of Mr. Wintle.

I should also like Dr. Tracey to let us know how he escaped a Coroner's inquest and an indictment in the case of Mrs. N., of South Yarra, who died under peculiar circumstances. The case is well known to the profession, and the extraordinary circumstance that occurred during the doctor's attendance. It is true that Dr. Tracey was then in danger, and that it was necessary to make prodigious efforts in order to quash the threatened action of the injured parties, but sufficient influence was brought to bear to save the terrified offender. The conduct of this gentlemen is, even by this showing, ample to warrant his being subjected to something like the treatment I recently endured; and had he so serious a catalogue of mistakes against me, there is a moral certainty that he would have done his utmost that I should not have escaped. As tests of the ability of the gentlemen on whose opinions especially I was to have been annihilated, I may refer to two or three; they will also furnish a clue to their attitude towards me in the late accusation. Dr. Pugh will doubtless still be rankling over the circumstances attached to the treatment of Mr. Quaterman's child; he was attending it because of a spinal curvature, and the child became worse in his hands; I was requested to take the case, and in a short time the child was cured.

Dr. Rudall, having on several occasions been obliged to endure my superseding him, refused to meet me in consultation on a very

severe case, and called in Dr. Barker, under whose care the patient got rapidly worse. Being dissatisfied, the patient left them and came to me. Assisted by Drs. Blair and Kempster, I operated on him successfully.

Dr. Martin will call to mind the reason why he has ceased to recognise me as one of his medical brethren ; a child of Mr. Short's, Spencer-street, had fractured its thigh-bone, and the limb was so badly set, that I was called in consultation ; my opinion was that the limb should be again broken to insure recovery. Mr. Short then threatened to throw Dr. Martin out of the window. In the presence of Drs. Gilbee and Cheyne, who assisted me, I broke and reset the limb, which has continued sound ever since. These are some of the causes of the hostility which has been so disastrous to my bank balance.

Whilst going to press I observe that Dr. Thomas has read a paper before the Medical Society of Victoria, "On the case which recently formed the subject of inquiry in the Supreme Court." It is nothing more than an adroit and rather partial selection of opinions from our leading pathological authorities on some of the phenomena which were the most prominent. These extracts, however, completely show that a surgeon could not produce the mischief which was charged against me. Although no effort is made to draw deductions from the copious pathological extracts, still it is clear that the writer has no convictions of his own on the subject ; or is afraid to affirm what his investigations necessarily force upon him. In the short debate which followed, some of the speakers were equally impotent in throwing light upon the debatable ground said to exist. Dr. Martin is especially dogmatical, and speaks with authority under the influence of his naturally strong bias. He may be safely allowed his opinion.

Dr. Cutts was more happy in the part which he took in the discussion, and brought forward facts of real value as analagous to certain conditions in the case under consideration.

Dr. Girdlestone entered more philosophically, exhaustively, and logically into the question than the other speakers, and dissipated with complete success the sophistries of those who jumped at con-

clusions without really understanding the processes by which a just opinion can be formed. His treatment of the argument in reference to the membranes, &c., was conclusive and final. I am obliged to Dr. Thomas for so able a paper on a special department in medical science, and rejoice that the discussion fully sustains the opinions of the medical gentlemen who opposed the prosecution.

I may, in conclusion, notice briefly a letter in the same number from some obscure and evidently incompetent person, who glories in the sobriquet "Facts." Although, apparently, all facts, he seems to get hold of very few, and deals in statements which are not facts. He wishes to create a new fact by inuendo, and would fain have it that the vigilant men, who would not even answer my questions, or allow me to touch the body, and who kept their eyes on me every moment, allowed me to carry away the most important appendages connected with the inquiry. No one but "Facts" is troubled about such an improbable story as the one he attempts to concoct. "Facts" says he would like to put some more questions to somebody. He has read a little more, and has got a little more light, and is itching to try again. What a pity there cannot be another trial for "Facts." Poor "Facts!"

Leading Article from the "Lancet," September 29, 1866.

From first to last the trial of Mr. Beaney for murder at Melbourne has been less honourable to the medical than to the legal profession. In fact, so conflicting was the medical evidence, so carelessly had the *post mortem* examination on which it was based been performed—nay, so obvious was the animus of certain members of the medical profession against the accused, that nothing short of the highest legal ability could have saved an innocent man from the gallows, or rescued a court of justice from committing judicial murder. Even as it is, Mr. Beaney has reason to be by no means completely satisfied with the verdict of "Not guilty." The carelessness with which the *post mortem* examination was performed, while it failed to establish the faintest ground for believing him guilty, yet deprived him of the means of more triumphantly establishing his innocence. What would be thought in England if the *post mortem* examination of a woman who was suspected to have been killed in the attempt to procure abortion had been so conducted as to take no thought or notice of the ovaries? Granting all that may be said against the *corpora lutea* as infallible signs of pregnancy, still their absence would have proved that conception had not taken place. The organs, therefore, in which they are to be found should be examined, and the neglect to do so must be held conclusive against the trustworthiness of the *post mortem* examination, or the value of the evidence of its performer. In truth, it is questionable, after the rough and eminently unscientific usage to which the generative organs of the deceased were exposed, whether a conscientious professional man could have felt himself entitled to pass an opinion on their pathological condition, or to give unqualified evidence as to their indicating the presence or absence of the signs of pregnancy. If they were in such a state as to admit of any inference being drawn from their symptoms at all, then the divergence of opinion among the medical witnesses was little creditable to the profession in Victoria. If their condition was such that no satisfactory opinion could be expressed, then no evidence should have been based on their appearances, and the trial should not have been proceeded with.

