Index of Relative Documents.

No XII. p. XLVIII. Copy of the Clerk's letter, summoning the members to attend an extraordy meeting on the 19 Decr. 1807, to consider Dr Hope's motions, and Copy of Dr Hope's motions.

2d Part

No. 13. Dr Gregory's Protest against the admonition from page 1 to page 55.

No. 14. p. 59. Dr Gregory's Protest against the Resolution & vote of Censure on him, on 26 Novr. 1806.

No. 15. p. 79. Letter to Dr Stuart 2 Novr 1807, in which a paragraph of 9 lines is omitted.

No. 16. p. 102. Note to Drs Spens & Hope, 4 Decr. 1807.

No. 17. p. 105. Copy of Dr Greg's letter to the President which was contained in the sealed packet.

No. 18. p. 116. Dr Brown's Protest against the vote of Censure passed on Dr Greg. 26 Novr. 1806.

1st Part

No. XIII. p. LVI. Dr Wright's Speech, 19 Decr 1807.

No. XIV. p. LXI. Dr Wright's Evidence. Do ——

No. XV. p. LXXX. Correspondence of Dr Duncan & Dr Wright, with remarks by Dr Gregory.

ADMONITION ABOUT SECRECY.

No. I.

EXCERPT from the Minutes of the Royal College of Physicians.—Dated 5th August, 1806.

THE President stated, that, before proceeding to other business, he had, by desire of the Council, to mention a circumstance, which the Council considered of much importance to the College, but which was not intended to have particular reference to what may have happened at any former period. The mention, out of doors, of what passes in any of the meetings of the College, may be attended with most unpleasant, and even prejudicial, consequences, both to individual members, and to the College as a body. The Council, therefore, take the liberty of recommending a strict observance of secrecy with regard to all such proceedings; and as they are convinced, that every gentleman must be sensible of the propriety and necessity of this measure, they trust, that, in future, it will be rigidly adhered to.

Extracted from the Record of the Minutes of the Royal College, by

ALEX. BOSWELL, Clerk.

No. II.

As the shortest and best commentary that can be given, or indeed conceived, on such a deliberate, formal, general recommendation of secrecy, with respect to the proceedings of the Royal College of Physicians, I quote here the following luminous passage from the writings of an eloquent and sublime moralist, which, I trust, will not have the less weight with my medical brethren, that it coincides perfectly with the precepts of the holy Apostles, (quoted in the Second Part of these Memoirs, p. 38,) and that it seems to have been borrowed from them; for it is the same in substance, and only expressed in very different language:—" *Le premier pas vers le vice est de mettre du mystere aux actions innocentes; et quiconque aime a se cacher, a tot ou tard raison de se cacher. Un seul precepte de morale peut tenir lieu de tous les autres; c' est celui ci:*—Ne fais ni ne dis jamais rien que tu ne veuilles que tout le monde voie et entende."—" The first step to vice is to do innocent actions in a mysterious way; and whoever loves to conceal what he does, will soon or late have reason to conceal it. One plain moral rule may well supply the place of all others; it is this:—*Never do or say any thing that you do not wish the whole world to see and hear.*"

This sublime sentiment of the purest morality, while it bears the strongest possible *general* relation to the conduct of my brethren, and their Admonition about secrecy, cannot be supposed to have any particular relation to them and their proceedings; for it was written more than forty years before our war began, by an author,

who probably knew nothing of our College, and certainly cared nothing about our warfare.

If I had known it in time, it should have been prefixed as a motto to the following queries, which were read and given in to the Royal College in the beginning of November, 1806. It is prefixed to them here, as the most concise and best explanation I can give, of the general principles, and train of thought, which led me to propose such queries, so little likely to be agreeable to my brethren.

QUERIES proposed by Dr Gregory to the Royal College of Physicians, at their Meeting 5th November, 1806, *with respect to an Admonition about Secrecy given at their Meeting in August* 1806.

1st, Does it extend and apply to *all things*, without exception, *done* by this Royal College, or *said* or *done* by any member of it individually, in any meeting of this College, or of its Council?

2d, If it extend to all things, by what authority is such an Admonition given, or such an obligation imposed?

3d, Is there any law of this Royal College, that has such a meaning and extent?

[Read the Promissory Engagement.—*Regulations*, sect. vi. art. 15. par. 5. p. 21.

4th, Does this obligation of secrecy extend and apply to the ordinary business of the College, such as granting licences, admitting fellows, electing office-bearers, revising and reprinting our Dispensatory, &c. all which things are usually announced in the common newspapers?

5th, Does it extend to things, *done* by this *College*, out of the common course of business, but withal *honourable* to the *College*, and to the *individual members*, who *proposed* them; such as the election of honorary members: for example, Dr Jenner; and the very liberal encouragement, by money and otherwise, given by this College to various plans of public benefit: which things also used to be announced in the newspapers?

6th, Does the obligation of secrecy extend and apply only to things, *positively dishonourable*, done by this College, or *acted* or *spoken* by any of us individually in the meetings of this College, or Council and Court thereof?

7th, Does it extend and apply only to things *dishonourable*, or, as I should rather call them, *indecorous*, said or done by any of us *inadvertently*, from mistake, or from *sudden* and *great provocation*, or from natural *warmth* or *peevishness of temper*, or from *ignorance* of the subject matter of discourse, or from weakness of understanding, or from any other *infirmity* of human nature?

8th, Does it also extend and apply to things *dishonourable, deliberately* done by this College, or deliberately acted and spoken by any of us individually, in the meetings of this College?

9th, Does it extend and apply to things *dishonourable*, as being *morally wrong*, or only to things *disgraceful* to us, *collectively* or *individually*, as being very foolish, but yet *deliberately* done by this College, or acted or spoken by any of us individually?

10th, Can the *divulging* of things neither foolish nor morally wrong, said or done *deliberately* in, or by, this College, tend to the prejudice or defamation of the same, or of any member thereof?

11th, Is it *possible* to *divulge* any thing acted or spoken in this College, that may tend to the prejudice or defamation of the same, or of any member thereof, unless *such* things, truly *dishonourable*, shall *previously* have *been acted* or *spoken* in this College?

12th, Do our office-bearers *know* of any *intention*, on the part of any of our members, to *speak*, or *propose*, or *do*, in this College, any thing *dishonourable*, either as being *very foolish*, or as being morally wrong, the *divulging* of which would tend to the prejudice or defamation of the same, or of any member thereof?

13th, If they *do* know of any such *dishonourable* intention, whether only *foolish* or *morally wrong*, on the part of any of us, what is it? Let us all know what that *dishonourable* thing is, that we may be on our guard against it, and be prepared to oppose it; and if we cannot prevent it from being *spoken*, or *proposed*, and *urged*, in our College, at least be enabled to prevent that *dishonourable* purpose from being carried into effect.

14th, Who are the *individuals*, who have formed, and persevere in, the design of *acting* and *speaking*, in this College, things, the divulging of which would tend to the *prejudice* and *defamation* of the same, or of any member thereof?

We ought all to know them, as well as their *bad* purpose, that we may be on our guard against *them*.

15th, Have our office-bearers, as in duty bound, done all in their power to dissuade from their dishonourable purpose those unworthy members of our College?—Or,

16th, Have our office-bearers contented themselves with thus endeavouring to bespeak the secrecy, and enforce the connivance, of the other members of this College, with respect to things notoriously dishonourable?

No. III.

Certified Copy of Answer made by the Royal College of Physicians, to the Queries put by Doctor GREGORY, *to the College, at their Meeting on 4th November,* 1806.

26th November, 1806.

1. The College have considered, with attention, the Queries read by Doctor Gregory, at their last meeting, relative to the Admonition unanimously adopted at their quarterly meeting in August.

2. The College, in the Admonition, have already declared, that it was not intended to have particular reference to what may have happened at any former period, and at the last meeting an explanation was given of the particular circumstances which suggested it, at the time of its adoption.

3. While the College admit the right, and approve of every member taking the proper and usual steps to have the opinion of the College, concerning any part of their laws, regulations, or proceedings, which may seem ambiguous, they cannot recognize the right of any individual member, to interrogate the College, or its Council, in the extraordinary style of these queries.

4. The object of the Admonition appears to them so plain and intelligible, that they cannot suppose any person, who is willing to understand it, will feel any difficulty in comprehending, precisely, the import of it.

5. It applies, in general, to all the transactions of the College, including discussions, motions, and acts, excepting those which they

have determined should be communicated to the public, and which the College direct to be announced in the newspapers, or to be otherwise made known.

6. Every man of candour must admit, that though all these transactions may be proper and honourable, there may be many of them which it would be extremely improper to make the subject of talk and conversation out of doors.

7. With regard to things dishonourable, the College may at present be silent, as they have the satisfaction of thinking, that to this period, such an epithet could not, consistently with truth, be applied to any of their transactions.

8. This matter appears to the College so plain, that they cannot imagine the first part of Dr Gregory's queries to be proposed with any other design, than as a mode of introducing the latter parts, which have no connection with the meaning or import of the Admonition, but appears to be intended as a censure upon the fifth clause of the promissory engagement, which Dr Gregory, with many of the other members, has already signed twice, as well as to convey injurious insinuations.

9. On this occasion the College find themselves called upon to declare, and they do accordingly resolve, that the imputations and accusations, which those queries seem to imply, are utterly groundless and unwarranted, and that they are sorry that they must view the queries themselves as very disrespectful, if not a direct insult, to the College.

10. And they do further resolve, that it is with much concern they have seen any member take a step, which they must deem so improper; and however much the College are convinced, that their dignity and character can suffer no degradation from the intemperate expressions of any individual member, whether spoken within their courts, or published abroad, they must nevertheless declare,

with the deepest regret, yet in the strongest terms of disapprobation, their sense of the indecorous and improper conduct of Doctor Gregory on this occasion, and that it merits very severe censure from the College.

I, Clerk to the Royal College of Physicians, do hereby certify, that the above is a correct copy.

ALEX. BOSWELL, Clerk.

No. IV.

COPY MINUTES of a Quarterly Meeting of the Royal College of Physicians, held 4th August, 1807.

Edinburgh, 4th August, 1807. *Quarterly Meeting.*

PRESENT,

Dr CHARLES STUART, President.

Drs SPENS,	DUNCAN,	RUTHERFORD,
GREGORY.	HOME,	YULE,
HAMILTON, jun.	HOPE,	DUNCAN, jun.
BROWN,	BARCLAY,	WRIGHT.

Roll called. *Absents fined.* *Minutes read.*

The President stated, that the Council having received a second letter from Dr Wright, in which he acknowledges the incorrectness of his former letter, and expresses a wish to withdraw it, the Council recommended that he should be allowed to do so, but that copies of both letters should be kept *in retentis,* though not entered upon the Minutes.

The President farther stated, that the Council thought proper to observe, that Dr Wright's first letter was presented in an irregular manner, and contrary to what Dr Wright should have known to be the uniform procedure of the College; having been given in at a public meeting, without any intimation being previously

made to the Preses or Council, as required by Section 12 of the laws.

The College having taken what is above stated into consideration, a vote was afterwards put, retain the first of Dr Wright's letters or not, and it was carried that it should be retained. A second vote was then put, whether these letters should be entered on the Records of the College, and it was carried that they should be so entered; and the College directed this to be done accordingly.

[Follow Dr Wright's Letters above referred to.]

Edinburgh, 22d April, 1807.

SIR,

Having a sudden call to London on particular business, puts it out of my power to attend the meeting of the College on the 5th of May next. Permit me, therefore, to deliver my sentiments in writing, on the case of Dr Gregory, before the College.

1st, That at the Council previous to the extraordinary meeting of the College, I submitted a string of Answers to Dr Gregory's Queries, which although generally approved, were not adopted.

2d, That at said meeting of the Council, certain resolutions were read, which the Council proposed to recommend to the College, but which were not finally settled that day.

3d, That a meeting of the Council was held half an hour before the extraordinary meeting of the College, the opinion of the Council was read over, but I have not the most distant recollection of the concluding paragraph of these resolutions being read to me. But if the said concluding paragraph was read at this meeting of the Council, it must have been in that hurried manner as to make no impression.

For these reasons I consider myself as at full liberty to *depart* from

the resolutions of the College, and to *protest*, what I now do, against the Vote of Censure being carried into effect.

I have the honour to be most respectfully,

SIR,

Your most obedient servant,

(Signed) WILLIAM WRIGHT.

(Addressed to) Dr Charles Stuart,
President of the Royal College of
Physicians.

Edinburgh, 3d August, 1807.

MR PRESIDENT,

DEAR SIR,

I had not the smallest intention to insinuate, that the Council, or any member of it, were capable of altering, adding to, or suppressing any part of the resolutions read in the Council, or in the College, last February meeting.

Several circumstances called off my attention to their nature and contents, and for a time effaced them from my recollection.

I have good reasons for changing my mind on those resolutions of the College; and especially on such paragraphs that contained censure on Dr Gregory, and to which, in the heat of the discussion, I reluctantly gave my assent, or acquiescence.

I therefore beg leave to withdraw my letter of the 22d of April, as being partly incorrect, and consider myself at liberty to vote in the future stages of this discussion, as my judgment and conscience may direct me.

I have the honour to be, with great respect,

SIR,

Your most obedient servant,

(Signed) WILLIAM WRIGHT.

(Addressed as above.)

The President read to the College the Queries, with the Note of documents laid before counsel, on the part of the College, relative to Dr Gregory's Protest against the Vote of Censure passed on him by the College, with the answers by counsel, (copies of which follow,) and the vote having been put, whether Dr Gregory's Protest should be entered on the Records, or not, it was carried by a majority of 9 to 3, that the Protest should not be recorded.

(Follow the Note of documents, Queries, and Answers, above referred to.)

State of Papers laid before Counsel for opinion, by the Royal College of Physicians, with relative Queries.

1. Printed copy of the Laws of the College, on page 20th of which is engrossed the Promissory Obligation as to secrecy, subscribed by the members of it.

2. Excerpt from the Minutes of the College, dated 5th August, 1806, relative to the recommendation of the Council, as to secrecy, in matters connected with the business of the College.

3. Excerpt from the Minutes of the meeting of the College, held 4th November, 1806; at which Dr Gregory read his Queries, relative to the recommendation made by the Council, at the preceding meeting, which were ordered to be laid before the President and Council.

4. Copy of Queries put by Dr Gregory.

5. Excerpt from the Minutes of the College, dated 26th November, 1806, relative to the second reading of these Queries. And the Answer made by the Council, and Vote of Censure passed upon them by the College.

6. Copy Answer by the Council to the Queries of Dr Gregory, referred to in the preceding Minute.

7. Excerpt from the Minutes of the College, dated 3d February, 1807, authorising Drs Yule and Brown to postpone giving in Reasons of Protest, on their part, till a subsequent meeting.

8. Excerpt from the Minutes of the meeting of the College, held 5th May, 1807, when Dr Gregory read his Reasons of Protest against the Vote of Censure, passed at the meeting of 26th November, 1806, and Drs Yule and Brown read Reasons of Dissent on their part.

9. Copy Protest by Dr Gregory.

10. Copy Reasons of Dissent from said Vote of Censure, by Dr Yule.

11. Copy Reasons of Dissent from said Vote, by Dr Brown.

12. Minutes of an Extraordinary Meeting of the College held on 19th May, 1807, at which the College postponed the consideration of Dr Gregory's Protest against the Vote of Censure of 26th November, 1806, and of the Reasons of Dissent of Drs Yule and Brown, till next meeting, as Dr Gregory had intimated his intention of laying a Second Protest, against the Recommendation to Secrecy, contained in the minute of 5th August, 1806, before that meeting. At this meeting also the College empowered the Council to lay the whole proceedings before counsel learned in the law, under the direction of whom the Council is to act.

With reference to the above mentioned papers, the following Queries are submitted.

1st, Is it proper for the College to take Dr Gregory's Protest against the Vote of Censure of 26th November (No. 9.) into consideration, until his Protest against the Recommendation to Secrecy of 5th August 1806 be laid before them?

2d, If it be proper, are counsel of opinion that the College are obliged to receive and to insert into their minutes a paper containing such reflections on their character and conduct?

3d, As late discussions with Dr Gregory have been extremely painful to the College and all its members, what measures can counsel suggest to terminate these, without the sacrifice of justice to individuals, and of the proper respect due to the character of the College?

4th, If Dr Gregory should read Reasons of Protest at next quarterly meeting in same style with those now produced to counsel, would the College be justified in refusing to hear them?

Answers to Queries for the Royal College of Physicians.

1st, We are of opinion, that the College should proceed in the first place to dispose of the Protest which is now before them; the merits of which, as to the points now under consideration, cannot possibly be affected by the tenor of any other Protest which Dr Gregory may give in.

2d, It appears to us to admit of considerable doubt, whether Dr Gregory, who was placed in the situation of a *party* by the Vote of Censure of 26th November, could afterwards complain of that judgement in the shape of a *Protest*. But at all events, we are clearly of opinion, that the style and tenor of that Protest are such as fully to justify the College in refusing to enter it on their Records.

3d, We find it impossible to give any specific answer to this query. The College must act according to its own discretion, and as circumstances appear to require.

4th, If Dr Gregory should read or say any thing disrespectful or improper in a meeting of the College, any member may certainly call him to order, and object to his proceeding in the same style. But, if it be intended to found any censure, or other proceeding,

upon what may be so uttered, the words should be taken down, and authenticated at the time.

The opinion of

(Signed) MAT. ROSS,
F. JEFFREY.

Edinburgh, 30th July, 1807.

The College having taken into consideration the Reasons of Dissent presented at a former meeting by Dr Yule against the Vote of Censure passed on Dr Gregory, the same were ordered to be received and engrossed in the Minutes.

[Follow the Reasons of Dissent by Dr Yule above referred to.]