We are quite willing to believe that the statement of the case as derived from Mr. Beaney's notes is a trustworthy one. We think it is very clear that the unfortunate Mary Lewis had so conducted herself as to raise her own suspicion of her being pregnant. She was a barmaid who had been seduced, and who, thirteen months before applying to Mr. Beaney in March last, had been delivered, rather roughly, of a female child by instruments. Her generative organs since that artificial delivery had seldom ceased to cause her pain and uneasiness, while her dissolute mode of life had rendered her apt to suppose herself pregnant. Be this, however, as it may (and the non-professional evidence, so far as it is worth anything, went rather to show that she had not the signs of pregnancy,) she consulted Mr. Beaney as to the state of her uterus, of which she complained as "coming down" and emitting an offensive discharge. Mr. Beaney satisfied himself by careful examination that hers was a case of disease of the womb consequent on and in connection with subin-

volution of that organ from chronic inflammation since her last confinement. "From the enlargement and tenderness of the womb," says Mr. Beaney, "I suspected there was inflammation of the organ with (from the foetid discharge) ulceration of its cavity." So far as we are entitled to conclude, we should say that this was a by no means improbable diagnosis, while the treatment was on the whole judicious, and neither more nor less than what would have occurred to any ordinarily well-qualified practitioner. However, the woman dies, and an outcry is raised among the neighbours, and caught up and echoed with most unseemly alacrity by certain of Mr. Beaney's professional rivals, that she had sunk under his attempt to procure abortion. A *post mortem* examination is held at which the Coroner, himself a medical man, and two other practitioners are present. One of these, a Mr. Rudall (who somewhat naively admits that he had never paid attention to diseases of women, and had returned not long before from serving in an Arctic whaling vessel), performs the examination. As we have said, he neglects to look at the ovaries, which indeed seem to have been cut away and thrown aside amongst the refuse, and his neglect is not observed or corrected by either of the other two medical onlookers. We have thus some clue to the care and competency with which the post-mortem examination is performed! Mr. Rudall, however, finds no difficulty in detecting signs of pregnancy, and declares the presence of two ruptures, caused by the attempt to procure abortion. The Coroner's verdict is given against Mr. Beaney. The case is carried to a jury trial; but the jurymen, after what must be characterised as a very one-sided and even irregular legal proceeding, are not unanimous in their verdict. So a second trial comes on. By this time the friends and the opponents of Mr. Beaney are fairly roused, and the medical evidence is as conflicting as unhappily it too often is amongst ourselves. It is even hinted that the Crown Prosecutor was instructed by a professional "brother" of Mr. Beaney, and that, moreover, Mr. Rudall had written down the questions he was to be asked, and the answers he was to give to them, and that this catechism had been arranged in consultation with a professional brother, and had been given to the Crown Prosecutor as "instructions," which, it turned out, were in his hands. Mr. Beaney, however, was unusually fortunate in his counsel, Mr. Aspinall, who knocked the priming out of the witness and spiked the Crown Prosecutor's gun. Mr. Aspinall soon came to discern the confusion that prevailed in the opposite camp, and, in the course of a singularly clear and effective speech, exposed the futility of drawing evidence from a *post-mortem* examination, in which the ovaries had been disregarded, and reduced the alleged evidence against Mr. Beaney to the presence of the two ruptures of the womb. But the preponderance of proof went to show that these must have been caused after death. So the case against the accused broke down signally, and the jury had no difficulty in returning, amid the acclamation of the court, a verdict of "Not guilty."

Such is the view of the case which we think ourselves entitled to take after a careful perusal of the very lengthy legal proceedings of which it was the subject. But for his good fortune in having secured the services of Mr. Aspinall, Mr. Beaney must almost inevitably have been executed by mistake! We repeat that the whole affair redounds much less to the credit of the medical than of the legal profession, and that the neglect of examining the ovaries should have sufficed to have prevented the case from coming to trial at all. From this grew the whole apple of discord,—"*Ab ovo usque ad mala!*"—and the Beaney case will hereafter be memorable as having developed to a satisfactory conclusion, in spite, rather than in consequence, of the medical evidence.

Leading Article from "Medical Times and Gazette," Oct. 6, 1866.

### A RECENT TRIAL AT MELBOURNE.

IN a late number of this Journal we published a letter from a correspondent in Melbourne, giving some account of a trial for criminal abortion, which seems for several weeks to have occupied a chief place in the attention of the profession there. The case would have excited great interest anywhere, on account of the position of the accused, and the doubtful circumstances surrounding it. Moreover, in its scientific aspect it raises so many questions as yet new to law courts, and presents so many points for debate, that we think we cannot be wrong in giving our readers a sketch of the whole affair, including the theory of the prosecution and that of the defence.