Reasons of Dissent from the Act of Censure passed on Dr Gregory by the Royal College of Physicians at the Meeting held upon the 26th of November last, 1806.

1st, Because whatever disagreeable consequences have already arisen, or may hereafter arise, from the agitation of the queries put by Dr Gregory to the College, might have been prevented by the College explicitly declaring, in answer to the leading queries, the object and meaning of the general Admonition to secrecy, given by the Council; this explanation every member of the College had a right to require, especially when it is considered, that the Admonition, communicated gravely from the chair, evidently implied, that one or other of the members, either had acted, or was likely to act, in opposition to his duty.

2d, Because this Admonition necessarily led to a more strict examination into the meaning of the law itself, (Sect. 6. Art. 15. parag. 5.

page 21.) and such being the case, Dr Gregory, or any other member having difficulties as to its interpretation, had an undoubted right to submit his sentiments thereon to his brethren collectively, under whatever form of reasoning seemed to himself best suited to his object.

3d, That the seventh query, in an especial manner, ought to have been answered by the College, as including the whole of the instances in which the engagement to secrecy can be admitted to apply.

4th, Because I consider the queries put to the College by Dr Gregory to be merely hypothetical, each including the antecedent of a series of propositions, the consequent of which is implied in the next, which, in its turn, becomes the antecedent of another; and that those queries which have chiefly given offence, evidently arose from the nature of the argument, and cannot, in my opinion, be attributed to an intention of insulting the College.

5th, If Dr Gregory has stated all the possible suppositions upon which the interpretation of the obligation to secrecy, he intended to oppose, could be maintained; if he has succeeded in his argument, and has shewn in the clearest manner, that the injunction itself, under every point of view, or in every possible mode of interpretation, is better adapted to the craft of a corporation, than *necessary* as a rule of conduct to the members of this College of Physicians, a body of men among whom I conceive it to be *impossible* that *any thing* can be done or said which could in any shape "tend to the prejudice or defamation of the same, or any member thereof,"—so far is his conduct in this respect from deserving censure, that, on the contrary, it appears to me rather liberal and praise-worthy.

(Signed) JOHN YULE.

The College took into consideration the Reasons of Dissent presented by Dr Brown against the Vote of Censure passed on Dr Gregory. In regard to this Protest, the President stated it to be the opinion of the Council, that, although Dr Brown had a right to protest against the Vote of Censure referred to in it, it would be obviously improper to allow him to record in the Minutes of the College a Protest directed chiefly, not against that Vote of Censure, but against the previous Admonition of the College, in which Dr Brown had himself concurred. The Council therefore suggested the propriety of the College recommending to Dr Brown to withdraw his present Protest, and to confine himself to the subject of the Censure, without objecting to the Admonition.

Dr Brown having declined to adopt the recommendation of the Council, and to withdraw his Reasons of Dissent in terms of it, the vote was put, Record Dr Brown's Reasons of Dissent or Not, and it carried that they should be recorded; but the College conceiving it improper that these Reasons of Dissent should stand upon their Records without an answer being made to them, remitted to the committee formerly appointed to take charge of the proceedings relative to the Protest, &c. of Dr Gregory, to frame such answer to these Reasons of Dissent as should seem necessary.

It was unanimously agreed, that Dr Gregory, on account of the lateness of the hour, should delay to read his Reasons of Protest against the Admonition of the College till next quarterly meeting.

The College postponed the farther business before it till said next quarterly meeting.

(Signed) CHARLES STUART, P.

Edinburgh, 8*th December*, 1807. I Alexander Boswell, Clerk to the Royal College of Physicians, do hereby declare, that what is written on the foregoing eighteen pages is a true copy of the Minute of the Meeting of the College held on the fourth day of August last, 1807, as entered in the record of their proceedings.

ALEX. BOSWELL.

No. V.

EXCERPT from the Minutes of the Royal College of Physicians, dated 5th February, 1805.

THE President intimated, that the next business which came before the College was a measure recommended to them by the Council relating to himself, and he requested the Vice-President to take the chair.

The Clerk then read the motion of the Council, which is as follows:

The College taking into consideration the concern which the President has had in the late revisal of the laws, and the great trouble and attention he has bestowed on this, are of opinion, however different the sentiments of the different members may be upon that subject, that he has acted from the purest motives, and in the most honourable manner, and that he well deserves the thanks of the College, which they request the Vice-President to give him, and they appoint this resolution to be engrossed in the Minutes.

The Clerk having then called the roll, the whole members approved of the motion, with the exception of one member, who objected merely to the form of the motion, but who agreed with all the other members of the College, that the President had acted in an honourable manner.

Thereafter a motion from the Council respecting the Committee for revising the Laws, the same with the preceding, *mutatis mutandis,* was read by the clerk, was put to the vote, and carried in

the same manner; which resolutions of the College were accordingly intimated to the President and Committee by the Vice-President.

The President having then resumed the chair, represented, in name of the late Committee for revising the Laws, that having taken into consideration the wide difference of opinion which subsisted among the members of the College relative to certain alterations proposed in their Report, they had, about the middle of December last, met together, and formed the resolution of moving for leave once more to revise the laws, in order to withdraw those parts of their Report, which were likely to divide the College. He therefore moved, that their Report might be re-committed, that the Report when so amended, with any other alterations which might appear expedient, be again circulated among the members, and be considered by the College at next quarterly meeting.

Which motion was unanimously agreed to, and the business was recommitted to the same Committee.

Extracted from the Record of the Minutes of the Royal College by

ALEX. BOSWELL, Clerk.

No. VI.

PART of the preceding minute, with a *preamble* in italics, (reprinted here in the same manner), was printed and distributed very freely in summer 1805; but I *never saw it*, nor *heard of its being printed*, till *after* the quarterly meeting of the College in November 1806.

The *preamble* is no part of the record. I believe the Royal College did *not* order it to be printed; but never, as far as I know, animadverted on the printing and distributing of it as any way wrong.

J. G.

In consequence of Two Publications addressed to the Royal College of Physicians about the end of January 1805, *relative to the conduct of the President and a Committee of the College appointed to revise its Laws, the following Motions, recommended by the Council, and expressive of the Opinion of the College on that Subject, were passed at the Quarterly Meeting on the 5th of February, every Member on the Roll, excepting Dr Gregory, being present. They are extracted from the Minutes of that Meeting, which were read and sanctioned, in the usual way, at the subsequent Quarterly Meeting on the 7th current.*

The College taking into consideration the concern which the President has had in the late revisal of the laws, and the great trouble and attention he has bestowed on it, are of opinion, however different the sentiments of the different members may be on that subject, that he has acted from the purest motives, and in the most honourable manner, and that he well deserves the thanks of the College, which they request the Vice-president to give him; and they appoint this resolution to be engrossed in the minutes.

The clerk having then called the roll, the whole members approved of the motion of the Council, with the exception of one member, who objected merely to the form of the motion, but who agreed with all the other members, that the President had acted in an honourable manner.

Thereafter a motion respecting the committee for revising the laws, the same with the preceding, *mutatis mutandis*, was read, put to the vote, and carried in the same manner.

Which resolutions of the College were accordingly intimated to the President, and the Committee, by the Vice-president.

(Signed) ALEXANDER BOSWELL, Clerk.

Edinburgh, 10*th May*, 1805.

No. VII.

Copy Reasons of Dissent by Dr Andrew Duncan junior, why the act of 1754 should not have been confirmed and continued, which Reasons of Dissent form part of the Minute of the Quarterly Meeting of the Royal College of Physicians, held 5th November, 1805.

1st, Because the reasons stated in the preamble for passing that act, appear to me to be unfounded. Daily experience proves, that combining the practice of medicine and pharmacy in one and the same person, does not hinder the advancement of the knowledge of medicine, or prove dangerous to the health of the inhabitants of this city.

2d, Because one principal reason, which influenced the College in passing that act, and, in my opinion, the only reason, which, although erroneous, is at all plausible, is not avowed in the preamble, viz. An opinion, that the practice of pharmacy was derogatory to the dignity of a physician. *

3d, Because the terms, in which the restriction is expressed, appear to me to be ambiguous, and to admit of different interpretations.

4th, Because the particular manner in which the College secures obedience to the restrictions imposed on its members by that act, by obliging candidates for a licence, to specify on their petition, their consent to submit to them, appears to me to be unworthy of the dig-

* See Remit to a Committee appointed in 1765, to consider whether it would not be both lawful and proper to refuse to license even Scottish graduates, who should practise surgery.

nity of the College, and to imply a consciousness, that, in enacting them, the College exceeded its powers, and could not otherwise enforce them. *

5th, Because I am of opinion, that it is improper for the College to put it out of their power to admit as licentiates, or to raise to the dignity of fellow, those physicians, who may, in other respects, be highly deserving of their esteem, and whose names may even do honour to their list, when no other objection lies against them, but that they practise particular branches of the healing art. †

6th, Because the act seems to impose an unnecessary, and what may, perhaps, in some instances, be even a cruel restriction on such of our members, as may chuse to profit by the practice of other branches of medicine.

7th, Because I think the following opinion of Dr John Gregory incontrovertible. "In regard to pharmacy, it were much to be wished, that those who make it their business, should have no connection with the practice of physic, or that physicians should dispense their own medicines, and either not charge the expence of them to their patients at all, or charge it at the prime cost. It is only in one or other of these ways that we can ever hope to see that simplicity of prescription take place in the practice of medicine, which all who understand its real interests so ardently wish for, and it is only from such an arrangement, that we can expect to see physicians placed in

* See opinion of a Committee, consisting of Drs Hay, Monro, Duncan, N. Spens, Langlands, Rutherford, and James Gregory, presented to the College in February 1788, on the expediency of repealing the resolution of the College of 1772, excluding both fellows and licentiates from practising surgery, midwifery, or any other branch of surgery.

† See report of a Committee for considering this subject, presented to the College in November 1753, and also the act of 1750 prohibiting fellows from practising surgery, or pharmacy, and the act 1765, relative only to surgery.

that honourable independence, which subjects them to no attentions but such as tend to the advancement of their art." * And, as in the present state of the practice of medicine in this city, the powers of the College are inadequate to the purpose of carrying the former of these alternatives into effect, I consider it improper for the College to prevent its members from adopting the latter.

8th, Because, " the purpose and intendment of erecting bodies corporate within particular districts, with exclusive privileges, is not so much to limit, or confine the members of such body corporate in the exercise of their callings, whereby they may not be at liberty to apply themselves to other callings compatible with that which is the principal object of their charter of erection, as to secure to them the sole and exclusive exercise of that particular calling which is the object of the grant, from being encroached on by unfreemen, or others, who are not admitted members of such society." †

9th, Because the abrogation of that act would not authorise any encroachment on the rights of other corporate bodies, which would remain as entire, as if no such act had ever been thought of.

10th, And finally, and chiefly, Because I am of opinion, that the act 1754, so far as regards licentiates, exceeds the power vested in the College by their charter; ‡ and is an encroachment on the privileges of the Scottish universities, which are expressly secured to them in that charter, " *Et dictum medicorum Collegium, more predicto erigendum, per præsentes obligatur quem vis hominem seu homines in*

* See Lectures on the Duties and Qualifications of a Physician, by John Gregory, M. D. F. R. S. second edition; revised and corrected by James Gregory, M. D. p. 43.

† See answer of Mr Lockhart to a memorial of the College, dated 31st October, 1768.

‡ See Reasons of Dissent, signed Drs Cullen, John Gregory, Black, Monro, Young, Ramsay, and Hay, against the act passed in February 1769, with regard to surgery, in the same words, *mutatis mutandis*, as the act 1754, relative to pharmacy.

dictis universitatibus laurea doctorandis, absque quovis præviso seu antecedente examine sed solummodo ad ipsarum diplomatis seu ad gradus admissionis Præsidi dicti Medicorum Collegii productionem licentiare."

(A true copy.)

ALEXANDER BOSWELL, C. C. R. M. E.

No. VIII.*

QUESTION, proposed by Dr Duncan Senior to the Royal College of Physicians, Edinburgh, respecting the Law passed on the 11th of April, 1754, prohibiting the Members of the College from setting up Apothecaries' Shops, or practising Pharmacy, by themselves, Copartners, or Servants.

At a meeting of the College, held in their Hall, on the 13th of May, 1805, Dr Duncan stated the following question:—

Mr President,

When the law now under consideration happened to be accidentally mentioned at our meeting in November last, I said a very few words with regard to it. I then stated, that I had, in some degree, changed my opinion with respect to it, since the time when it was the subject of discussion in the year 1796. These few words have been, by one of our members, much misunderstood and misrepresented. On that account, Sir, I have put in writing the question I am now to propose respecting that law. I wish that nothing may depend on fallacious memory; for I well know, that even the best memories are sometimes fallacious.

The late Dr John Gregory, in his excellent lectures, on the duties and qualifications of a physician, has the following observations re-

* Printed and distributed by Dr Duncan senior, but no copy of it sent to Dr Gregory.

specting the practice of physic, of surgery, and of pharmacy:—" If surgery was confined to a set of men, who were to be merely operators, it might justly be expected, that the art would be more quickly brought to perfection by such men, than by those who follow a more complicated business, and practise all the branches of medicine. The same advantage would accrue to pharmacy, if apothecaries were to be confined to the mere business of preparing medicines; but, in reality, this is not the case. In some parts of Europe, surgeons act as physicians in ordinary; in others, the apothecaries do this duty without a medical education. The consequence is, that, in many places, physic is practised by low illiterate men, who are a disgrace to the profession.

"In regard to pharmacy, it were much to be wished, that those, who make it their business, should have no connection with the practice of physic, or that the physicians should dispense their own medicines, and either not charge the expence of them to their patients at all, or charge it at prime cost. It is only in one or other of these ways, that we can ever hope to see that simplicity of prescription take place in the practice of medicine, which all, who understand its real interests, so ardently wish for; and it is only from such an arrangement, that we can expect to see physicians placed in that honourable independence, which subjects them to no attentions, but such as tend to the advancement of their art. But it is a known fact, that, in many parts of Europe, physicians, who have the best parts, and the best education, must frequently depend for their success upon apothecaries, who have no pretensions either to the one or the other; and that the obligation to apothecaries is too often repaid, by what every one concerned for the honour of medicine must reflect on with indignation."

On these very just observations, Mr President, the question, I am now to propose, is entirely founded. After the most deliberate and

attentive consideration of the act of our College, of the 11th of April, 1754, I am decidedly of opinion, that none of our number would transgress either the spirit or the letter of that act, by dispensing medicines to his own patients, on the footing Dr John Gregory has proposed. I am fully convinced, that the act does not prohibit any one of us from supplying his own patients with those medicines, which he prescribes for them, provided he does not make any charge for these medicines, but is paid only for his advice and attendance.

This, however, is not, I believe, the opinion of all our members with regard to this law. The question, therefore, to which I am very desirous of having an answer from every member of the College, is, whether he thinks that any one of our number would transgress the act 1754, by furnishing medicines to his own patients without making any charge for them?

My reason, Mr President, for asking the question, I have now proposed, is shortly this;—If I find, by the answers given me, that the members of the College differ much in their opinions, I shall probably propose, at some future meeting, that we should again take this law under our serious consideration. And as the College, in the year 1754, took the opinion of eminent lawyers, before they passed this act, it may perhaps be thought proper, that they should again take the opinion of eminent lawyers, with regard to the extent and import of it, in the words in which it at present stands. But, in this particular, my future conduct will be much regulated by the answers which I receive, both from those who are now present, and likewise from our absent fellows, particularly those who are resident in Edinburgh.

What follows was in Dr Duncan's hand-writing.

J. G.

Dear Dr,

I shall esteem it a singular favour, if you will attentively peruse this printed Paper, and return me an answer in writing to the question proposed, any time before the first of February next.

Yours truly,

AND^W. DUNCAN.

Adams' Square, 19th December, 1805.

No. IX.

[To Dr Gregory from Dr Duncan Senior, (Private.) Probably to be the Foundation of a Motion.*]

MEMORIAL and QUERIES respecting the Conduct of Dr James Gregory to Dr Thomas Spens, and some other Members of the Royal College of Physicians of Edinburgh.

In the year 1788, the Royal College of Physicians of Edinburgh, printed a copy of their Laws and Regulations, extracted from their Minutes and Charter. Soon after that period, many changes took place, several new laws were enacted, and several old ones repealed or altered. Among other particulars, a very important alteration was made with respect to the fees paid by members on their admission. Thus, in many particulars, the printed laws ceased to be the regulations of the College, and, in many other particulars, they were entirely silent; so that considerable difference of opinion took place among the members.

Of this, a remarkable instance occurred in 1804, when a society of artists applied to the College to have the use, for the space of a month, of the lower part of the College library-room, for an exhibition of pictures. A very considerable majority of the members (among whom were the President, Dr Gregory, Dr Duncan senior,

* This Memorandum is in the hand-writing of Dr Duncan senior: all the rest of it was printed. J. G.

&c,) thought that the College ought to have granted this request; but the measure was strenuously opposed by Dr Monro senior, and Dr Rutherford, who contended, that a majority of the College had it not in their power to grant the use of the Hall, and that this could only be done by unanimity.

On this subject, however, the laws of the College were entirely silent. It was therefore suggested, that, to prevent such disputes in future, a committee should be appointed to revise the laws, and to submit to the consideration of the College a new draught of the whole, with such alterations and additions as they might think proper.

This Committee consisted of Dr Spens, the president; Dr Hope, the secretary; Dr Buchan, the fiscal; Dr Duncan junior, the librarian; and Dr Duncan senior, who had been a member of the former Committee for revising the laws in 1788.

This new Committee, by Dr Duncan's advice, resolved to follow the very same plan that had been adopted by the Committee in 1788. They held, for a considerable time, regular weekly meetings, at which they considered the laws, section by section, and they reconsidered, at every succeeding meeting, what had been determined upon as most proper at the former one, often again making alterations. But they thought it prudent to avoid, as much as they easily could, any conversation with the other members of the College, respecting the intended alterations, till they should be able finally to make up their own minds with respect to these alterations, and to present the College with a connected view of the whole.