The following are the chief facts:—A young unmarried woman, a barmaid at an hotel, who had previously borne one or two children, and was said to have been on the last occasion delivered by instruments, believed herself to be again pregnant. She was in bad health, suffered from leucorrhœal discharge and stoppage of the catamenia. She applied to several medical men and chemists, and took various medicines, amongst which was one containing aloes and oil of savin. One of the medical men who saw her was a Dr. L. L. Smith. He stated that on March 3, 1866, she asked him to determine whether she were in the family-way. He examined her by introducing the finger and feeling the os uterii, and he concluded that she was advanced about three months in pregnancy. She asked him if he could produce abortion for her. He at once refused. She applied to him again about a week afterwards, when he again refused and strongly dissuaded her from it. The girl left her place on account of her state of ill health on Monday, March 12, and obtained a lodging at the house of a Mrs. Cronan, a woman who had charge of her child. On the same evening she went to Mr. Beaney, a medical man in considerable practice in Melbourne, and asked his advice. He promised to call on her the next day for the purpose of examining the womb. As to what subsequently took place we have the evidence of Mrs. Cronan's daughter.

On Monday night, after eating some supper, drinking with it some porter, and then some brandy-and-water, she went to bed; but before she went to sleep she vomited what she had eaten. In the morning she complained of being ill; she said her womb was coming down. Mr. Beaney came to see her about half-past four. Water and a towel were placed in readiness for him. "I heard nothing while he was in the room. After he left I noticed some spots of blood on the bed where she was lying. She said she was 'unwell.' The water in the basin was not discoloured. I slept with her the next night (Tuesday.) She was rather fidgety, and got up frequently to use the chamber vessel, and complained of pain in her back. On Wednesday morning she seemed very ill. Mr. Beaney saw her at half-past four o'clock. She still complained of pain in her back. I went for him in the evening, and he came between nine and ten o'clock. There was some blood and water (urine tinged with discharge) in the chamber vessel before he went into the room. He called my mother into the room. I went with her. She was then asleep. He said 'I have given her a little chloroform.' She soon awoke, and seemed easier. She was very bad during the Wednesday night. She was very restless, and got out of bed very frequently. I observed blood in the chamber vessel the next morning. I noticed a great change in her face in the morning. It was a

dusky blue colour, and her lips were purple. I noticed that her breath was offensive on the Tuesday, that it was very bad on the Wednesday, and still worse on the Thursday, and on the Wednesday that there was an offensive smell about her. I went to fetch Mr. Beaney in the morning at her request, and gave the message to the servant. He came to see her at the usual time—half-past four. After he left I saw the chamber vessel. It contained a dark substance about three-fourths the length of my finger. There were also clots of blood in the vessel." Another woman, Mrs. O'Neil, who was in the house with the deceased, said: "After the doctor left (on Thursday) I went into the room. I asked her how she felt. She said easier; her pains were not so bad. She turned herself in bed, and said she would have a little sleep. I left her to put some clothes on the line, and when I returned she was dying. I do not think from what I saw that the deceased lost more blood than a woman who was unwell would." She described the substance spoken of by Margaret Cronan as "a bit of skin filled with water," and she said it had an offensive smell. Mrs. Cronan described it as a piece of scum or skin. Margaret Cronan, at one of her examinations, said that she took it up between her fingers, that it was soft and slimy, and if she had held it longer than she did, the lower part would have fallen away from the part she held between her fingers.

With regard to Mr. Beaney's share in the matter, on the one hand, it was proved that his first visit on the Tuesday was a lengthened one, that the consultation took place with closed doors, no one being present except the doctor and his patient, and that on the Wednesday he brought and took away with him a bag. Mrs. Cronan said that the Doctor told her that the girl was suffering from a "false gathering" and disease of the womb. On the other hand it was also proved that no cries or groans were heard by persons in the house; that on Thursday Mr. Beaney also brought with him the bag, but did not take it into his patient's room; that the water in which he had washed his hands was not tinged with blood; that he directed the vagina should be syringed out; that when sent for he showed no anxiety or alacrity to go, conduct not compatible with the idea that he had attempted criminally to produce abortion; that the girl was miserably poor, and there was no evidence of her having given him any fee, or of any one having done so for her. The other points in his conduct show an indifference which was not likely to have been feigned by a professional man having so much at stake, if he were guilty.

A witness, who saw him shortly after the girl's death, stated that Mr. Beaney told him "he had found the inside of the deceased and her womb quite rotten, and the stench very bad." The woman Cronan informed Mr. Beaney that reports were in circulation in the neighbourhood that the woman had been delivered of a child and murdered, and that she wished him to come down and open her, and clear her house." He promised, but neglected to do so, and when applied to he gave a certificate "that she had died of malignant disease of the womb." When informed by the police that there was to be a post-mortem examination, he treated the matter with indifference, and did not attend it, although, had he wished it, he might have been present.