From this *silence* or *secrecy*, if it may be so called, for a short time, they imagined that many advantages would result. The members of the College would not be so apt to form erroneous opinions, from partial information, and the Committee would not be distracted in their procedure, by very opposite opinions, from different members,

respecting particular laws. At the same time, they saw no evil whatever, which could arise from their silence, as the whole was, in a short time, to be subjected to a full and candid examination.

This resolution of secrecy, however, was not so strictly adhered to, as to prevent certain parts of the intended Report from being the subject of conversation, both among some of the members of the College, and likewise among some of the members of the Corporation of Surgeons. This was particularly the case with respect to a clause which the Committee proposed to add to the regulation prohibiting members of the College of Physicians from keeping apothecaries' shops. Respecting this law, the members of the College had often before differed in opinion; and by the clause now proposed to be added, the Committee were, after much discussion and repeated consideration, unanimously of opinion, not only that future disputes would be avoided, but also that the practice both of medicine and of pharmacy, in the city of Edinburgh, would be materially improved.

Respecting the meaning of the former act, many members entertained different opinions. Some thought, that it only prevented the members from keeping open shops for the retail of medicines, as had formerly been done by some of the most eminent physicians in Edinburgh, even by the celebrated Pitcairne himself. Others thought, that it prohibited even private shops, but did not prohibit any member from supplying his patients with all the medicines he prescribed, provided he was paid only for his attendance. While a third set were of opinion, that the law, as it at present stands, was daily transgressed by the Professors of Chemistry and of Materia Medica, who teach and practise pharmacy, both by themselves and their servants. For these reasons, they thought some explanation

of the law was necessary; and this subject underwent in the Committee much candid discussion.

At one meeting, they thought of proposing to the College an entire new enactment. At another it was proposed, that the greatest part of the old enactment should be retained; but that some alterations and additions should be introduced. But, in the end, they agreed, that the old enactment should remain, without any alteration, to be signed by the future members of the College, in the same manner as had been done by former ones; but that an article should be added, explaining the former law in such a manner as would prevent any future disputes with respect to the meaning of it; and which would so far alter and amend it, as to afford an inducement to the younger members of the College to employ their time and talents in the improvement of pharmacy; and thus to obtain, not only for the city of Edinburgh, but for the public at large, the most improved Pharmacopœia in Europe, in the future editions of that published by the College of Physicians of Edinburgh.

These considerations finally led the Committee to adopt into their report the clause alluded to. They did *not expect that the members would be unanimous* in their opinion with regard to it; but they well knew, that their sentiments, on this subject, were afterwards to undergo a full, fair, and free discussion among the members, and to be *submitted to consideration at three separate meetings*, before they obtained the force of law; and that they were finally to be adopted, altered, or rejected, according to the determination of the majority.

After the Committee had finished the consideration of the laws, and had drawn up a full Report, which contained important alterations and additions in almost every section, that Report was presented to a regular quarterly meeting. The meeting directed, that the

Report should be deposited on the table of the library, and should there remain open for the perusal or consideration of the members, for the space of three months, before any further remarks were made upon it.

In all this procedure, both the Committee and the College followed precisely the same plan in 1804, that had been adopted in 1788; and no member of the Committee entertained even the most distant suspicion, that they could be accused by any human being of fraud or chicanery, or of any attempt to get the laws passed in a surreptitious manner.

Nay, so anxious was the President, in particular, that every member should be thoroughly acquainted with all the alterations and additions proposed by the Committee, that he directed a copy of the Report to be made out, and circulated through all the members. By this means, every member had an opportunity of reading the Report at his own house; a measure which was not adopted in 1788. Thus, every member who remained ignorant of any important change proposed by the Committee, not only had himself alone to blame for his ignorance, but was guilty of a gross neglect of duty to the College.

But notwithstanding this regular and cautious procedure, on the part both of the Committee and of the College, (which particularly demonstrated the anxiety of the President, that every thing should be conducted in the most unexceptionable manner,) Dr Gregory has printed two works, in which he has thrown out the most severe and groundless reflections on the President and Committee, representing them as men void of honour and honesty.

He has, in particular, laboured to persuade his readers, and to render it probable by many gross misrepresentations;

1*st*, That the President brought forward the proposition of revising the laws of the College, merely as a blind, and solely with

the intention of accomplishing a favourite object in a clandestine manner.

2dly, That the President appointed, as a Committee for revising the laws, a set of men whom he had previously prevailed upon to join him in his dishonourable project. And,

3dly, That the President, with his Committee, were guilty of fraud, chicanery, and falsification in this business; and, that their conduct was highly dishonourable.

Every one of these severe accusations is totally groundless. Dr Gregory well knew, that the printed copy of the laws was no longer the regulations of the College in many essential particulars. He well knew that many other changes were wished for by different members. Nay, when he himself was President, he *repeatedly suggested* the *propriety* of *applying for a new Charter.* This, among other subjects, was under the consideration of the Committee; but, in the end, they agreed, that an application for a new Charter would, at present, be inexpedient.

So far was the President from having appointed a packed Committee, with the view of accomplishing a favourite object with respect to pharmacy, that, when the regulation respecting it came under consideration, three of the five members, (viz. Dr Duncan *senior*, Dr Hope, and Dr Buchan,) were against any alteration or addition whatever; although, after long reasoning, and repeated consideration, they were at length induced, in some degree, to alter the opinion they had at first formed on this subject.

The charges of fraud and chicanery are entirely the children of Dr Gregory's imagination. In place of any attempt to get the law passed in a clandestine manner, the report of the Committee was brought forward with the greatest regularity. It was not only open to the inspection of all the members, in the library, for several months, but was also circulated through the whole members. With

what justice could it be alleged, that the Committee *had falsified a law*, when they merely submitted to the consideration of the members, a clause for *explaining and amending it?*

And, so far were the sentiments of the College in general different from those of Dr Gregory, that, after his two publications appeared, they passed, at a full and regular meeting, an UNANIMOUS RESOLUTION, declaring, That the President and Committee had acted from the purest motives, *and in the most honourable manner.* The vote was unanimously confirmed at a subsequent quarterly meeting; from which, as well as the former, Dr Gregory alone absented himself. But *it can hardly be supposed, that he remained ignorant of what was done at these meetings;* and *it was his own fault only, if he did not know that the College* had thus *virtually declared all his accusations of the President* and *Committee* to be *false* and *groundless.*

Notwithstanding this declaration of the College, Dr Gregory continued to distribute, *in a private manner*, his scandalous libels, which have thus fallen into the hands of many who have had no opportunity of hearing the sentiments of the College with respect to them.

Every member of the College, on his admission as a Fellow, signs an obligation, which contains the following clauses:

" I shall never divulge any thing that is acted or spoken in any meeting of the said College, or Council, or Court thereof, which I think may *tend to the prejudice or defamation of the same, or any member thereof.*

" All the foresaid articles I shall keep; and never wittingly and willingly break any one of them, as I desire to be holden and reputed an honest man, and a good Christain."

Before Dr Gregory *had distributed any of his pamphlets, or at least* before the President, or any member of the Committee, had seen a

copy, either of his Review or Censorian Letter, the President was informed, upon good authority, that Dr Gregory had printed something; and he was anxious that *it should not appear in public*, as he thought it would tend to *the prejudice and defamation of the College.* Dr Spens, therefore, in conjunction with Dr Hope, wrote Dr Gregory a private and friendly letter, earnestly requesting him to suppress his intended publication; and, at the same time, *reminding him of the obligations which every Fellow of the College comes under, not to divulge what was acted or spoken in the College, when it might tend to the prejudice and defamation of others.*

But, in place of complying with this request, Dr Gregory immediately *began* the distribution of his pamphlets among the members of the College, and sent them also to many other gentlemen, not residing in Edinburgh, but at a distance from it, and altogether unconnected with the College of Physicians. Nay, he has even continued to distribute them, after the *unanimous vote* of the College, which *virtually pronounced* them *to be a false and scandalous libel.*

Under these circumstances, the opinion of counsel is requested, in answer to the following questions:

Q. 1. Has Dr James Gregory, by distributing his Review and Censorian Letter, wittingly and willingly divulged what was acted in the College, to the *prejudice or defamation* of any of the members? And, *has he been guilty of a breach of the solemn obligation* which he came under, when he was admitted a fellow of the College?

Q. 2. If he has been guilty of a breach of that obligation, what punishment can the College inflict upon him for his transgression? *Can they expel him from their number, as having forfeited the character of an honest man?* Or, would it be more advisable to punish him by *fine*, by *reprimand*, or *otherwise?*

Q. 3. As Dr Gregory has long continued, and may probably still continue, to distribute his injurious publications, what measures ought the College of Physicians to adopt, with the view of preventing him from distributing any more copies of them?

The above Memorial has been submitted to the Lord Advocate, together with copies of Dr Gregory's two publications, the Review and Censorian Letter. The Lord Advocate has given a signed opinion in answer to the different queries. This opinion, dated 2d April 1806, is in the possession of Dr Duncan senior, who is at present one of the Censors of the College. *Dr Duncan has also signed opinions from some other eminent lawyers*, pointing out what the College ought to do, in order to prevent Dr Gregory from continuing to distribute these pamphlets, which have of late been even exposed to sale in the shops of booksellers. And it is not improbable, that he may think it necessary to take some steps, with the view of protecting the character of the late President of the College, as well as that of some other members, against *false* and *groundless aspersions.*

No. X.

OBSERVATIONS on Dr Gregory's Letter to the College of Physicians, written by Dr Duncan senior, and intended to have been read at the Meeting of the College, 24th November, 1807.*

Mr President,

I have perused, with attention, Dr Gregory's long letter, addressed to you, to be communicated to the College.

To me it appears evident, that, notwithstanding the solemn declarations made in the College, both by you and by me, Dr Gregory still persists in believing, that my having consulted lawyers, to enable me better to regulate my own conduct in the College; and that the Admonition respecting secrecy, suggested by you, with the view of preventing the College from being injured by idle conversation, respecting their pending transactions; were measures which we had concerted together, and were parts of a plot, to injure him, by "fraud and chicanery." From this letter, he still seems to believe, that, by the Admonition, we endeavoured "to bespeak the secrecy, and enforce the connivance, of the other members of the College, to things notoriously dishonourable."

I do not suppose, that any thing I can now say, will convince Dr Gregory; but I take this opportunity of declaring, in the most solemn manner, that I had no knowledge whatever of the Admonition suggested by you, till you proposed it in the Council, and that

* Printed and distributed by Dr D.

the Memorial alluded to, was entirely a work of my own, without acting in concert with any other person whatever.

I was induced to take the advice of counsel, from finding, that, notwithstanding the unanimous vote of the College, approving of the conduct of Dr Spens and the Committee, Dr Gregory's Review and Censorian Letter continued to be circulated in Edinburgh, to the no small prejudice of some members of the College; and that Dr Gregory himself, after having had full opportunities of knowing the precise words of the vote which the College had passed, still continued to distribute copies of his libels, which contained many assertions very distant from the truth.

In the Memorial alluded to, I have stated nothing as a fact, which I did not then believe, and do not still firmly believe, to be true.

To the Queries subjoined to my Memorial, I received from my friend Mr Erskine, answers, which to me appeared to be perfectly satisfactory. The first query was put in the following words: "Has Dr James Gregory, by distributing his Review and Censorian Letter, willingly and wittingly, divulged what was acted in the College, to the prejudice or defamation of any of the members? and, has he been guilty of a breach of the solemn obligation, which he came under when he was admitted a member of the College?"

To this query, Mr Erskine has returned the following answer:

"I am of opinion, That Dr Gregory, by distributing his Review and Censorian Letter, was guilty of a breach of the obligation which he came under, when he was admitted a fellow of the College."

Of the other queries and answers, I shall at present say nothing. I shall only observe, that what I had principally in view, by consulting lawyers, was, not to get punishment inflicted upon Dr Gre-

gory for what he had already done, but to prevent future delinquencies.

I considered his conduct as having been already condemned by the College, from their unanimous vote, approving of the conduct of Dr Spens. And indeed, Dr Gregory himself has publicly said in our meetings, that if the conduct of Dr Spens was honourable, his conduct must have been dishonourable.

Founding on the opinion of eminent lawyers, I intended to have brought forward a motion, for interdicting Dr Gregory from distributing any more copies of his Review or Censorian Letter, and for interdicting every member in future from printing any account of our debates, without the consent of the College previously asked and obtained. For, to me it seems almost impossible to put in print, and to distribute among the public, an account of our differences in the College, without asserting something which may tend to the prejudice and defamation of particular members.

An account of transactions which have really taken place in the College, may, by erroneous statement, misrepresentation, and false colouring, prove in the highest degree injurious to innocent and meritorious members, exerting their best endeavours for the public good, and acting, from the purest motives, in the most honourable manner.

I had prepared, in writing, a motion for that purpose, and in all probability would have submitted it to the College in May last, if I had not been prevented from attending a meeting of the College by an urgent call to the neighbourhood of Glasgow. From different considerations, I have not hitherto brought forward my intended motion; and, whether it ever will be brought forward or not, must now depend upon circumstances.

I shall conclude with observing, that, whatever success Dr Gregory may have had in the attempts which he has made, for reasons

best known to himself, to convince my fellow members, and even the public at large, that I, and some others of our number, have been guilty of "fraud and chicanery," yet I can descend to the grave, conscious of being perfectly innocent of every charge hitherto brought against me by Dr Gregory, which can in any degree tend to impeach my honour or integrity.

On these grounds, Sir, I shall give my vote for approving of the answer to Dr Gregory's Letter, recommended by the Council.

No. XI.

COPY MINUTES of an Extraordinary Meeting of the Royal College of Physicians, held 24th November, 1807.

Edinburgh, 24th November, 1807. *Extraordinary Meeting.*

Present,

Dr Charles Stuart, President.

Drs Spens,	Duncan,	Gregory,	Wright,
Home,	Yule,	Hamilton jun.	Hope,
Duncan jun.	Monro jun.	Brown,	Barclay.

Roll called. *Minutes read.* *Absents fined.*

The President stated, that Dr Gregory's Letter, laid before the College at last meeting, had, according to the direction of the College, been since circulated through all the members.

The President then stated, that the Council, having read Dr Gregory's Letter, were unanimously of opinion, that its length and prolixity are such, that to enter into any minute consideration of it, would be altogether inconsistent with the time which the meetings of the College should occupy, and with the other engagements of its members. They thought, therefore, that Dr Gregory should be desired in future to condense his arguments, and to avoid the diffuse illustrations, and the redundant expressions, with which his papers

abound. Regarding the great object of the letter, it was the opinion of the Council, that the College have never disputed the right of any individual member to protest against any act of the College of which he may disapprove; but, by the advice of counsel, the College have already exercised, and it is their opinion that they should continue to exercise the right, of refusing to record in their Minutes any Reasons of Protest, which to them shall appear disrespectful, or improper.

To a great part of the matter which Dr Gregory has introduced, altogether irrelevant and foreign from the Admonition, against which he has declared his purpose to read reasons for his protest, it was the opinion of the Council, that it is not necessary for the College to return any answer. One member of the Council was altogether against adverting to this, as in no shape regularly before the College; but, as Dr Gregory had urged them on the subject of their vote of February 5th, 1805, in which they return thanks to the late President and Committee for revising the Laws, for their great trouble in this business, and declare them to have acted *from the purest motives, and in the most honourable manner*, the rest of the Council present thought it right that the College should declare their adherence to that vote, and their regret that Dr Gregory should think himself brought into the dilemma so strongly stated towards the conclusion of his letter.

Dr Hope then rose, and observed, that he did not, in one particular, agree with the answer proposed to be returned by the College, in as much as he considered it to be too general; and thought, that the College should express, at once, explicitly, and strongly, their sentiments on Dr Gregory's conduct. He was then heard at length respecting the answer which he conceived should be given to Dr Gregory's letter; and Dr Gregory having been heard in explanation of the cause of his not attending the meeting, at which the thanks of the College were given to the committee appointed to revise the

laws; and an explanation having taken place among the members respecting that vote of thanks, and the manner in which the report of the committee on the laws had been withdrawn, to be reconsidered and circulated a second time through the members, Dr Brown was heard at length, in answer to Dr Hope.

The president again declared, as he had done at former meetings, the object which he had in view in proposing the Admonition. He assured the College, that he did not thereby allude to any business then, or formerly, before the College; and that it was entirely in consequence of a conversation he had a few minutes before the Council met, on the day previous to the meeting of the College, at which the Admonition was given, that the expediency of such a general Admonition, and the propriety of the College being moved to enter it in their minutes, occurred to him:—and, in moving it, that he had not taken any advice, nor even imparted his intention to any individual whatever.

After some farther discussion in regard to Dr Gregory's Letter, the President stated, that he had received a letter from one of the members of the College, containing matter which the Council conceived not to be before the College. They had thought it proper, therefore, not to lay it before the College, and proposed that the member should state his sentiments to the College *viva voce*. Dr Barclay, as the member to whom the President had alluded, then stated his opinion, and read the letter to which reference had been made, containing certain motions for finally putting an end to the affairs at present agitated in the College.

Some time having been occupied by discussion on this subject, and the College having sat very late, Dr Hope stated, that, to enable the College immediately to come to a vote, as to the answer to be returned to Dr Gregory's letter, he would give up his opinion upon the subject, and moved, that the vote be immediately put, to adopt,

or reject, the answer proposed by the Council, as read by the President. The vote was accordingly put, when it was carried, nine, to three, that it should be adopted. Dr Gregory thereafter protested, in the hands of the clerk, that the answer by the Council should not be received, because qualified with conditions which he did not admit.