The first post-mortem examination was ordered by the Coroner, and was made forty hours after death by Messrs. Rudall and Pugh (the former a Fellow of the Royal College of Surgeons of England, and formerly Surgeon to an arctic expedition which sailed in search of Sir John Franklin, the latter a Fellow of the Royal College of Surgeons of Edinburgh and a Doctor of Medicine of the University of Giessen.) The following is a summary of the observations made by these gentlemen:—"The body was fat and a good deal decomposed; the organs of generation were very

much swollen and dark-coloured; the areola around the nipples was slight; a milky fluid exuded from the breasts when they were cut; some pieces of rag or lint soaked in a bloody fluid were taken from the vagina; the womb was considerably enlarged, and presented a transverse rupture or laceration near its fundus, at the back part, between the Fallopian tubes. The edges of this laceration were ragged, but neither everted nor inverted; the laceration was estimated at about four inches in length, but it was not measured. The entire length of the womb was in the same way estimated at about five or six inches, its breadth at about four inches, and the thickness of its wall at from one-quarter to one-third of an inch, except in the immediate vicinity of the rupture, but no measurements were taken. There was no blood in the peritoneal cavity, nor between the edges of the rupture, but there was extravasation of blood in the tissues of the womb at the place where the laceration had taken place, and there the walls of the uterus were thinner and softer than elsewhere. The vagina and os uteri were so distensible that Mr. Rudall said he thrust his hand into the vagina through its external opening, "and finding that it met with no resistance, I carried my hand in through the mouth of the womb until my fingers appeared through the rupture into the cavity of the belly." He said that in this proceeding he used no force whatever. The os uteri was about the size of a five-shilling piece. The inner surface of the womb was of a brownish-red colour, and presented a villous or shreddy appearance. "It very much resembled the deciduous membrane of pregnancy." The mucous membrane of the os uteri was perfectly healthy. Dr. Pugh stated that "the parts contiguous to the rupture, half or three-fourths of an inch on each side of it, were boggy—that is, soft—and contained a thickened deposit, and the membrane there seemed thinner, running off to a sharp edge. The fundus presented a spongy-like mass inside at the point where the rupture had taken place. This mass was ragged, and appeared to be a collection of vessels and muscular substance; it appeared to be irregular." "Mr. Rudall placed a small portion of the muscular tissue of the womb under the microscope; it was perfectly healthy. The internal surface of the womb was placed under water, and the small vessels and the membrane floated up and became visible." The membrane, which presented the appearance of a deciduous membrane, was wanting at the fundus of the womb. The broad ligaments, Fallopian tubes and ovaries (the latter, however, were not examined for a corpus luteum) were said to be free both from injury and disease. The lining membrane of the vagina was very deeply coloured, and there was another laceration at its juncture with the womb. This rupture was transverse, and was estimated at about three inches long; it led from the vagina into the cavity of the abdomen. The brain and heart were healthy; there was a little bloody serum in the pleural cavities, and some mechanical congestion of the lungs. The other organs were reported as healthy, although the cross-examination of the operators and the second post-mortem examination proved that the scrutiny to which they had been subjected was of the very slightest kind. The womb, the urethra, the lower end of the rectum, and the vagina were removed from the body *en masse* for further examination. These parts were washed in water, and then placed in a jar with vapour of chloroform. All the other organs were replaced in the coffin. Mr. Rudall concluded from this examination that the girl had been pregnant until within a short period before her death, that she was in the fifth month of pregnancy, and that her death had been caused by rupture of the womb, and accelerated by loss of blood.

We now return to the organs which had been removed from the body.

Decomposition seems to have advanced rapidly, for Mr. Rudall states that the uterus soon became much altered in appearance. Examined by the microscope, he could find in it no trace of malignant or any other disease. He placed it in diluted spirit in a closely stoppered vessel, and afterwards added strong rectified spirit. The urethra, rectum, and vagina were immersed in a solution of chromic acid.

Three days after the first post-mortem examination, Dr. Pugh examined the uterus especially for the purpose of determining the seat of attachment of the placenta. He frankly avowed that he could not find it. He said, "I examined the fundus for traces of the placental mark. I could not undertake to say one way or the other; I cannot say that it was there. I should expect to find the placental mark when a person has been recently delivered; it is usually found. I got the womb for the purpose of looking for it, and not finding any, it deprived us of a link in the chain. Decomposition might prevent the mark from being discovered—the organ was decomposed." The womb was subsequently sent to the University to be examined by Professor Halford. By this time, however, according to Dr. Pugh, it had considerably shrunk in size. He said, "The womb was six inches long when it was removed from the body, and when I saw it at the University it was only two inches. I am sure I have not exaggerated its length originally. I account for its diminution by the contraction of the longitudinal fibres. Its shrinking in this extraordinary way surprised me, and it does so still. It had contracted considerably on the Sunday (the day after the post-mortem,) but it was twice as long then as when I saw it at the University." Professor Halford's evidence in the main confirmed that of Messrs. Rudall and Pugh. He proved that the uterus was undoubtedly very much enlarged, for it weighed five and a-half ounces. Its alteration in size, he thought, was to some extent due to the action of the spirit in which it had been immersed. He injected the uterine arteries, and found them enlarged. When he received the organ, its tissues were much too soft from post-mortem change to bear handling. In his opinion, the distension of the mouth of the womb which he found had taken place during life. He was strongly of opinion that the condition of the womb betokened pregnancy, but he acknowledged that its enlargement might be due to other causes.

Five weeks after the first post-mortem examination, on an application from the defence, the body was exhumed in the presence of a number of medical men. The important points brought to light by the second examination were that in the first examination the condition of few or none of the organs remaining in the body had been carefully tested by section, &c., and that the ovaries were missing. Mr. Rudall, however, who was present, denied that they were carefully looked for.

These are the chief points of medical importance in the case. The theory advanced by the Crown was that the girl had been pregnant, had induced Mr. Beaney to procure abortion, and that he had succeeded in the attempt, but in so doing had ruptured the womb, and produced death. The theory of the defence was that the girl had not been pregnant, but had suffered since her last confinement from that rare affection, sub-involution of the uterus—a condition in which the organ does not return to its normal size. It must, we think, be clear to our readers that the theory of the Crown was really unsupported by any legal evidence, whilst there were several circumstances which directly contravened it. The verdict of acquittal returned by the jury was the only reasonable or possible one, even on the evidence for the prosecution. In the first place, there was no convincing proof that the woman had been pregnant at all. There was no foetus, no placenta, and even the amount

of hæmorrhage was very inconsiderable. The attachment of the placenta was not to be discovered on the inner surface of the uterus, and the membrane lining the latter might have been of the kind so frequently met with in dysmenorrhœa. The discovery of a *corpus luteum*, although it would not have conclusively proved pregnancy, would have strongly confirmed the supposition, but the ovaries were not examined, and were carelessly thrown aside. Then, admitting for an instant the existence of pregnancy, there was not a tittle of proof that abortion had been feloniously produced. Abortion might have taken place from natural causes. The thinned and softened condition of the fundus uteri suggests a diseased state of the organ—*malgré* Mr. Rudall's microscopic examination—and spontaneous rupture might take place, in consequence of the contractions of a uterus previously diseased, as readily at the fifth as at the ninth month. Then, admitting even that abortion had been artificially produced, where were the facts that connected Mr. Beaney with the crime? The girl might have been practised on before he saw her, and his part in the affair might have been merely the removal of the placenta; and the rupture of the thinned and softened uterus might have been the result of pure misadventure, and neither produced by a felonious attempt, nor, in the fair sense of the word, by malpraxis. Then, again, there were several facts which were directly opposed to the theory of the prosecution. Some of these we have mentioned in a former part of this article, and we will not repeat them. But we would draw attention especially to the absence of blood in the peritoneal cavity, the cavity of the uterus, and to the small external loss. Again, at which visit of Mr. Beaney's could the mischief have been done? Such an injury would, we should have thought, have immediately been followed by collapse; but on the night previously to her death we find the woman frequently getting up to use the chamber vessel. The theory of the defence is not a very probable one. Subinvolution is very rare; pregnancy in the unmarried female is unfortunately too common. But, without endorsing either extreme, might not a theory of false conception, or a mass of so-called hydatids of the womb, afford a more probable solution? Lastly, we regret to add that the whole case adds little to the reputation of colonial medicine. Professor Halford's evidence was the only part of the medical testimony which satisfies us. We have no doubt that, on finding the rupture of the uterus, Messrs. Rudall and Pugh felt they had discovered the cause of death and need go no further; but their examination, although satisfactory to themselves, neither satisfied law nor science. The neglect to scrutinise the ovaries, and the mode of guessing instead of measuring adopted, were inexcusable in a case where the character and fortune, and perhaps the life, of a medical practitioner were at stake. These and other defects in the medical evidence not only damaged the case for the prosecution, but we may be certain have by no means heightened the reputation of medicine in the colony.

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Extract from the "Argus," December 6th, 1866.

#### TESTIMONIAL TO MR. BEANEY.

On Wednesday, 5th December, a number of the friends of Mr. Beaney, including several members of the profession of medicine, assembled at

the Cafe de Paris for the purpose of paying a tribute of esteem to that gentleman, expressing their sympathy with him as the victim of a malignant persecution in his memorable trial for wilfully causing the death of Mary Lewis, and making him a substantial present of money. Mr. Crooke, surgeon, was elected to preside.

The Chairman said he had been requested to occupy the position he held for the purpose, as the representative of the company, of presenting to Dr. Beaney a complimentary address, containing the sentiments of some of his medical brethren, who, having taken an interest in his case, watched its progress through the unheard of course which it took, and, being convinced of his perfect innocence of the charge, felt anxious to give to him a permanent memorial of their opinion with regard to the matter. Before he went further he would read a letter from Mr. Embling, apologising for inability to be present. (Mr. Embling, expressed his thorough concurrence with the views of the *Lancet* in reference to Dr. Beaney's case, and his belief that he was the victim of a conspiracy. He also congratulated him upon his escape from a position of extreme peril, ingeniously contrived to secure his conviction.) A statement made on the first day of the inquest at Collingwood, with regard to the rupture of the womb, so unheard of and incredible was it in its character, induced him to connect himself with this case, and to volunteer the little aid he could render in order to enable Mr. Beaney to defeat the machinations of his enemies. There was no such case on record as the whole ordeal Mr. Beaney went through in this trial. It was perfectly impossible to conceive how any man upon such data, coupled with such ignorance as existed on the part of the prosecution, should have his reputation and prospects imperilled as Mr. Beaney's had been. The case was one which ought not to be passed over lightly by the community. The inquest was conducted by a gentleman who hitherto had always been regarded as a member of the medical profession. Dr. Candler's name had been associated with inquests conducted in this district for a great number of years, and they had always been (at least he had) under the impression that he held such a position in the profession as entitled him to claim attention to any opinion he might give with regard to the investigations in which he was engaged. When he (the chairman) saw that everything was being carried by storm against Mr. Beaney, and through him made a last pressing appeal for his medical friends to be allowed to give evidence upon that remarkable trial, the Coroner answered that he, as a medical man, was satisfied. Now, a man making that statement ought to stand in a position which would command respect for his dictum. But on looking through the registry of medical men for Victoria he found, in the first published, the name of Mr. Candler without any qualification at all attached to it. He did not say whether there was a necessity for what he referred to at that period, as matters were then conducted in a careless, rough, and rude manner. But, more remarkable still, in the new registry, to which they had been obliged to forward their qualifications, Mr. Candler's name did not appear at all. He presumed that, as a medical man, Dr. Candler obtained his appointment. Now, he did not say he was not qualified; but the Government were responsible in making an appointment to conduct investigations of this kind, as to whether the person who held it was qualified to give an opinion, or whether he merely drove the jury to a conclusion whether they liked it or not. The jury were driven to a conclusion because Dr. Candler was a medical man; and if he was not qualified, there was an additional responsibility to make amends to the unfortunate man who suffered this grievous wrong. They were aware that the medical men who assisted Mr. Beaney were the objects of a great