The College appointed an extraordinary meeting to be held on Saturday the 28th current, at one o'clock, for the purpose of hearing Dr Gregory read his Reasons of Protest against the Admonition.

(A true copy.)

ALEXANDER BOSWELL, C. C. R. M. E.

XII.

SIR,

AN extraordinary meeting of the Royal College of Physicians, called by the president, in consequence of a written requisition by Drs Hope and Spens, was held in the Hall on Saturday, December 5th. Certain declarations and resolutions proposed by Dr Hope to be made and entered into by the College, previously laid before the Council, and transmitted *simpliciter*, having been moved, and their nature and object fully explained by him, these were seconded by Dr Spens, and the College unanimously agreed to take them into consideration on Saturday, 19th December, at one o'clock, P. M. when they appointed a meeting *pro re nata* to be held.

The President having suggested, that in an affair of such moment, respecting charges of so serious a nature, a copy of these resolutions now moved, should be made and transmitted to each member, Dr Gregory proposed that they should be forthwith printed and distributed; which proposal being seconded by Dr Duncan senior, it was unanimously adopted, and printed copies appointed to be delivered as soon as possible to all the members. Their serious attention to them, and their punctual attendance at the meeting, when they are to be taken into consideration, were also at same time recommended, and entreated in the most earnest manner.

By direction of the College,

(Signed) ALEXANDER BOSWELL. Clerk.

Dr Hope moved, that the Royal College of Physicians should declare and resolve as follows:

1st, That at a quarterly meeting of the College, on the 5th February, 1805, when every member on the roll, except Dr Gregory, was present, the following resolutions, transmitted from the Council, were passed.

"The College taking into consideration the concern which the President has had in the late revisal of the laws, and the great trouble and attention he has bestowed on it, are of opinion, however different the sentiments of the different members may be on that subject, that he has acted from the purest motives, and in the most honourable manner, and that he well deserves the thanks of the College, which they request the Vice-president to give him; and they appoint this resolution to be engrossed in the minutes.

"The Clerk having then called the roll, the whole members approved of the motion of the Council, with the exception of one member, who objected merely to the form of the motion, but who agreed with all the other members, that the President had acted in an honourable manner.

"Thereafter a motion respecting the Committee for revising the laws, the same with the preceding, *mutatis mutandis*, was read, put to the vote, and carried in the same manner." And the same were regularly sanctioned, when the minutes were read at the subsequent meeting of the College in May.

2d, That Dr Gregory, in a letter addressed to the President, dated November 2, 1807, referring to a meeting of the College in August 1806, from which he had been absent, uses the following words: "I absented myself from that meeting purposely, and went about my ordinary business at the time of it, because I confidently expected, that some very strong measure with respect to me, was to be proposed in the College, and I thought it more delicate towards my

brethren, to leave them at full liberty to express, without reserve, their sentiments, and take their resolution with respect to me, than to lay them under any restraint, by being present, at their meeting, and also more prudent with respect to myself, to avoid than to engage in an unavailing debate, or perhaps an angry and disgraceful altercation.

"*On that occasion I acted exactly in the same manner, and from the same liberal and honourable motives, that I had acted from on a similar occasion, at the quarterly meeting of the College in February* 1805."

3d, That Dr Gregory, in the same letter, uses the following language, in regard to his ignorance of their proceedings on the said 5th February, 1805.

"From this detail of the nature, and tendency, and purpose, of my reasons of dissent, you will easily perceive, that they involve some plain considerations of reason, or rather of common sense, about which I can hardly conceive that my brethren and I should differ, even for a quarter of an hour. They are at least totally different from, and independent of, those principles of moral conduct, about which we differ totally, and, I much fear, irreconcileably. This strange difference of opinion, with respect to the principles of moral conduct, I discovered *only about a year ago*, and that, as you know, *by mere accident;* for, though it had been strongly expressed, by my brethren, in an unanimous resolution in my absence, at their meeting in February 1805, and had even been recorded in our minute-book, nay, had been printed and distributed very freely, for a year and a half, it somehow happened, that I had not *the least intimation of it*, till our meeting in November last. From this I infer, that neither the Royal College at large, nor any individual member of it, not even yourself, who, if I am rightly informed, first proposed that declaration of your moral sentiments, wished me to know it, or to

make it a subject of discussion; for, if you had wished this, you would certainly have informed me of it without delay.

"*The first intimation* that I had of it was, by Dr Duncan senior declaring, vehemently, after hearing me read my Queries, that the College must assert its own dignity; that it had shewn too great lenity to great offenders (or offences); that my printed paper was a scandalous libel; and that *the College had already decided that point.* This he repeated; and on my telling him, repeatedly, that I did not understand him, *or know to what he alluded,* he turned up the minute-book, and shewed me the record of the proceedings of the College in February 1805. As that discovery of it was evidently accidental, and as the proceeding of the Royal College was most deliberate, I judge that it was not intended by my brethren, that I should ever know of our great difference about morals, which, I must own, was the most likely way to prevent any disputing about them. I judge also, that their deliberate proceeding, on that occasion, was strictly consonant with their principles of moral conduct. But I must take the liberty to say, that it is altogether repugnant to mine, which, as my brethren well know, were explicitly stated in my Censorian Letter.

"As their sentiments of moral right and wrong were so different from mine, that they all thought those proceedings most honourable, which I thought just the contrary; they must have thought mine completely erroneous, or probably dangerous, or pernicious in their consequences. They could not surely distrust my sincerity in the sentiments which I professed, and the assertions with respect to many plain matters of fact which I had stated. But if they had thought so unfavourably and unjustly of me, they ought to have proceeded against me as a criminal; and no doubt they would have done so, for their own sakes individually, as well as for the honour and interest of the Royal College.

" If they believed me sincere in what I had professed, but miserably mistaken in my notions and principles of moral conduct, it would have been rational and highly proper, nay it would have been a humane and Christian duty, on their part, to have endeavoured to instruct me, and set me right, or at least to have admonished me of the nature and danger of my errors; provided always, and supposing, that they thought me not absolutely insane, but capable of being reasoned with.

" But if they thought me absolutely insane, incapable of instruction, and unfit to be reasoned with, and were themselves sincere in those sentiments, so different from mine, which they professed then, certainly they ought to have taken measures to get me confined, and treated as a lunatic.

" If now, on hearing my reasons of protest, they shall differ from me with respect to the principles of reasoning and common sense, as much as, on reading my Censorian Letter, they did with respect to morals, they cannot hesitate what to do with me.

" You know, Sir, that more than three months ago, Dr Duncan senior distributed among us a printed paper, purporting to be a Memorial and Queries, submitted by him to counsel, including a query about the expelling of me from this College, for having divulged their secrets; and containing, in his own hand-writing, a very strong hint, or intimation, that probably he would make a motion to that purpose. He is heartily welcome to try the experiment whenever he pleases.

" But he is not welcome to say, or to insinuate, as he has done in that printed paper, that I knew of the College having passed that resolution, or declaration, of February 1805, virtually deciding (as he calls it) that my Censorian Letter was a false and scandalous libel; implying that I had shrunk from any inquiry into my conduct in that business; that I had not chosen, or had not dared, to vindicate what

I had done; but had in a manner pleaded guilty, by allowing judgement to go against me, by default, in my absence: *for the direct contrary of all these insinuations and implications is the truth.*

"It is possible, however, that Dr Duncan senior may not be to blame, but only *bona fide* mistaken, when he said it could not be doubted that I knew of that proceeding.

"*As to the fact, I must repeat my solemn declaration, and oath before God, that I neither knew nor suspected any thing of it; nay, that I could not even have thought it possible,* till the moment when Dr Duncan senior told me of it, and shewed me the record of it in our minute-book last November, just one year and nine months after the resolution had been passed. But measures which I never heard of, yet well known to Dr D., may have been taken to inform me of it, even from the first; and these measures may have been frustrated by circumstances, of which I have no knowledge or suspicion. His words seem to imply some such meaning; and the fact ought to be ascertained for his vindication and credit. If the College as a body expressed any wish, or gave any order, to inform me of it; if any individual member of our College expressed such a wish, or undertook to give me such intimation; *if any individual of our College, or not of it, says, he gave me such intimation,* or says he ever heard me express any knowledge or suspicion of such a proceeding, before it was announced to me by Dr D. in that strange manner, of which you were a witness at our meeting in November last, I wish it to be declared explicitly and publicly; for, in case of need, I have a very different tale to tell, and to establish, as far as a negative proposition can be established, by very competent evidence."

4th, That on the 24th November, 1807, the College met for the purpose of considering that Letter from Dr Gregory; and when Dr Hope, in the course of delivering his opinion respecting that letter, and respecting various parts also of Dr Gregory's conduct towards the Col-

lege, himself, and other members, did strongly represent the improbability of the ignorance which Dr Gregory professed of the proceeding of the College in February 1805, and the little reason the College, or its members, had to believe that he could have continued ignorant of it, or could have entertained no suspicion of it, for one year and nine months; and added, that in spite of all such improbability, *he did, in consequence of* Dr Gregory's *solemn declaration and oath before God, express his belief, that* Dr Gregory *was really ignorant of that proceeding*, Dr Gregory *did, in spite of that solemn oath, having been much pressed upon the subject, acknowledge and confess, that he had received information from two of the members, that the College had, on the said 5th February, come to a resolution, returning their thanks to the President and Committee for their trouble in revising the laws, and declaring that they had acted from the purest motives; but denied his b ing informed that the College had expressed their opinion, that the Committee had acted in an honourable manner;* and that Dr Gregory did publicly repeat this acknowledgment more than once, at the desire of some members of the College, and did afterwards acquiesce in it, when repeated as above by Dr Hope, in the same meeting; and did express his intention to send the same in writing to Dr Hope the next day, which he did not do, and has not since done.

5th, That Dr James Hamilton senior, one of the fellows, has declared, that, on the morning of the 5th February, 1805, he had informed Dr Gregory, that a vote in support, or in favour of the Committee for revising the laws, was to be moved in the College that day, and that he meant to support it; and that Dr Wright, another of the fellows, has declared, that he had informed Dr Gregory of the said resolutions, and that the College had completely acquitted the Committee, and had declared that they had acted quite honourably.

6th, That the College, taking into consideration the foregoing statement by Dr Gregory, of the reason of his absence from the meeting of 5th February, 1805; the solemn declaration and oath before God of his ignorance of that proceeding, and of his having no suspicion of it; the subsequent acknowledgment or confession of Dr Gregory, so inconsistent with that declaration; and the testimony of Dr Hamilton, and of Dr Wright, contradictory both of that oath and declaration, and of the avowal which Dr Gregory made on the said 24th November,—do, in respect that these statements were deliberately made within their own walls, or in writings addressed officially to their President, and in the course of discussion relating to the private business of the College, feel themselves called upon to declare, that they consider such violation of truth, on the part of Dr Gregory, to be highly immoral, and deserving the reprobation of the College; and they do accordingly express their reprobation of the same, along with their regret and mortification, that any one of their body should have acted so as to call forth an animadversion and censure of this nature.

END OF PART FIRST.

PROTEST

BY

DOCTOR GREGORY.

I PROTEST against the general Admonition with respect to keeping secret the proceedings of this Royal College, recommended by the Council, and, unanimously, in my absence, adopted by the College at their meeting 5th August, 1806;—against the explanation of that Admonition, given by the College, 26th November, 1806;—and against all proceedings in consequence of that Admonition, and the explanation of it.

I protest against the Admonition itself, as unnecessary, improper, and inexpedient; as morally wrong and dishonourable; and as conveying, by irresistible implication, an unjust and severe reflection, amounting very nearly to an insult, on some individual members of the College.

It is at least unnecessary; for as much as there is a law of this College, engrossed in our promissory engagement, which is signed by us all, expressing the duty, and imposing on us the obligation,

of secrecy, in certain cases, therein specified; namely, with respect to things said or done in this College, which might tend to the prejudice or defamation of the College, or of any individual member thereof. This quaint description of the things to be kept secret, evidently comprehends two great classes of such things: Those which are extravagantly foolish; and those which are morally wrong. There may be also a third class, a very small one certainly, of things that ought to be concealed, though neither very foolish, nor morally wrong; the *divulging* of which, not the things themselves, might tend to the prejudice, the disquiet, perhaps to the pecuniary loss of the individuals, who said or did them; and the *divulging* of which, *prematurely*, might frustrate the good purpose, for which they were intended.—For example, if any members of this College were to propose that we should, as authorised by our charter, visit the apothecaries' shops, and examine the state of their medicines, and should wish us to do this (if possible) by surprise; the divulging of such a plan, as was done last autumn, to the very great entertainment of the apothecaries, from some of whom I first heard of it, would not only frustrate the purpose of such a visitation, by putting the enemy on his guard, but might even hurt the pecuniary interest of the persons who proposed it, by embroiling them with the apothecaries; who, of course, would do all in their power to prevent those pragmatical physicians from being called in to their patients. As I cannot suppose men of sense and probity to have often occasion to do deliberately, in this College, any thing which they are either unwilling, or afraid, or ashamed to have generally known, I presume the third class of things to be kept secret must be very small. But be it smaller or larger, the obligation of secrecy, as far as I can judge, extends to it without limitation, or exception: and may, *fairly* and *honourably*, be suggested, in the form of admonition, to the members of this College, on any such occasion.

Not so, with respect to the *two great classes* of things tending to the prejudice or defamation of this College, or of any member of it; as being either *extravagantly foolish*, or *morally wrong* and *dishonourable.* With respect to such things, the obligation of secrecy must admit of many limitations and exceptions; especially when such things are *said*, or *done, deliberately*, and *obstinately.* In these cases, (no matter at present whether *real* or *imaginary*, *possible* or *impossible*,) any suggestion or admonition of the duty of secrecy, in behalf of the persons who were likely to be *prejudiced* or *defamed* by the *divulging* of what they were *saying* or *doing*, would be *absurd* and *ridiculous*, at least, if not *infamous;* and the obligation and law of secrecy must, like *many other positive laws, divine* and *human*, be understood with *due reference* to the *law of nature*, which is also the *law of God;* and to the *plain* and *indefeasible principles* of what is *honourable* and *right;* which principles it is *easy* to *violate*, but *impossible* to *mistake.*

Further, I *protest*, that the Admonition is *unnecessary* and *improper;* for as much as *no injunction*, or *penalty*, can be stronger than the one provided by our law for any *improper violation* of *secrecy*, with respect to the proceedings of this College. By the *old* promissory engagement, which many of us signed long ago, each of us engaged to obey that law, and several others, as he wished to be reckoned *an honest man* and *a good Christian:* in other words, every man who did not obey them was to be reckoned *a knave* and *an infidel.* On occasion of the late revision of our laws, this *heavy penalty* was *mitigated*, by omitting, in the promissory engagement which we signed in 1805, the words, "*and a good Christian*;" so that, as the law now stands, a man who *violates* that, and several others of our laws, must only be *a knave*, but yet *may be a very good Christian;* which nobody can deny. I beg it may be observed, however, that though I, of necessity, mention here this *change* in our promissory engagement, I do not mean to *protest against* IT, or to offer any opinion of it, as

right or *wrong*. I have good reason to believe that it did not proceed from any *contempt* of the Christian religion, or *indifference* about it, or any *evil intentions* with respect to it; but rather from some notion that our laws bore *no relation* to religion; that such a penalty was *too serious* and *severe;* and that it was enough for a man to be *reckoned a knave,* if he did not strictly keep the secrets of this College, and fulfil every other article of that promissory engagement.

Even this seems *so heavy a penalty,* that the admonition, which *could add nothing* to it, was *worse than useless,* worse than *improper* and *inexpedient*; and little less than a downright *insult* on those to whom it was addressed; for as much as it amounted to telling them, by implication, and craft, that *some* of them were *knaves,* and that others of them were *suspected* to *be either knaves already,* or at least tending so much that way, that they were *expected* to *act like knaves* the very first opportunity, unless they *could be prevented* by such a *strong* and *well-timed admonition.*

This *vile insinuation* is made the worse, by being connected with the *strange* clause in the preamble of the Admonition, importing, that it "was not intended to have *particular reference* to what *may have happened at any former period.*" I *protest vehemently* against this clause, as *disgraceful* to the College, both in point of *understanding* and *probity.* If it be meant *bona fide,* it indicates a marvellous *confusion* and *weakness* of *thought.* It amounts to a *downright practical bull.* While it disclaims *in words,* it *declares* and *shews in fact,* that the Admonition *had particular reference to what had passed* at a former period. But as *men of sense* and *men of science,* acting deliberately on a very interesting subject, can hardly be suspected of such *confusion* and *weakness* of thought, and as it is manifestly impossible that they should have written such a paragraph without *knowing,* or read, or heard it read, without *thinking* of some *particular instance,* which

actually had happened; and to which, therefore, the Admonition *necessarily* had that particular reference which they affected to disclaim : my brethren must, by the common courtesy of mankind, be understood to have *intended* that *seeming bull* as a *sly*, but *irresistible innuendo*, of the *proceeding*, and of the *person* that they had in view. Every member of this College, and many thousands not of this College, on *seeing* or *hearing* of the Admonition, and particularly that absurd clause of the preamble of it, *must have known* that *my conduct*, in publishing my Review and Censorian Letter, was the *instance* to which the authors of the Admonition alluded.

In this respect, my brethren have acted weakly and dishonourably, as well as unjustly, towards me.

Whether my conduct, in writing and publishing those papers, was right or wrong, is of no consequence at present. It is entirely *their own fault, not mine*, that *every thing wrong* in them, has *not* been *publicly acknowledged*, and *fully repaired, by me*, long before this time. From first to last, I have uniformly declared,* as I now publicly and solemnly declare, my *willingness*, my *eagerness*, to do so.

If they thought there were any *unintended errors* in what I had stated as matters of fact, it was their fault not to point them out to me, that I might acknowledge and correct them; according to the tenour of my original offer*.