amount of obloquy for the share they took. Right was right, however, and right would become right. They had now in their favour the *Lancet*, the highest authority in medical literature. The *Lancet* said:—

The proceedings of the Melbourne Criminal Sessions gave unusual interest to the latest bundle of newspapers from Victoria. The case which has just been argued has led to a verdict in which every medical man must cordially agree. It is, in substance, this. A woman of immoral life and of diseased body calls in a surgeon. She herself and her acquaintance suppose that she is *enccinte*. The surgeon finds it, however, to be a case of malignant disease of the uterus. In the course of his visits the woman dies. Forthwith a cry is raised that death had ensued on the surgeon's attempt to procure abortion. A Coroner's inquest is held, and the signs of pregnancy are declared to have been present. But the *post mortem* examination, by which those signs were alleged to be ascertained, was of the roughest and most incomplete description. Worse than this, the accused is not granted a hearing, an opportunity of making a personal defence, or permission to have a professional representative at the examination. Luckily for him, he had secured as his counsel Mr. Aspinall, the ablest pleader in Victoria, whose trenchant logic and persuasive appeals to common sense, placed the matter in its proper light. A verdict of "Not Guilty" was pronounced, and the prisoner acquitted amid the acclamation of the court. Mr. Beaney may congratulate himself on a very narrow escape. The animus against him was very strong. But several members of the profession came forward in his behalf, and enabled Mr. Aspinall to make one of the clearest and most convincing speeches that ever rescued an innocent man or saved a court of justice from committing judicial murder. The enthusiasm of the Melbournians was great. Certainly their colony seems to be one in which

"horæ

Momento cita mors venit aut Victoria læta!"

One other feature, the darkest and blackest in the whole, was the intentional removal of one piece of evidence which would have enabled the medical men at that trial to have spoken with authority as to the possibility of Mr. Beaney having committed that offence—he referred to the abstraction of the ovaries of the deceased woman. The knowledge of a crime of so grave and infamous a character as that ought never to be wiped out until the offence was sheeted home to the man who perpetrated it, and until he suffered the punishment he deserved. He took upon himself the responsibility of saying that the ovaries were surreptitiously removed; and it was the duty of the Crown to find out the offender, because the Crown would yet be called upon to make recompense for the wrong done to Mr. Beaney; and they would be bound to show that these organs were not surreptitiously removed. He felt perfectly certain that if he had been allowed to give evidence at the Coroner's inquest at Collingwood, Mr. Beaney would have walked out of that room without a stain upon his character. He hoped that by the force of public opinion, and by action in another place, the persecutors of Mr. Beaney would be compelled to make compensation for the cruel injustice of which he had been the victim. The Chairman then read the following address:—

TO JAS. GEORGE BEANEY, ESQ., F.R.C.S.—We, the undersigned, members of the profession, have seen, with feelings of the deepest regret, the persecution to which you have been subjected in consequence of the incompetent manner in which Messrs. Rudall and Pugh performed the after-death examination of the body of the late Mary Lewis, and by their ignorance of the changes which disease had produced in the different parts of the body. We have watched, with feelings of the deepest sorrow, the course taken by the Crown Law officers in conducting the charge against you. We regret being obliged to admit that it was materially influenced by members of the profession inimical to you, who, notwithstanding their position and qualifications, showed themselves to be less conversant than they ought to be with the professional subjects which they, as experts, were

called upon to explain. We observed throughout the investigations before the Coroner, at the Police Court and the Supreme Court, that facts were studiously misrepresented, and that the evidence of witnesses who could at once have cleared you from every imputation, was not only not sought for, but pointedly rejected. We cannot but express a very strong opinion that Mary Lewis died from the absorption of putrid matter from a diseased womb into her blood, as the symptoms during life and the examination of the body after death showed, and not from any improper treatment such as was alleged by the medical men employed by the Crown Law officers. We must further express a very strong opinion, that the object of the prosecution seemed to be to obtain such a verdict as would injure the high reputation which you have acquired as a skilful surgeon rather than to further the ends of justice. In appending our names, and presenting you with this slight token of our esteem, we beg that you will receive our heartfelt sympathy with you under the injustice to which you have been subjected, and our congratulations on your acquittal of a charge unparalleled in the annals of medical jurisprudence.

He (the chairman) had much pleasure in presenting that memorial to Mr. Beaney, and also a purse of three hundred sovereigns, which, he said, was simply an instalment to him of the compensation due for what he had suffered. (Applause.)