If they thought there were any *wilful falsehoods* in what I had asserted, or that every thing which I had asserted was *wilfully false*, it was entirely their own fault that all those falsehoods were not exposed, and myself condemned to public infamy: For the evidence to which I referred, namely their own minutes, and the report of a certain committee, were before them.

* See Censorian Letter, pages 3 and 120.

If the College as a body, or any individual members of it, thought I had wronged them, it is their own fault, that they have not long before this time obtained complete redress in a court of justice. Such courts were open to them; and I had acted fairly towards them. I had invited them to seek such redress from the laws of their country; telling them, that I staked my fame and fortune on the rectitude of my conduct, and the truth of my assertions.

Lastly, if they thought me *mad*, as holding principles of moral conduct, not only *different from theirs*, but repugnant to the *common sense of mankind*, when I declared, that I thought candour, veracity, and good faith, honourable and right; and the contrary of these, namely, breach of faith, chicane, and falsehood, morally wrong and dishonourable; it was their own fault, and a very great fault certainly, that they did not, long ago, get me confined as a lunatic.

It is self-evident, that a man, who mistakes for *dishonourable* and *morally wrong*, what is truly *most honourable* and *right* in human conduct, must be as arrant a madman, as one who mistakes windmills for giants, flocks of sheep for hostile armies, and dirty inns for splendid castles. Nay, I do not scruple to say, that he would be the *more dangerous madman* of the *two;* for it may fairly be presumed, that he would, contrariwise, mistake for *honourable* and *right*, what *really is*, and what men of *sense* and *probity* uniformly *think most infamous* and *criminal*, and that he would act accordingly; which Don Quixote would not have done.

My brethren must have been wonderfully regardless of their own credit, of the good of this College, of the honour of their profession, and withal perfectly indifferent to the safety and welfare of their fellow citizens, and absolutely false to the important trust reposed in us by our charter of erection, to watch over the practice of physic in Edinburgh, if they allowed a man, whom they thought perfectly insane, to practice physic in this city, and to teach the practice of

physic in this university, without even attempting to get him confined and tied up, like a mad dog; by much the less dangerous animal of the two.

If my brethren *did not think me insane*, they must have known that what I had said and done, with respect to them, was either *plain truth* and *common honesty*, or else *deliberate falsehood*, and *determined knavery*. There *can be no medium; no mistake*. If the account which I gave of their proceedings was *not strictly true*, in every important circumstance, it *must have been* a *malevolent fabrication* from end to end; the passages which I gave as *literal quotations* from their own Record, and from the Report of their Committee in 1804, must have been *downright forgeries;* and I should have *deserved the pillory*, and of course *expulsion from this Royal College*, for what I did. But, on the other hand, *if* what I said of them and their proceedings was *true* and *just;*——I have not yet found words to express what I think of *their subsequent conduct*.

Perhaps it is not yet too late for them to do what they ought to have done near three years ago. If they think they can prove me *a madman*, or *a liar and a knave*, they are well entitled, and heartily welcome, for me, to try the experiment.

As I have not the honour to be *a knight-errant*, I shall not insist on throwing down the gauntlet to them, and defying them, one and all, to single combat. Besides, I suspect that Don Quixote himself, the very hour that he got possession of Mambrino's helmet disguised like a barber's bason, would have boggled at entering the lists with a whole college of physicians. I shall therefore hear, with all the meekness of a primitive Quaker, whatever my brethren have to say, in order to prove me either *a madman*, or *a liar and a knave:* and in whatever *costume* I may have the honour to appear, whether in or out of a *strait waistcoat*, I shall be ready to meet them in those happy courts—*quas Eris semper fovet inquieta, lis ubi late sonat, et togatum æstuat agmen.*

Before I quit this point of the insidious allusion to my conduct in the Admonition about secrecy, I must mention some other circumstances relating to it, and to the sentiments and intentions of my brethren with respect to me, which had accidentally come to my knowledge, and which all concurred irresistibly to determine my belief; in opposition to the many assurances I received, that the Admonition related, not to me and my conduct, but to a proposal made by Dr Duncan senior, which had no relation to my conduct.

I solemnly assure my brethren, and especially those whom it most nearly concerns, that I have no doubt of their *veracity* and *accuracy*, in what they stated as *matters of fact*, with respect to that proceeding. I believe that the Admonition was given at the *precise time*, and *in consequence* of *that very proposal*, which they mentioned.

These are *simple matters of fact*, which may be established by *competent testimony*, and hardly by any other means. Such precise *testimony*, as my brethren gave, it would have been *illiberal*, as well as *absurd*, to reject; if this had been possible; which I do not think it was.

But their testimony went only to prove the *occasion* of the Admonition; which was not the object of my enquiry. I stated, *repeatedly*, to my brethren, who *could not*, or *would not*, *understand* me, that I had no concern with the *occasion* of their *Admonition*, but merely with the *extent*, *import*, and *application* of it; above all, as most interesting to me, its *relation* to *my past* and *future conduct*.

The words of the Admonition being given, the import of them, and the extent of the obligation imposed by them, *must* be the same, whatever was the occasion of them: whether such a weighty business as that proposed by Dr Duncan senior, or only an exhortation to the good people of Edinburgh to roast their eggs instead of boiling them, and to break them always at the small end instead of the big.

Whatever the *occasion* of the Admonition may have been, the import and extent of it, just as certainly as the meaning of the ten commandments, must be judged of in the first instance, *not by testimony*, which is *ridiculously incompetent*, but by the common rules of grammar, and logic; or, in plain English, by the *common sense* of mankind.

If, by the expressions inadvertently employed, a meaning was conveyed, and an obligation imposed, more general than was intended by the authors of the Admonition, it *must* have been *very easy* for them, and it was their *duty*, as men of *sense* and *candour*, to explain and amend their own composition; by expressing their Admonition more *precisely* and *clearly*, and with the *proper limitations* and *exceptions*.

The Admonition of 5th August last is expressed in *terms as general* and *comprehensive* as *possible*, *admitting* or *acknowledging* no *limitations* or *exceptions* whatever. As it did *not* admit *that particular* and *most important exception* with respect to *things morally wrong done deliberately*, for which exception I had contended, and on the faith of which I had acted, I was obliged to suppose and understand that *this* was the *meaning* and *intention* of my brethren, unless they should *choose to disavow it*, and *admit my exception*. I was obliged to suppose, that they wished to *prevent*, in future, on similar occasions, such publications as mine; and, of course, to *convey*, by *implication*, a *severe censure* on my past, and to *impose* a *severe*, *immoral*, and *dishonourable* restraint on my *future conduct*.

Divulging things *morally wrong done deliberately*, is, as certainly, *species* of the *genus divulging*, as divulging things foolish done inadvertently; or as *stealing horses* and *stealing sheep* are *species* of the *genus stealing*.

If my brethren *meant* what they *had said*, my *species* of *divulging* is as much forbidden by their Admonition, as stealing horses and

stealing sheep are by the eighth commandment. Yet, though in strict logic I had no choice left me, but was *obliged* to regard *that* as *their meaning*, till they should disavow it; still in good faith, and strict morals, and christian charity, I could not *believe* that they had duly considered what they were doing, and how much was implied in their words; or that they had seriously adopted, or *would avow*, such an *unworthy sentiment and purpose.*

It was my undoubted right, and even a duty, to myself, and to this College, nay it was a kind of duty to the authors of the Admonition, *to ask of them*, and it was their duty to give me, a full and precise explanation of their own words; and either *to admit*, or *to declare* that *they did not admit*, my exception to the obligation of secrecy. In doing this, I thought it was but fair to them, and it was an indispensible duty to this College, to point out some of the inferences, that would infallibly be drawn from their refusing to admit the exception for which I contended. *Fraus latet in generalibus* is a well-known axiom of law, of daily application and use. The corresponding fault in science, the ambiguity, perplexity, and error, resulting from the rash admission of general and vague propositions, must be well known to all my brethren; and also the proper remedy for it, happily pointed out by Bacon, *Ad instantias particulares earumque series et ordines recurrere.* By this simple expedient, and fair and easy test, which had long been employed in legal business, many a general proposition, or command, which appeared just and rational, is in a moment ascertained to be falsehood, folly, and knavery; nay, sometimes appears to be little better than nonsense; the particulars, *logically*, though perhaps not *intentionally*, comprehended in the general expression, being such as no man of sense and probity can be supposed to avow.

The same mode of reasoning which shews that the meaning, or import, of the Admonition, is *not* to be proved by testimony, is equally

valid, *mutatis mutandis*, against the *declaration repeatedly obtruded upon me* as an *answer*, or rather as a *bar*, to my enquiries, "That it had *no relation at all to my conduct*." This can never be proved by testimony; nor indeed any other way: for it is no object of belief, being literally absurd and impossible; forasmuch as the contrary of it is a *necessary*, nay even a *self-evident truth*, which no power in heaven or earth can alter; as *it* results from the nature of things; and *our belief* in it, from those fundamental laws of human thought, which we feel that we cannot alter, and cannot even suppose to be changeable.

The relation between the Admonition and my conduct *must be very particular and intimate*. The Admonition must either be *designed*, or *not designed*, to prevent such proceedings in future: it must either *mean*, or *not mean*, that such things were wrong in time past: just as the commandment, "Thou shalt not steal," must either be *designed*, or *not designed*, to prevent stealing horses, and stealing sheep; to prevent, or not to prevent, riding on horseback, and eating mutton:—or, as the commandment, "Thou shalt not kill," must either *extend*, or *not extend*, to homicide in self-defence, in the defence of our country, and in many other cases: or, as the commandment, to "Keep holy the Sabbath-day, and on it to do no manner of work," must either *extend*, or *not extend*, to *doing good*, for example, practising *our* profession, on the Sabbath-day.

Such was the *relation* (between the Admonition and my past and future conduct,) which I *so earnestly* and *reasonably* enquired after. To pretend that there is *no such relation* between them, is as absurd and *incredible*, and as *uncandid*, as it would be to assert, that two quantities of the same kind were neither *equal* nor *unequal;* and that of two *unequal* quantities, the one was neither greater nor less than the other.

If my brethren had explicitly declared, that, by their Admonition, they did *not mean* to institute *any enquiry* into my conduct, or to call me to account for it, I should have admitted, that what they said was perfectly *rational;* and, if I had put any such question to them, I should have acknowledged, that such a declaration was a satisfactory answer to it. But none of my written queries, nor any of my explanatory questions or propositions, related to that point. I had no occasion to enquire about it. I knew that they had very substantial reasons for not entering on any discussion of the truth or falsehood of what I had asserted; and I knew also, what they thought I did not know, that they had been consulting some great lawyers, with silk gowns, to know how they might most effectually play the devil with me, for divulging some of their secrets.

If that was all that my brethren meant, when they said their Admonition had *no relation* to me or my conduct, which I presume is the case, they must be sensible, that it was *not a fair answer to any one of my queries;* either written, or expressed *extempore, viva voce;* and that, on the contrary, it was an *uncandid evasion* of them all; and an attempt to *bar my right,* and *prevent,* or *frustrate,* my enquiry.

As Dr Duncan, senior, (at the meeting of this College, 5th May, 1807,) *ex mero motu,* declared, explicitly, that the Council had resolved *not to answer my queries;* as the College had (at their meeting 26th November, 1806,) adopted the answer, or no answer, to them recommended by the Council; and as neither the College at large, nor any individual member of it, disavowed that explicit declaration of Dr Duncan, senior, or even expressed any surprise at it; I must understand, that the great majority of my brethren, who concurred in adopting that resolution, with respect to my queries, on the 26th November last, (1806,) knew that such was the nature and purpose

of it; knew that my queries were not to be answered; and approved of this mode of proceeding, which I must consider as a *wilful and deliberate evasion* of my queries, implying, that the great majority of my brethren, at that time, and ever since, wished to convey, by implication and craft, that unfavourable meaning and purpose, to which I had objected, and which, if they had chosen to answer explicitly a few of my precise queries, they would have been obliged either to avow or to disavow.

If their meaning and purpose in their Admonition was honourable and right, they ought to have avowed it openly. If they thought it so, they certainly would have avowed it. If it was morally wrong and dishonourable, or if they thought it so, they ought to have disavowed it explicitly, and renounced it for ever.

On every possible supposition, it was morally wrong, as well as foolish, to endeavour to convey *so important a meaning*, and to *impose* such an *obligation, indirectly*, and by *implication*.

I must observe also, that the proceeding of the Council and of the College, on that occasion, was conducted with so much art, that it deceived their own clerk, *Mr Boswell*. We all know *Mr Boswell* to be an honest man, and a man of sense; and, I am sure, he would not knowingly have deceived, or endeavoured to deceive me. Yet the authenticated official extract from our record of that proceeding, comprehending the vote of censure on me, which I received from *Mr Boswell*, and which he (I presume by order of the College, or of the Council at least,) had ready cut and dry for me, when I called to beg of him to give me such an official extract, is entitled by him, "Certified Copy of *Answer made by the Royal College of Physicians to the Queries* put by Doctor Gregory to the College, at their Meeting on the 4th November, 1806." As it is *evidently impossible* that *Mr Boswell, individually*, should have *intended to deceive me*, or any other per-

son, on this occasion, it is plain, that *he must have been deceived himself.*

Considering it *now*, as *avowed* by Dr Duncan senior, and *admitted* by the *Royal College*, that the Declaration of the College, 26th November last, was *not intended* as an *answer* to my queries; and that my brethren were *resolved not to answer*, but to *evade* them, of which indeed the Declaration itself bears ample internal evidence, I shall give myself and my brethren no further trouble on that point.

But, as deeply interesting, not only to myself personally, but to some of my brethren individually, and to this College at large, I must mention what *strong reasons* I had for believing, that the *too general*, and *very improper*, *meaning* conveyed, and *obligation imposed*, by the Admonition, was *not* a *new*, or *sudden*, or *accidental* thought; but a *most deliberate purpose*, well known to me long before the Admonition was given, and before the *occasion* of the Admonition, as explained by Dr Duncan senior, and by Dr Stewart, had occurred; I mean the *wish* and *intention*, on the part of many of my brethren, *not* to *admit* the necessary exception, which I had asserted, from the obligation of secrecy, but to make it *universal*, extending to things said or done the *most deliberately*, even though morally wrong and dishonourable.

My belief, in this respect, is founded partly on things of which I have direct and perfect knowledge, which therefore I shall assert with confidence, fearing no contradiction, and neither wishing nor fearing any *correction* of what I shall assert.

But I must own, that my belief of the *wishes* and *purpose* of many of my brethren, with respect to the obligation of secrecy, is founded *partly* on *accidental* and *very imperfect information*, about some things, which I have reason to think much care and pains were employed to conceal from me. My information about those things was received at different times, and from several different persons; nay,

it was received piece-meal, and part of it *repeatedly*, through *different channels of intelligence*, which I am not at liberty, and which I have no inclination to disclose. But my brethren surely have learned by this time, that it is much easier to *talk* about *secrecy*, and to *enact laws*, and give *Admonitions* to *enforce* it, than it is to *keep a secret;* and even the youngest of them may be supposed to know, that few secrets are kept which are known to more than one person.

The persons *from whom*, and *through whom* I received those articles of information to which I allude, are of such character, that it is impossible for me to doubt their veracity, their probity, or their understanding. *All* the *particular facts* and *circumstances* of which I was informed by them, tallied perfectly with one another, and with several other things which I previously knew to be true. They tallied not only in *substance*, but even in *words*; as reported to me by different persons. Many of them tally perfectly both in substance and in expression with what *I have heard*, in this place, from some of my brethren, especially from Dr Duncan senior; and lastly, they tally perfectly, *in substance*, and in *words*, with what I find now printed in Dr Duncan's Memorial submitted to counsel learned in the law; and which, therefore, can neither be forgotten, nor denied, nor explained away.

Of course, I believe most firmly, not only the particulars of my intelligence so confirmed, but also all the other particulars of it received through the same channels of information, though *not yet* verified by the same kind of *tallying*, or *consistency* with known and avowed truths.

My brethren must therefore understand, that I do not vouch for the accuracy, or even for the truth of that kind of information which I have received; but as it fully commands my belief, I shall state it with *freedom*, though not with *confidence*, trusting to the candour of my brethren, and especially of Dr Duncan senior, who

must know the whole truth, to supply the defects, and correct the errors of my information, or if they shall think it entirely false, to contradict it altogether. With respect to the validity of any *inferences* which I may have drawn from the various particulars of my information, and, from comparing these with one another, my brethren are heartily welcome to judge for themselves.

First, then, soon after I had begun to distribute my printed papers, and when Dr Spens, our late president, and Dr Hope, had only heard of them, but had not received their own copies of them, I had the honour to receive from those gentlemen a letter, subscribed by them both, in which they required, and very strongly urged, me to suppress them.

Among other arguments, employed by them, in their letter, to enforce that request, was the following:

" If we recollect distinctly, it is contrary to our solemn obligation as Fellows, that *such transactions* should be disclosed."

That letter is mentioned triumphantly by Dr Duncan senior in his printed Memorial; and *much* is *implied* in it, nay even in *that one sentence* of it; much more than either he, or the writers of the letter will choose to avow.

The conditional, or hypothetical clause, "*if we recollect distinctly,*" at the beginning of the sentence, must go for nothing. They must have known perfectly what were the *terms* of our obligation with respect to secrecy; for *they had been diligently engaged a whole twelvemonth* in *revising* our laws, of which that obligation makes a part. But if they had really distrusted the accuracy of their memory with respect to the law of secrecy, it would have been easy, and natural, and very rational, for them to have set themselves right, by perusing that part of our laws; a copy of which they must have had at hand.

I must therefore understand, that they knew perfectly the terms of our obligation of secrecy; and I find much edification in considering the *extent* and *import* which they chose to give them; and the manner in which they wished to apply the law, so as to prevent their own conduct from being made the subject of public animadversion.

It is plain, that *they two*, at least on that occasion, wished the law of secrecy to extend to things said and done *deliberately;* for nothing can be conceived more deliberate than the proceedings of Dr Spens and Dr Hope, and their brethren of that unlucky committee.

Further, it is plain that they knew their proceedings "tended to the prejudice or defamation of this College, or of some members thereof;" for, by the very words of our obligation, such things only are we bound to keep secret. If what they had said and done was honourable and right, there was certainly no law of this College obliging me to keep it secret; nor do I think they could rationally have entertained such a wish. If what they had said and done was dishonourable and wrong, they might very rationally wish it to be kept secret; but they could not rationally plead such a law, or expect it to be enforced, or the breach of it to be punished, either by this College, or by any court of justice. The absurdity, as well as the infamy of such an attempt, would be glaring; and would in a moment convince them, that the obligation of secrecy to this College, in good sense and in good faith, extends only to things indecorous, done inadvertently, from the various infirmities of human nature; not to things done deliberately, and dishonourable, either as extravagantly foolish, or as morally wrong.

It is plain, from the great deliberation and secrecy with which Dr Spens and Dr Hope, and their brethren of the committee, had conducted their proceedings, that they did not think them extravagantly foolish. I *must* therefore understand, that they knew them

to be morally wrong. This inference, if it needed any confirmation, which I cannot think it does, would be amply confirmed, and at least is well illustrated, by what they avowed to me in private conversation, when, as their old friend and preceptor, as well as their colleague, I waited on them separately, and remonstrated with them on the impropriety of their conduct. When I begged Dr Spens to consider the strange interpretation of our law of 1754, he said very drily, "To be sure it is a strong thing, with the preamble of the law staring us in the face." By these words I understood he meant, that he knew the *interpretation* of the law proposed by the committee to be *false;* but that he expected to carry it through, in this College, by a vote. When I begged Dr Hope to consider the *manner* in which the business had been conducted, he told me, with the most triumphant exultation, "If it is only the manner you object to, we shan't differ about that." By these words I understood him to mean, that if he accomplished his purpose, of which he seemed confident, he did not care what I or others thought of the means which he had used; and, from the exulting manner in which he spoke, I understood him to rejoice in the success of the stratagem that he and his brethren had employed; which I thought mere chicane and falsehood. If I *misunderstood* Dr Spens and Dr Hope on these occasions, and thereby have done them any injustice, I am heartily sorry for it; and shall be glad to make them any reparation in my power. I therefore humbly, but earnestly, beg, that they will explain their own meaning in those very remarkable sentences. I do not think they will dispute, for I am sure they cannot with truth dispute, my fidelity and accuracy in reporting them.

Further, it is plain from that short sentence in Dr Spens and Dr Hope's letter to me already quoted, that they thought *they* might violate the *conditions* of a *contract* on *their part,* and yet hold the *other party* bound by the other articles of the very same contract.

Our promissory engagement is *boná fide* a contract, or *quasi* contract, containing several articles, or conditions, by which we are mutually bound to one another.

The obligation of secrecy in certain cases, namely, with respect to things said or done in this College, which may " tend to the prejudice or defamation of the same, or any member thereof," is *one* of the *articles* and *conditions* of that *contract*.

Another of them, prior even to that one of secrecy, is expressed in these plain words, " That I shall, as much as I can, advance and preserve unity, amity, and good order, among all the fellows, candidates, and licentiates of this College."

It appears from their conduct, that Dr Spens, Dr Hope, and their brethren of the memorable Committee of 1804, had disregarded, and wilfully and deliberately violated, *this condition* of our promissory engagement; and yet expected to hold me bound by their own arbitrary, and, as I think, unfair and illegal interpretation of another article of it.

A more gross and illiberal violation of the obligation of preserving unity, amity, and good order, among the fellows of this College, cannot be conceived, than that of which they were guilty, in their attempt to falsify and subvert our old and wholesome law, against any of our members practising Pharmacy. For, in the first place, their obedience to that law was the *preliminary* and *indispensible condition, sine quá non,* of their being admitted even as licentiates of this College, and allowed to practise physic in Edinburgh; and, in the second place, we had had, only eight years before, the most ample and painful experience of the *irreconcileable dissension* produced among us, by an *attempt to alter that law*, even though the attempt was made in the most open manner:—in such a *manner* as I should, without scruple pronounce *fair* and *honourable*, if I could think it *fair* and *honourable* to attempt to do a wrong thing in any manner whatever.

It appeared at that time, as might easily have been foreseen *a priori*, that many of us thought the repealing of that law, even in part, as proposed, not only inexpedient or foolish, but morally wrong and dishonourable: and no man of sense and probity could expect, that we should change our opinion, founded on such principles. To me it appears wonderful, that any man should have entertained a different opinion. Yet knowing well all these things, that committee not only revived the discussion of that question, but endeavoured to accomplish their purpose in a manner which (when I endeavoured, in private conversation with them separately, to remonstrate with them on their proceedings,) they could not even attempt to justify; and which they must have known would produce among us implacable animosity.

Even Dr Duncan senior, himself, in his printed private Memorial, has fairly, or, as he perhaps will call it, virtually acknowledged this. His words are, "They did not expect that the members would be unanimous in their opinion, with regard to it." This surely implies, that they were resolved, if possible, to carry it through by force; I mean by a *vote* and *numbers*, having no hopes of doing it fairly and honourably, by reason and argument. Nay, it implies, that they were confident of being able to do so; for they could not fail to know, that if the College should have rejected their report, and their falsification of our old law, it would have been virtually, but very intelligibly, and very forcibly, pronouncing on them, the severest condemnation that it is possible to conceive; such a condemnation, I think, as must effectually have prevented them from ever again appearing in this College.

It appears from the letter of Dr Spens and Dr Hope to me, and from the printed Memorial of Dr Duncan senior, to his counsel, that they understood perfectly the true meaning and application of the great axiom of *Medical Jurisprudence*, "Shew me the man, and

I'll shew you the law." They held, that our promissory engagement was *not* to *restrain them* from doing what was wrong in itself, and expressly forbidden by our laws, and by one article of that engagement: but was to restrain me from reprehending them for doing that wrong, and from endeavouring, by fair, and open, and lawful means, the validity of which I invited them to try in a court of justice, to prevent them from accomplishing their purpose.

But Dr Duncan senior, has had the peculiar merit of carrying *that principle* farther than ever yet was done or thought of.

He has deliberately declared, in print, that he had consulted counsel, learned in the law, to know, how this College might punish me for what I had done on that occasion; and whether they "might expel me from their number, as having forfeited the character of an honest man, by wittingly, and willingly, divulging things said and done by them, in this College, which tended to the prejudice, or defamation of the same, or of some members thereof:" taking care to overlook, and not to state to counsel, from whom he sought advice, that, by another article of the same engagement and law, *he himself*, and *all his associates* in that unlucky committee, ought, for a *previous offence*, to have been *previously expelled* from the College, as knaves; nay more, that they should all have been *excommunicated* as *heretics*, or *infidels;* for by the *express words* of our law and promissory engagement, as they stood in 1804, the time when the offence was committed, by their misconduct in exciting dissension in this College, they forfeited the character not only of *honest men*, but of *good Christians*.

I have no wish to urge matters, with any of them, to that dire extremity of the rigour of our old law. But I think Dr Duncan senior, though a worthy elder of the church, may not be much the worse of being reminded of the words of the gospel,—

"Judge not, and ye shall not be judged; condemn not, and ye

shall not be condemned:—for with the same measure that ye mete withal, it shall be measured unto you again."

Perhaps, too, he and his associates will derive some instruction, from considering the words of Solomon; which, in their utmost need, they seem unluckily to have forgotten:

"These six things doth the Lord hate: yea, seven are an abomination unto him;

"An heart that deviseth wicked imaginations, feet that be swift in running to mischief;

"*A false witness that speaketh lies,* and *him that soweth discord among brethren.*"

The next circumstance, in order of time, in the proceedings of this College, which shewed me that my brethren wished to make the obligation of secrecy, with respect to things said or done by them, *as general as possible,* and thereby to convey, by implication and craft, a kind of censure on my conduct; which conduct they did not choose to make the subject of open and deliberate discussion, either in this place or in a court of justice; was the formal requisition to us all to subscribe, and, of course, for many of us to subscribe anew, and for the second time, our promissory engagement, as directed by our laws. I understand, that the old paper, or parchment, on which that promissory engagement was engrossed, and which had been subscribed by many of us, and of our predecessors, had been lost, and that the practice of subscribing it had long gone into disuse. This was certainly of no moment; for the obligations expressed in that engagement are equally valid with respect to us all, whether we subscribe it or not; nay, to the best of my judgment, there is not one of them, which every person who has the understanding of a man, and the sentiments and manners of a gentleman, would not have thought incumbent on him, even though it had never been expressed in words. But I am convinced that no such

person, either before or after reading and signing that engagement, can think himself obliged to concur, or to acquiesce, in any thing morally wrong or dishonourable; or even to connive at, or keep secret, such things, if deliberately and obstinately proposed, or done in this College.

My sentiments, with respect to the nature and limits of the obligation of obedience and secrecy to this College, have been declared to my brethren, and others, in the most explicit and strongest terms, and in the most public manner. I had acted according to the tenour of those avowed sentiments, on a very important occasion, well known to all my brethren; who had not chosen either to dispute the justness of my sentiments, with respect to the import and extent of our promissory engagement, or to censure my conduct; for which I had declared myself ready to answer. In other words, *they had acquiesced*, though, I believe, very reluctantly, in my sentiments, and my conduct, for a very substantial reason, that they could not, without absurdity and infamy, do otherwise. To have disputed what I maintained, with respect to the extent and limits of the obligation of obedience to this College, and of secrecy with respect to its proceedings, would have been to assert, that *that* obligation extended to things extravagantly foolish, and even to things morally wrong and dishonourable, done deliberately. Such an obligation is generally understood and admitted among *traitors*, and *conspirators* of all kinds; but never yet was heard of among men of sense and probity; never yet was pleaded in any court of justice; and never can be established, or enforced, by any law. My brethren, however angry with me, have not yet avowed, and, I am convinced, never will avow, such a sentiment, or assert explicitly, that their promissory engagement has such a meaning and extent.

But when I consider the *time* when we were so formally required to subscribe that engagement, the transactions which preceded it,

and many circumstances connected with it, such as the clause in Dr Spens's and Dr Hope's letter to me, and the consulting of lawyers, by one or more of my brethren, how to proceed against me, and even expel me from this College, as having forfeited the character of an honest man, by divulging some of their secrets; and still more lately, the general and strong Admonition about secrecy, against which I have the honour to protest, I am convinced, that the requisition to subscribe the engagement in 1805 was part of the same plan, to convey tacitly, and by implication, a censure on my conduct; and to impose an obligation, which it is impossible to avow.

For the very delicate compliment to myself, only *reminding me* of a *pretended obligation,* instead of *openly censuring* and *punishing me* for the *breach* of it, I had prepared a suitable return; with which I had intended, and do still intend, to regale my brethren, the very first opportunity; that is to say, the first time that any thing which *I shall think* morally wrong and dishonourable, or even extravagantly foolish, shall be deliberately proposed or done in this College.

But, in the mean time, waving all thoughts of such an uncandid and dishonourable meaning of that clause of our promissory engagement which relates to secrecy, as what no man can avow, whatever he may wish; and understanding it, as good sense and good faith absolutely require, in that meaning only, which could have been intended by our predecessors when they made that law, and subscribed, and required their successors to subscribe, that promissory engagement; I have no objections to subscribe it once a year: or once, or twice, at every ordinary and every extraordinary meeting of this College.

The next occurrence, in the order of time, which, for the reasons already mentioned, I thought very interesting, was the long and formal Protest and Argument of Dr Andrew Duncan Junior, against

the proceeding of the College, in *not* adopting the report of the committee appointed in 1804 to revise our laws.

This was soon followed by a printed circular letter from Dr Duncan senior, containing the substance of his speech on the same subject, with a query subjoined, "Whether any one of our number would transgress the act 1754, by furnishing medicines to his own patients, without making any charge for them."

These two documents were most acceptable to me, as they established, beyond the possibility of any reasonable dispute, that some of our fellows had *not relinquished their purpose* of *repealing, subverting*, or *falsifying that law* of our College, and of uniting in their own persons the office of the physician and the apothecary. Afterwards I heard, but very inaccurately, that some of my brethren had been consulting lawyers, nay, several different lawyers, about the best means of accomplishing that favourite purpose, and also of punishing me, and expelling me from this College, as having forfeited the character of an honest man, by divulging their secrets. I could not learn the names of *all* the lawyers whom they consulted, but I was assured that the Lord Advocate, (The Hon. Henry Erskine) and the Solicitor General, (John Clerk, Esq.) were two of them. At first, I understood, that those lawyers had been consulted together, with a view to obtain their *joint opinion* and *counsel* on the weighty matter submitted to their consideration; but afterwards I was told, that they had been consulted *separately*, and in succession; the opinions of some of them having been very unsatisfactory to those who consulted them.

I could not learn how many queries, and what kind of queries, had been proposed to the lawyers; but I heard of the *three* relating to myself, which Dr Duncan senior has thought proper to print and distribute privately. I also heard of some other queries proposed to the lawyers; which queries, as well as the *answers* of the lawyers to

all the queries proposed to them, Dr Duncan senior at that time very wisely suppressed.

I am truly sorry, that it is not in my power to *supply, fully,* the *hiatus,* with respect either to the *queries proposed,* or the *answers returned;* but, as far as I can, I will do it. I heard, in general, that the answers of *some* of the *lawyers* amounted to a *reprimand,* or *admonition* to my brethren, on the impropriety of their conduct, almost as severe as what I had given them in my Censorian Letter. I was assured, that, in answer to their queries about the expediency of their taking the law into their own hands, and punishing me by fine, reprimand, or expulsion, for having published a false and scandalous libel upon them, they were told, very drily, by *one* or *more* of their own lawyers, that IF I had *libelled* any of them, the *persons libelled* would have a good action against me; a most important and oracular truth, which I shall never dispute; and which the coachmen, and chambermaids, of those great lawyers, could have told them as well as the lawyers themselves.

None of my brethren can fail to perceive the *import* and the *severity* of the hypothetical monosyllable IF; which converts into a bitter sarcasm on them, and a strong condemnation of their proceedings, a proposition so nearly self-evident, that, in point of law and common sense, it cannot admit of any reasonable dispute; and that the formally declaring of it as a legal opinion, and as an answer to a question, which had *not* been put, has the appearance of childish simplicity. The question proposed to the learned and witty counsel was *not,* whether persons libelled would have a good action against the person who had libelled them; but whether this College, by its own power and authority, might punish me for publishing my Review, and my Censorian Letter.

The *doubt* expressed so emphatically by that unlucky monosyllable *if, could not* relate to my having published those pretended libels;

nor yet to the severity of my animadversions on the conduct of some of my brethren: for these things were notorious, and openly avowed by myself; and I had declared myself ready to answer for them, and to vindicate my conduct, in a court of justice.

The doubt, therefore, expressed by the witty counsel, learned in the law, *must* have related to *something else*, and to *something* which their clients *could not fail* to *understand at once*, without the help of any elaborate explanation, or commentary. The doubt of the learned counsel could be only about the *truth* or *falsehood* of what I had asserted; which their clients could not fail to know.

As one IF is as good as another, it would have been just as easy for the lawyers to have said explicitly, "IF what Dr G. has said of you be *false*, you will have a good action against him: you will easily prove him a liar and a knave, and make him infamous in a court of justice; especially as all those passages, which he professes to give as faithful quotations from your Records, and from the Report of your Committee, must be forgeries; and as soon as you shall have fairly convicted him of such *falsehood*, and *knavery*, and *forgery*, you will be well entitled to obtain *swinging damages* from him, and to *expel* him from your College, as a *pest* and a *disgrace* to it."

But such an explicit IF, though very easy, and abundantly effectual for all the good purposes intended, would have been very uncivil; forasmuch as it would have conveyed too strongly. by irresistible implication, some other IF's of a most unpleasant and embarrassing kind; such as,—"IF what Dr G. has said of you be *true*, *you are in a very bad scrape;* and the sooner you get out of it, and, in the mean time, the quieter you keep, the better it will be for you. "IF you attempt to *expel* him from your College, as having *forfeited the character of an honest man, by divulging your secrets*, you must consider his plea; that your *obligation of secrecy does not extend* to

things *morally wrong* and *dishonourable done deliberately;* you must be prepared to *join issue* with him on that point, which will be thought a *strong thing,* with the *common sense* and *common honesty* of mankind *staring you in the face;*—perhaps you will not succeed in it;—and IF you shall succeed in it, perhaps it will be little to the *advantage,* and still less to the *honour,* of your College, as it will be equivalent to proclaiming to the world, that you wish to have the power of doing things morally wrong and dishonourable, and obliging your brethren, who disapprove of them, to keep them secret; nay, that you have actually been attempting some such things, and are very angry with Dr G. for having divulged them. But, at any rate, beware how you take the law into your own hands, and act as judges in your own cause. There can be no doubt what *your decision* will be; but that will not save you the *trouble,* and *expence,* and *vexation,* and *disgrace,* of a *law-suit:* for you may be sure, that Dr G. will immediately bring you and your proceedings under the revision of the *Court of Session.* IF you wish to proceed effectually against Dr G. and *expel* him from your college, be sure, in the first place, that you have the law on your side. IF you wish to prosecute him for a libel on you, consider what *his plea* may be, and on what points of *law,* or *fact,* it may be adviseable for you to *rest your cause,* and *join issue* with him. He will probably invite you to say, whether you dispute those general principles of what is honourable and right in human conduct, which principles he has asserted so explicitly and strongly; or, whether you dispute the truth of what he has asserted so precisely with respect to your own conduct, with exact references to your own record, and the report of your Committee, in proof of what he asserts. IF *you will not choose one* or *other* of *those pleas,* he will, of course, consider both of them. It will not be adviseable for you to try the former and more general plea: for to dispute those general principles, which Dr G. has asserted, would be equivalent to a for-

mal renunciation of all pretensions to probity, veracity, and to the use of reason. IF you choose to dispute the *truth* of those *particulars,* which Dr. G. has *asserted* as *matters of fact,* with respect to your own conduct, you may have an excellent action against him, for such a scandalous libel, as his Censorian Letter, and his Review of your Proceedings from 1754 to 1804. *He can have no excuse for telling such infamous lies of his own brethren;* and there can be no mistake, either on his part, or on yours. Either he, or you, must stand convicted of deliberate falsehood, and determined knavery. IF you are *sure* that what *he has* said of *you is false,* prosecute him, without mercy, for a libel. We will undertake your cause, and carry you through triumphantly; but IF you are *not* sure that what he has said of you is false, do not meddle with him: for, IF you do, you will certainly catch a Tartar. In short, IF you wish to be judges in your own cause, we shall allow you to be so in this first stage of it; in which, if your judgment shall be erroneous, we can easily rectify it; but, as all the facts, and all the principles, according to which you ought to judge, are well known to yourselves, we have no doubt that you will judge wisely and honestly."