Mr. Beaney rose to respond, amid loud cheers. He said he could not find words adequately to express his feelings of thankfulness to them for the kind manner in which they had come forward to make him this valuable testimonial. They of course all knew that he had been through a terrible ordeal—an ordeal which he might say, without any ostentation, required no small amount of courage to endure. It was such an ordeal as he hoped no man living would ever have to undergo. He found no record of any medical man ever having been placed in such a position. He had looked in vain in the records of medical jurisprudence for such case. It was unparalleled in the history of medicine. He assured them that he was never more astonished in his life, after giving the certificate of the death of this woman, than to find that there was to be a Coroner's inquest. However, other persons knew more about the woman than he did; and if her antecedents and the gossip of the neighbourhood necessitated the inquiry, it was the bounden duty of the Crown to hear his evidence who alone was enabled to give the information required. He asked the Coroner on three distinct occasions if he would take his evidence as the woman's medical attendant during her last moments, and he declined to do so. ("Shame!") He was committed for trial illegally. There were two trials unprecedented in length, he believed, in these colonies; and at last he was acquitted. (Cheers.) He kept up his courage because the enemy were active, and he knew the battle must be fought. With the array of talent around him, he knew that sooner or later the victory would be theirs. He was confident that that must be the issue of the case—that there was no alternative. The proceedings which he had to contend against cost him between £2000 and £3000. Well, he had not only got a verdict here, but he had a verdict from the leading medical journal of Europe. He thanked them for the kindness they had shown him. He would never forget it. He would remember it with feelings of deepest gratitude. (Cheers.)

Mr. STEWART (surgeon) made a speech highly complimentary to Mr. Beaney, and intimated that this testimonial was the prelude to a substantial tribute from his professional brethren.

Mr. A. ELLIOTT offered some observations eulogistic of Mr. Beaney, and denounced the system of persecution to which he had been subjected.

A cordial vote of thanks was given to Mr. Achilles King, of the Café, both as a contributor to the testimonial fund, and as the donor of the

refreshments for the present company. A similar compliment was paid to

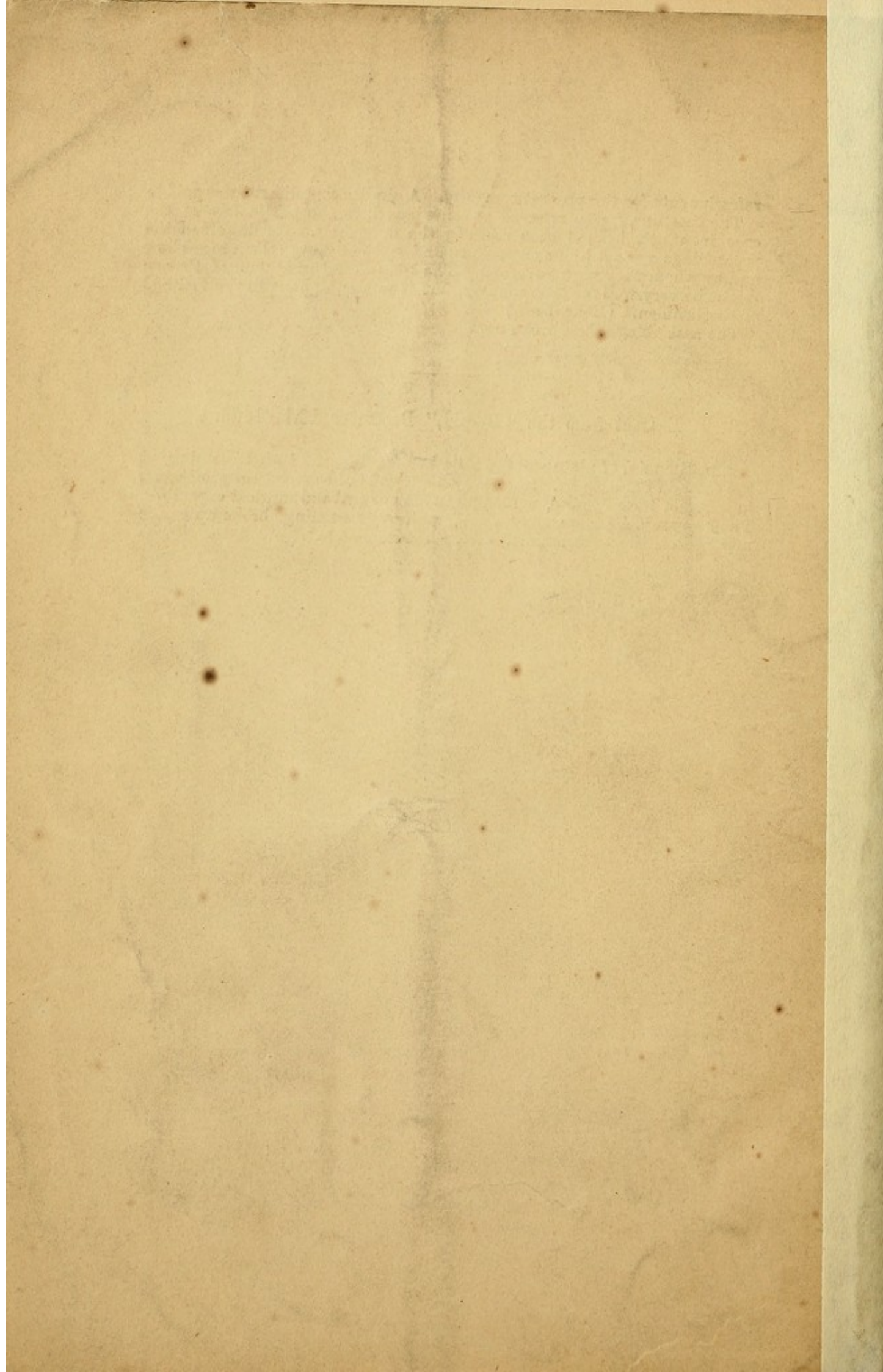
The CHAIRMAN, who referred at some length to the particulars of the case in which he had been recently the defendant. He described the proceedings against him as atrocious, and said it behoved them to see how and by whom they were governed. The *lettre de cachet* system of France might be very well for that country, but it was repugnant to the feelings of Englishmen. (Hear, hear.)