All this, and much more of the same kind of *good, sound, legal advice,* as Dr Duncan senior, emphatically called it, I firmly believe to have been *intended* by the *learned* and *witty counsel,* to have been *understood* by their *clients,* and to be *bonâ fide implied* in, and *logically deducible from,* the monosyllable IF, so dexterously introduced into the *opinion,* given in *answer* to Dr Duncan's queries, about the best mode of proceeding against me. I am sure the author of it must have been very proud of his apothegm, which, in its Laconic brevity, contains a whole bushel of pure Attic salt, more pungent than the strongest spirit of hartshorn, and almost as agreeable to his clients.

The answer of the learned and witty counsel to another of the queries proposed by Dr Duncan senior, I have been assured, was al-

most as strongly seasoned with a new hyperoxygenated salt, till then unknown to any member of this College. The query, as I understand, was, *in substance*, and *almost in words*, the same that Dr Duncan senior, hath printed in his circular letter, (December 1805,) but which he hath very dexterously *suppressed* in his last printed paper, wherein he *publishes, privately, three* of the queries proposed by him to his counsel,—something about "whether any of our number would transgress the act 1754, by furnishing medicines to his own patients, without making any charge for them?"

I have been told, that the answer was very unfavourable;—something to this purpose, that, "if they chose to practise *gratis*, without being paid at all, either for their advice, or for their medicines, they might do so; but that, if they were to be paid for their advice and attendance, their furnishing medicines to their own patients, without making any charge for them, would be regarded, in a court of justice, as a *violation* or *evasion* of their own act of 1754; that it would be understood in law, that *something more* was *given them by their patients*, than *would have been given merely for their advice and attendance;* that *something less* than what *they received would* have been given them, if they had *not furnished medicines* to their patients; that the difference between *that more* and *less*, in their payment, would be understood to be *the price which they received for their medicines;* and that the attempt would be reprobated as mere chicane, just of the same kind with the *stale tricks* of *strolling players*, who profess to *sell ale*, and *to be paid only for it*, while they *treat* their *good customers* with a *stage-play, gratis;* or who advertise, at a certain price, a *concert of music*, between the *acts of which* will be presented, *gratis*, a *tragedy*, or a *comedy*."

To *that miserable, that infamous*, state of *degradation* has *this Royal College*, and *the profession of a physician* in the *city of Edinburgh*, been reduced by the *misconduct* of *some* of *our members*.

The next thing in the proceedings of this College which attracted my attention, was the decisive measure of the strong general Admonition about secrecy, proposed by the Council, and unanimously, in my absence, adopted by the College, without limitation, or exception, or explanation, at their meeting on the 5th August, 1806. This I heard of, not by any regular official information, but only in consequence of my own enquiries, three days after; and I was told also, that it was *understood* to *allude to me*, and my conduct; notwithstanding the strange clause in it, (already discussed very fully,) that it was *not intended* to have particular reference to what may have happened at any former period. If it had *not contained* that absurd clause, and if I had *not been told* that the Admonition was understood to relate to me, nay, if I had been solemnly assured by all my brethren, collectively and individually, that it did not relate to me, I should equally have believed that it did: nay, I *must* have done so; the contrary supposition, as already explained, being absurd and impossible. The Admonition *must* have been intended either to *prohibit*, or *not to prohibit*, that is, *to permit* such publications as mine; to *admit*, or *not to admit*, those limitations and exceptions to the obligation of secrecy, which I had asserted, and on the faith of which I had acted: and I was resolved to use my utmost endeavours to obtain, from my brethren, a full and precise explanation of their meaning; and, if possible, an explicit, *disavowal* of that most general, but withal most unfavourable meaning, which the words of their Admonition seemed to express;—a meaning which I thought not only unjust with respect to me, but highly inexpedient, and even morally wrong, considered as a regulation or a law of this College. At any rate, I thought I had a *right* to *ask*, and to *obtain* from my brethren, such a full explanation of it; that I might know how to obey it, if it were right; and be enabled to judge whether I ought to obey it or not. My brethren, I presume, will not dispute, that

if, on receiving a precise explanation of it, it had appeared to me either inexpedient, or morally wrong, I should have been entitled to move to have it revised, and, if necessary, to have it *rescinded;* and that, if this had been refused by the College, I should have been entitled to protest against their proceedings, and their Admonition.

But long before our next quarterly meeting, (in November 1806,) at which I had resolved to propose a few queries about the import and extent of the Admonition, so early indeed as the beginning of October, I was informed of another circumstance, which, if I had had any doubts of the intended allusion to me, would have removed them at once; and, if I had not previously been determined to demand an explanation of it, would have determined me to do so.

I heard, that, at the meeting of the Council in August 1806, at which the Admonition was proposed, and during the discussion about it, my name was mentioned in a very particular manner, and peculiar anxiety shewn to keep it concealed from me; and even a very pointed Admonition on that subject, addressed by Dr Duncan senior to Dr Wright, amounting almost to a reprimand to him, for having, *on a former occasion,* mentioned to me something which had been proposed in the Council of this College. The precise words of that Admonition, or Reprimand, to Dr Wright, I did not learn; but I judge that they must have been pretty *strong,* as they produced, in reply from Dr Wright, a very strong *query,* somewhat to this purpose; "Was not Dr G. a fellow of the College, and of the Council at that time, and absent from the meeting when that business was first proposed? And had I not a right to tell him what was going on?" This I understood was admitted by all the members of the Council present at the meeting of it in August 1806. And it is hardly possible that they should not have understood what passed, or that they should have forgotten so very remarkable a conversation.

I did *not* mention it at the meeting of the College in November 1806, wishing to try, in the first place, whether any of the Council would mention it of their own accord. As none of them did so, *I* mentioned it at the extraordinary meeting of the College, 26th November, but without giving the names of the individuals concerned in it; and asked, whether it was *admitted*, or whether I must call on some of the members present, by name, to say whether it was so or not? Dr Wright, without hesitation, declared, that it was so; and, immediately *after*, Dr Duncan senior said that he remembered it, and would explain it afterwards; but did not wish to interrupt the business at that time going on, and wished me to proceed in reading the paper which I had in my hands; or words to that effect.

Dr Duncan senior has certainly given no explanation of that conversation to me; nor have I yet heard of any explanation that he has given of it publicly to this College. But I understand that he has given, privately, to Dr Wright, by letter, dated 28th November, 1806, a very strange explanation of it:—somewhat to this purpose.

"From the paper which Dr G. read, at our last meeting, on Wednesday last, it was perfectly clear to me, that he confounded our conversation, at the Council meeting on the 4th of August, with what passed between you and another member of the Council at our meeting on Tuesday last.

"To that member you distinctly put the question, 'Is not Dr G. a fellow of the College?'—But I can, with a clear conscience, make oath, that no such question was ever put by you to me, either on that or any other occasion."

I have no doubt that Dr Duncan is perfectly correct in saying, that *that pithy* question was put by Dr W. to another member of the Council at the meeting of *it* on the Tuesday before his letter was written; implying, certainly, that this other member had been mentioning me very particularly; and probably that he had been

giving Dr W. an admonition about the duty of secrecy, with respect to *me.* Who that other person, a member of the Council, is, does not yet appear; nor is it of much consequence to me, or to the College at large; but for his own credit, and that of Dr D., I think he should appear, and avow and explain his conduct.

As to the more important point of Dr W. having, or having not, put that severe, and most decisive, question to Dr D., at the meeting of the council, 4th August, 1806, I should be very sorry to see Dr D. make oath that no such question was ever put to him by Dr W., either on that, or on any other occasion; for, in the first place, his word, in such a case, is just as good as his oath; and, in the next place, it is, at least, possible, that, with a clear conscience, he may have forgotten, having no peculiar wish or reason to remember, such a conversation, which had passed between three and four months before.—What Dr. W. told me of the conversation with Dr D. at the council meeting in August, of the admonition given to him by Dr D., and of his query in reply to it, *could not*, in any manner, relate to what had passed in the meeting of the Council on the day before the extraordinary meeting of the College in the end of November; for Dr W. *informed me of it* on the *first Monday of October*, at an accidental meeting at the Post-office, full seven weeks before that meeting of the Council, at which, as Dr D. testifies, Dr W. had occasion to put nearly the same question to another member of the Council.

It is hardly conceivable that Dr Wright should have forgotten, or mistaken, the person to whom he put that strong question, in consequence of receiving an admonition or reprimand, at which he seemed much incensed, and with good reason.

And it is absolutely *impossible* that I should have *confounded* (which Dr D. is pleased to say it was *perfectly clear* to him that I did) *his* conversation with *Dr W.* at the Council meeting in *August*, with *Dr W's* conversation with *another member* of the Council, at the

meeting of it *in the end of November;* for of this conversation I never heard one syllable, *till several days after I had read that paper,* in which, as Dr D. says, I had confounded it with the other conversation; nor do I, at this hour, know, or have heard, one word more of it, than just what I have quoted from Dr D's letter to Dr W.

Though at that time, (6th October, 1804), and for near a month after, I knew nothing, and could suspect nothing, of the admirable use which my brethren had made of their favourite expedient of secrecy, and concealment, on a very important occasion, (5th February, and May 1805), which certainly did relate, most particularly, to me, and is now avowed to have done so; I was sure that nothing friendly to me, or good or honourable in itself, could be intended by that anxiety to keep secret, from me, the admonition about secrecy. I knew well the sentiments and wishes of some of my brethren with respect to me; I knew their favourite object, that of subverting our enactment 1754; I knew their unexampled perseverance in the prosecution of that plan; of which, as they all knew, I highly disapproved; as I did, if possible still more, of the very strange means which they had employed to accomplish their purpose; I had heard, from good authority, that they had been consulting different lawyers how they might do it, and also how they might expel me from this College; and I took it for granted, that they had received, from their counsel learned in the law, proper instructions on both those points. I had even some notion what plan would be adopted by them to subvert our old law; and, if my notion on that subject was just, which I had strong reason to think it was, I was sure that they would be very unwilling to have it made a subject of free and public discussion, by which they could gain nothing, and could not fail to be much embarrassed in their proceedings, and might, very probably, be baffled altogether; I knew that they had read my Censorian Letter, and that they were very angry at it; but withal, that they un-

derstood that I did not admit that our old law, with respect to keeping secret certain things done or said in this College, extended to such things done deliberately and obstinately; I suspected that their own lawyers had told them that I was right in that opinion, and had explained to my brethren, what they might have discovered by their own sagacity, that it was impossible to plead or to enforce our old promissory engagement of secrecy with respect to things said or done in this College, tending to the prejudice or defamation of the same, or of any member thereof, if such things were said or done deliberately;—that such a law would be reckoned immoral, as well as absurd, and that the attempt to plead and enforce it in a court of justice, would be a downright practical *bull*, exactly equivalent to proclaiming themselves a Royal College of knaves or fools, and yet wishing to punish one or more of their own number for telling and proving that they were so. I believed that the Admonition (5th August, 1806), was intended to supersede our old law with respect to secrecy, to come in the place of it, to supply that defect of it, and to make the obligation of secrecy, with respect to things said or done in this College, perfectly general, without limitation or exception; for the words of the Admonition convey this, and no other meaning. I believed that this was done in the form of admonition, seemingly referring to our old law, but expressed in terms infinitely more general, instead of being made the subject of a new, explicit, and precise law; because the regular consideration of such a proposed law, at three successive meetings, would necessarily have led to some unpleasant discussions, which would have ended in proving that such a law would be immoral and dishonourable, not fit to be enacted, because the principle of it could not be avowed, and because in those cases in which it would most probably be violated, it could not be pleaded, nor the breach of it punished in a court of justice. I believed that it was the wish and intention of some of my brethren to

keep me ignorant of that admonition, implying *so* great a change in our law with respect to secrecy, till it should be finally established as a regulation of the College having the force of a law, or being in effect an explanation of our old law.

It was *possible*, however, that I might be mistaken in many of these speculations; and that my brethren might have no such intentions, and their admonition no such meaning, as, for the very strong reasons mentioned, I had supposed, and thought highly probable. But I *could not be mistaken* in thinking, that such a use *might* be made of the admonition, if it were finally adopted and sanctioned, without the proper explanations, limitations, and exceptions.

This consideration alone would have been, with me, a sufficient reason for demanding a precise explanation of it. But this, as already explained, was also a point of duty to my brethren, both to those who gave, and to those who were expected to obey it. If those who gave it had no such meaning or intentions in it as I supposed, and as their words expressed, I was sure they would be eager to disavow them, and to give such a precise explanation of the admonition, as might for ever prevent such a use from being made of it;—just as I should have done, if I had inadvertently employed expressions that conveyed a very improper meaning, which I did not intend.

But *that* they have not yet done; and till they shall do it explicitly, I must protest against the Admonition in general, and their pretended explanation of it, and their answers, or *no* answers, to my queries. I protest and declare that *I will not obey the Admonition* in those cases which, for reasons fully and repeatedly stated, I hold to be exceptions from the obligation of secrecy, as expressed in our promissory engagement: I protest and declare, that nothing less than the authority of the supreme court of justice in Scotland shall convince me, that this College has any right to impose on its members the obligation of secrecy, with respect to things morally wrong

and dishonourable, or even extravagantly foolish, deliberately proposed or done in it.

I protest against this new and anxious desire, expressed by some of our members, to keep secret our proceedings; as not only inexpedient, but dishonourable, and tending immediately and obviously to degrade our College, our profession, and ourselves, in the estimation of our fellow citizens.

> " I find the fool, where I behold the screen;
> " For 'tis a wise man's interest to be seen;"

are the well-known words of an English satyrist. The sentiment is wise and true; but it is not the whole truth, nor the worst part of it. We have the highest possible authority for believing, that the desire of concealment is a strong symptom of knavery.

" This is the condemnation (saith the holy apostle John,) that light is come into the world, and men loved darkness rather than light, because their deeds were evil. For every one that doeth evil hateth the light, neither cometh to the light, lest his deeds should be reproved. But he that doeth truth cometh to the light, that his deeds may be made manifest that they are wrought in God."—*John's Gospel*, iii. 19, 20, 21.

" Have no fellowship with the unfruitful works of darkness, (saith the holy apostle Paul,) but rather reprove them. For it is a shame to speak of those things which are done of them in secret. But all things that are reproved are made manifest by the light; for whatever doth make manifest is light."—*Paul, Ephesians*, v. 11, 12, 13.

I protest against all the evasions employed by the College to avoid giving explicit answers to my queries, and a precise explanation of their own Admonition: and first, and most particularly, against the *expedient* which they have employed to *avoid admitting* the *right* of every member of this College, to *ask* and *obtain* a pre-

cise explanation of any law, regulation, or Admonition, especially any new one, of this College. They have said, "While the College admit the right, and approve of every member taking the *proper and usual steps* to *have the opinion* of this College, concerning any part of their laws, regulations, or proceedings, which may seem ambiguous, they cannot recognize the right of any individual member to interrogate the College, or its Council, in the extraordinary stile of these queries."

The College, by these words, *affect* to *admit* a *right*, which I believe nobody claims; and which I, at least, never claimed, and should think useless and nugatory. I *claim* and *assert* the *right* of having from the College, a *clear* and *precise explanation* of any part of their laws, or regulations, which I think ambiguous. This right I think it impossible for my brethren explicitly to deny me: but they have taken special care, by *two different evasions*, not to acknowledge it.

They profess no more but to "admit the *right*, and to approve of every member taking the *proper and usual steps* to have the *opinion* of the College, concerning any part of our laws, &c. which may seem ambiguous."—That *opinion* may not be what the person enquiring *wishes to know;* nay, it may bear scarce any relation to it. The *opinion* of the College may be, that it is a wise, a just, a necessary law, which ought to continue and be enforced; or, that the law is useless and frivolous, but yet, out of respect to those who enacted it, ought not to be repealed;—or that the law is precise enough, and needs no explanation;—or, that it is indeed obscure and ambiguous, but that it ought to remain so, and not be precisely explained, forasmuch as it may be very desirable, on some occasions, to convey tacitly, and by implication, a meaning, and even to impose an obligation, which it would be indelicate and imprudent explicitly to avow.

I think my brethren will hardly say that such declarations of *their opinions* of a law, *would be*, or *ought to be*, satisfactory to those who demanded, as a right, to know the *precise meaning* of it, that they might either obey it, if it were lawful and right, or give their reasons for *not* obeying it, if they thought it unlawful and wrong. They cannot surely say, that such declarations of *their opinions*, about a law, would be admitting the important and indefeasible right which the enquirer asserted; or doing to others as they would that others should do to them. I must, therefore, remind them of the words of the gospel, "Ask, and it shall be given you; seek, and ye shall find; knock, and it shall be opened unto you. For every one that asketh, receiveth; and he that seeketh, findeth; and to him that knocketh, it shall be opened. Or what man is there of you, whom if his son ask bread, will he give him a stone? or if he ask a fish, will he give him a serpent? Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets."—*Matthew*, vii. 7, 8, 9, 10, 12.