The assemblage then broke up.

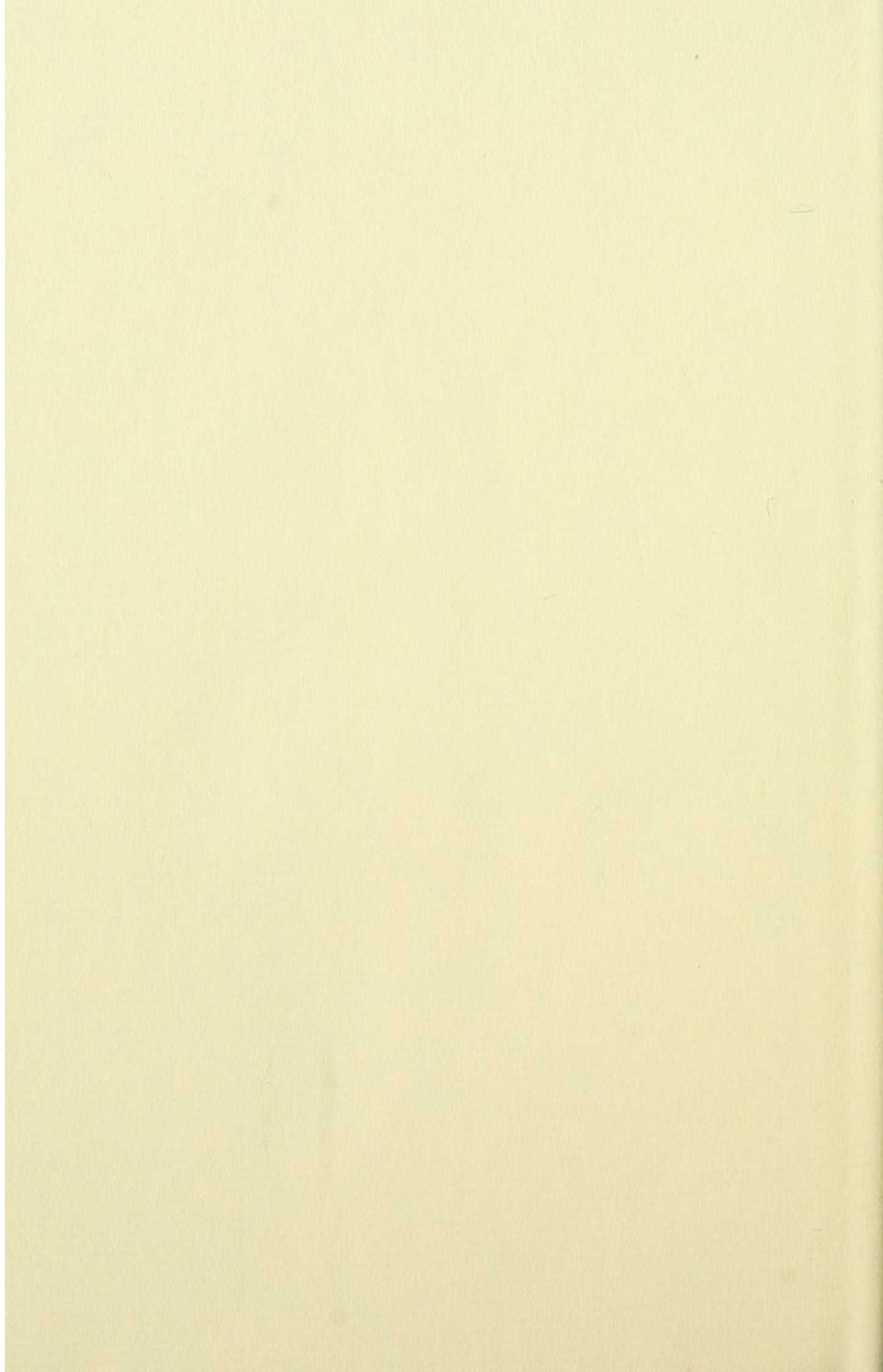
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Extract from the "Herald," December 16th, 1866.

A testimonial of plate was presented on Friday, the 15th December, at the Café de Paris, to Dr. Beaney, by his friends of the medical profession, in token of their admiration for him in his medical and surgical capacities. The company, after spending a rather pleasant evening, broke up before midnight. The testimonial is a very handsome one.







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