But my brethren have taken care *not to admit* the *right*, in any of us, of having even *their opinion* of any law or regulation which may seem ambiguous. They admit only the right of *taking certain steps*, which they are pleased to call *usual* and *proper steps* to have their *opinion*. What these *usual* and *proper steps* are, they have kept a profound and impenetrable secret. I *cannot even guess* what these *usual* and *proper steps* are. But I should think no steps could be more natural, more rational, more proper in every respect, than asking, in clear and precise words, and in the most respectful manner, whether the Admonition about secrecy extended to all things, without exception, said or done in this College; yet this question, and some others of the same precise and inoffensive kind, my brethren would not answer; but they desired to know *all* my queries; and when, in compliance with their desire, I gave them a few more queries, not quite so inoffen-

sive, but resulting, *naturally* and *necessarily*, from their refusal to answer my preceding queries, they were very angry with me, and made my conduct the subject of a vote of censure.

Supposing, for the sake of argument, what I do not believe, that, in this College, we ought not to ask that clearly which we would clearly know; and that I had erred egregiously in point of ceremonial, I must think it was morally wrong, as well as highly inexpedient, on the part of my brethren, to allow any such considerations, of mere *etiquette*, to prevail over the more important considerations of reason, truth, and justice. They might have instructed me, and others as ignorant as I am of it, in the ceremonial of queries, and pointed out to us the gross impropriety of putting them in clear and precise words; they might have admonished and censured me, as much as they pleased, for my shameful and criminal ignorance of that ceremonial; but still they should have answered my queries precisely, so as at least to disavow that most unfavourable meaning which their words conveyed, even when taken by themselves; but still more strongly when considered in connection with, and as explained by, those various proceedings, which I have had the honour to specify.

Further, I protest strongly against the evasion of my question, which my brethren have attempted, by saying, that the Admonition about secrecy " applies, in general, to all the transactions of the College, including discussions and acts, excepting those which they have determined should be communicated to the public, and which the College direct to be announced in the newspapers, or to be otherwise made known." Here is one exception admitted by my brethren, which there was no occasion to admit, it being self-evident, and the contrary of it impossible. This, I am sure, they must have known; and they might have seen, from the tenour of my queries,

that I thought so. But *it* is *not the exception,* which I had asserted, nor are the words a precise answer to the query, to which I so earnestly demanded an answer. They have not admitted the exception, for which I contended, with respect to things *extravagantly foolish,* or even that with respect to things *morally wrong;* nor have they declared explicitly, as in candour they ought to have done if such was their meaning, that they did *not* admit it. The inference from these things is obvious and irresistible, that they still wish, as, from the first, and indeed from the whole tenour of their proceedings, I strongly suspected that they did, to make the obligation of secrecy extend even to things morally wrong, done or said deliberately in this College; and that they choose to impose this obligation, tacitly, and by implication, not to express it openly.

I protest against it as illegal, as well as morally wrong, and highly inexpedient. And one great object of this explicit protest is to induce my brethren to reconsider that improper Admonition, and to rescind it, before it be too late; before, relying on it as an obligation that might be enforced in a court of justice, they attempt any measures, which some of us may think illegal and morally wrong, and, of course, will neither concur, nor acquiesce in, nor connive at, nor keep secret; but, on the contrary, think themselves entitled and obliged to reprobate in the most public manner.

I must remind them, once more, of the important maxim, *Fraus latet in generalibus.* They certainly have not considered *all,* if *any* of, the particulars that *may be* comprehended under their general Admonition, even as explained by themselves in their evasive answers to my queries.

They will, I am sure, attend to the *general principle,* which I have in view, the more coolly and impartially, that I wave all thoughts of the *particular proposal* which has excited such bitter dissention

among us; and that I employ, for the sake of necessary illustration, cases *purely imaginary;* the more remote from truth, or even from probability, the better for the purpose at present in view.

I shall *suppose,* that some of our number, instigated by the devil, as many of our countrymen were within these twenty years, wished to overturn the Christian religion, and all religion, and to establish pure atheism, in this country. I shall suppose, that a very respectable majority of our number, according to the vulgar notion, *ubi tres medici, duo athei,* concurred in that nefarious project, and wished to employ all the power and influence of this Royal College to accomplish it; they certainly would *not announce* it in the newspapers, or choose to make it known any other way, till such time as it was brought to maturity. On the contrary, they would keep it *as secret as possible.* In such a case, should we, the minority, or any of us individually, be obliged to keep such a secret?

Or, if the same, or a much greater majority of us, being Illuminati themselves, should choose to make this College a club of Illuminati, and endeavour to overturn our happy government, and establish in its stead a wild republic in this island, would the small minority, or any one individual, if there should be found but one just man among us, be obliged to concur with the majority in that treason, or to acquiesce in it, or to *connive at it,* by *keeping it secret?*

Or, would any of us deserve to be expelled from this College, as having forfeited the character of an honest man and a good Christian, if he did not keep the infamous secrets of those atheists and traitors, who wished to overturn the Christian religion, and his Majesty's government?

These obvious considerations abundantly shew, that those who originally enacted the law of secrecy had no such meaning by it, as my brethren now wish to give it; nor any other meaning than that which I acknowledge, admitting these and many other important ex-

ceptions. The same imaginary cases must shew my brethren, how absurd it is to suppose, that the obligation of secrecy, in *their* peculiar sense of it, can ever be enforced in a court of justice.

I beg leave to call their attention particularly to the treason which I have supposed to be attempted. Far from being obliged to keep secret such a treason, we should be severely punished if we did so. The law of our country, on that point, is clear and precise. Concealment of treason is called *misprision of treason*, and deemed a very heinous offence. It is not just a hanging matter, but next to it. In the case supposed, the majority of us, in due course of law, would be hanged, drawn, and quartered; and the small minority, who kept the secret of their traitor brethren, would be punished by the forfeiture of their goods, and imprisonment during the king's pleasure.

Remote as these supposed cases must appear from any thing that has ever yet occurred, or can reasonably be expected to occur, this College, the general principle with respect to the *duty*, or the *impropriety*, of keeping secret things proposed or done deliberately, must be the same, in all cases, in which the matter proposed or done is regarded as morally wrong. A moment's calm reflection must convince those of my brethren, who are the keenest to enforce a general obligation of secrecy, that such secrecy, or connivance, with respect to any kind of roguery, bears the same relation or proportion to that roguery, that *misprision of treason* bears to *high treason*. If the roguery amounts to a *crime*, those who *connive* at it must share the *guilt* of it; if the roguery is only something *illiberal*, *base*, and *dishonourable*, those who *connive* at it must share the *disgrace* and *reproach* of it. If my brethren have any doubts on this point, they may remove their doubts, and soon convince themselves of the truth of what I say, by stating a few imaginary examples of things proposed or done in this College; which things they themselves con-

sider as base, immoral, or criminal. The same principle and rule of action, *mutatis mutandis, may fairly be extended,* and indeed *must be extended* and *applied* to things *extravagantly foolish,* when done deliberately and obstinately.

It remains for me now only to consider the *expedient,* which my brethren, in their answer, or no answer, to my queries, have employed to evade my query with respect to the obligation of keeping secret things *morally wrong* and *dishonourable,* proposed or done deliberately in this College.

The expedient is indeed most strange and wonderful; and withal so remote from the common notions of reason and argument, of moral duty and religious sentiment, that I find it very difficult to express what I think of it.

My brethren have deliberately said, " With regard to things dishonourable, the College may at present be *silent,* as they have the satisfaction of thinking, that to this period such an epithet could not, consistently with truth, be applied to any of their transactions."

This silence, as they are pleased to call it, uttereth speech; and I think it may teach them much knowledge, if they will listen to what it says. If they had ever read and understood, they must completely have forgotten, the wholesome admonition of the Apostle; " Let him that thinketh he standeth take heed least he fall." It is indeed surprising, that a set of men, whose conduct but two years before had given occasion to my Censorian Letter, should have hazarded such an assertion; and it is to me incomprehensible, how any set of men, who profess and call themselves Christians, should fall into such presumptuous sin.

They ought to have known, that " the heart is deceitful above all things, and desperately wicked."—*Jeremiah,* xvii. 9.

They ought to have known, that "if we say we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, God is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness. If we say we have not sinned, we make him a liar, and his word is not in us."—*John, Epistle General I.* 8, 9, 10.

They ought to have known, that, more than four thousand years ago, "God saw that the wickedness of man was great in the earth, and that every imagination of the thoughts of his heart was only evil continually. And it repented the Lord that he had made man on the earth, and it grieved him at his heart."—*Genesis,* vi. 5, 6.

I believe my brethren will find it very difficult to demonstrate, that they are one jot better than other men; or that men in general are one jot better at this day, than they were the day before Noah's flood.

When my brethren, in an evil hour, thus run their heads at once against the Old and the New Testament, without minding, or seeming to feel, the collision, they must have been under the influence of some very violent passion; which made them equally deaf, blind, and insensible, to the plainest and strongest suggestions of human reason.

Supposing, for the sake of argument, that *nothing morally wrong* or *dishonourable ever had been proposed* or *done* in this College, it would not follow that *no such things ever would be proposed or done* in it, in time to come. Now it is plain that the Admonition about secrecy could relate only to *things future,* not to *things past,* and already divulged. But if it were logically demonstrated from the definition of a physician, and from the precise words of our diplomas, and of the charter of this Royal College, that we never could, in it, propose or do any thing morally wrong or dishonourable, this would be a decisive reason for *rescinding,* as not only useless, but disgrace-

ful to us, *that law* and clause of our promissory engagement, which requires us to keep secret all things said or done in this College, the divulging of which may tend to the prejudice or defamation of the same, or of any member thereof; but *could be no reason at all* for giving a strong Admonition, to *enforce* and *render more general* that useless and disgraceful law.

As I cannot suppose my brethren to have seriously intended any things so absurd, so immoral, so unsuitable to men living under the Christian dispensation, as those which their words express, I shall consider those unlucky expressions as intended only to contradict, in the most general and strongest manner, all that, in my Review and Censorian Letter, I had said of certain transactions in this College being morally wrong and dishonourable. This is the *least* that can be understood by their words, in the passage last quoted from their answers, or no answers, to my queries: and it is the supposition, or meaning, most favourable to my brethren, and most unfavourable to me; for it amounts to a direct contradiction of what I had asserted, and, in very civil but plain terms, giving me the lie. It *must* be understood as a declaration, that they *join issue* with me on that point. In this respect *I have no choice; I have had none for two years and a half;* and *I never can have any.* In these circumstances, it would be *absurd* for me to make *any additions* to what I have stated in those printed papers; and it would be *dishonourable* to attempt to make any alterations in what I have said in them. No attempt has yet been made to shew that I was mistaken, or that I had been guilty of wilful falsehood, with respect to any important circumstance which I had asserted as a matter of fact. No attempt has been made, by reason and argument, to convince me that any one of those general opinions, with respect to what is honourable and right in human conduct, which I asserted so strongly, is erroneous. Till this shall be done, I cannot change my opinions. And

I cheerfully join issue with my brethren on all those points; general or particular; fact or principle.

If they think it was honourable and right, in some of our number, eleven years ago, to endeavour to repeal, in part, our enactment of 1754, I beg they will consider what is implied in such repealing of it. Nothing less than *absolving themselves from an obligation,* which, for the good of mankind, and the advancement of our science, they had taken upon themselves, as the indispensible condition of their being allowed to become members of this College, or even to practise physic in this city; and, at the same time, *absolving themselves* from that *obedience* which most men think they owe to the *laws of their country;* for, by our own charter, which refers to the previously existing charters of another corporation, all of which were ratified in Parliament, we are precluded from practising pharmacy even privately, as it was proposed that we should be authorised to do by that partial repeal of our enactment.

If we have such an *absolving* or *dispensing power,* it would be reasonable to enquire, whether it belongs to all men alike, or only to *physicians;* whether it belongs to us *individually,* or only *collectively,* as a *Royal College;* by what charter or law, common or statute, we hold it; has it ever been *acknowledged,* or even *pleaded* in a court of justice; does it extend equally to *all obligations* or *contracts* into which we may have entered, and to *all laws,* or only to those, which, on mature consideration, and many years experience, *we may think inconsistent with our own pecuniary interest;* was it mere ignorance and folly, or was it a mischievous piece of waggery, approaching too near to downright knavery, on the part of those grave lawyers, whom our predecessors consulted in the year 1755, and who pocketed their fees, and told our predecessors, that they were " well founded both in law and reason, in the act recently made by them for keeping the

practice of medicine distinct and separate from the practice of pharmacy;" and who advised them to enforce that act.

It would be reasonable to enquire, supposing it to have been honourable, and lawful, and right, in some of our number to endeavour, on that occasion, to exert their absolving and dispensing power, with respect to obligations of their own, and laws of their country; was it also honourable and right in others of our number to do the direct contrary, and keenly to oppose, as *inexpedient* and *wrong*, that proposed *absolution* and *dispensation?*

But this enquiry, though very natural and reasonable, is hardly necessary; for the subsequent conduct of those who wished to get rid of the restraint imposed on them by the enactment, has shewn, that *even they* did *not think* it *honourable* and *right* to accomplish this purpose by the *open exercise* of their *absolving* and *dispensing power*. From the very peculiar manner in which their first proposal was suspended *sine die*, they were entitled, at any time, without delay, or trouble, or any farther discussion (of which, indeed, there had been a great deal too much in the course of nine months in 1796,) to have the question at once decided by a vote of the College.

But this they have not chosen to try. With the very same object in view, they have employed a totally different expedient to accomplish it; such an expedient as, if it were adopted by the College, would effectually *preclude all objections founded* on the *violation* of our *enactment*, and *of our own charter*, and *of those* of the surgeon-apothecaries, or *of the laws* of our country.

They have declared, that "*doubts* have been entertained respecting the purpose and extent of the act 1754;" and have proposed to declare, "That the restrictions therein mentioned, apply solely to such persons as keep, or may set up, public apothecaries or druggists shops, for the purpose of selling medicines by retail."

If this declaration and proposal had been submitted to the College *three months,* or *three minutes after* the motion for *repealing in part,* and precisely to that effect, our enactment of 1754, was suspended *sine die,* what would have been thought of it?—Whatever would have been thought of it at that time, must have been thought of it eight years after, when it first came before us, by surprise, as part of the report of a committee appointed nine months before to reprint our laws, with *alterations.*

This proceeding appeared, and still appears to me what lawyers call *dolus malus*—defined *aliud simulatum, aliud* actum; and, as such, it stamps, indelibly, on the whole transaction, the disgraceful character of *mala fides.* There *could* be no occasion to employ such a *false pretence,* for doing what was *lawful,* and *honourable,* and *right.*

I know perfectly, but I did not know, nor suspect, till our meeting, 5th November, 1806, and even then I learned it purely by accident, that my brethren, *one-and-twenty months before,* had unanimously (in my absence) declared, that the members of that committee had acted *in the most honourable manner.*

This was indeed joining issue with me, on the truth or falsehood of what I had asserted in my Censorian Letter; or, as Dr Duncan senior has said, *deciding,* or *declaring virtually,* that my publication was a false and scandalous libel.

But my brethren omitted to inform me of their *decision,* of their *declaration,* of their *wish to join issue with me,* on the points either of particular *facts,* or general *principles;*—of their spontaneous *testimony,* (as it seemed to be) at the bar of the public; that dread tribunal, from which there is no appeal.

If, on that occasion, they said what they thought, which must be supposed, unless the contrary shall be proved, their notions of what is honourable and right, must be widely different from mine. I wish

they would consider minutely, and impartially, some of the *most important particulars* comprehended in that *general declaration*, remembering always, that *Fraus latet in generalibus.*

They must be understood to assert, that it was *acting in the most honourable manner*, to *excite dissention* in this College, by attempting to make a change in one of our most important laws; about which proposed change, they well knew, that there was an irreconcileable difference of opinion among us; some of us regarding the law as honourable and necessary for us, and the proposed change as not only inexpedient, but morally wrong and disgraceful.

They must also be understood to maintain, that it was acting in the *most honourable manner* to endeavour, by *false pretences*, and a *false interpretation*, to *subvert* that law, instead of *openly repealing it:* —that it was most honourable to endeavour to prevail on us, in *that underhand manner*, to *absolve* ourselves from the *obligation*, which, for wise and honourable reasons, to which we all had assented, was made the *indispensible condition* of our being allowed to become members of this College, and at the same time to *absolve ourselves* from the *obedience* which we owe to the *laws of our country;*—and that it was most honourable to introduce that proposal into the College in such a manner, that those not favoured by being let into the secret, even many members of the Council, knew nothing of it till the *second nominal* reading of the report, more than six months after it had been introduced in the committee;—and even then to take measures to prevent any discussion, or debate, about it, till the third and last reading of it.

My brethren will perhaps not scruple to assert all these things explicitly, as they have already done generally; though surely they are *very strong things.*—But next they must consider some other things *still stronger;* which are necessarily and evidently implied in

them.—If that committee (1804) had *not* acted in that manner, but very differently, just as other committees for revising our laws, and as all our members individually had done, on former occasions,—had not excited, or attempted to excite dissention in this College—had not attempted to repeal, subvert, or falsify that law, but had left it as they found it;—this would *not* have been acting in the *most honourable* manner, which surely the College has a right to expect of all its members. Nay, our brethren, who in 1796 attempted to obtain a *repeal* of that law, must *not have* acted in the *most honourable manner* on that occasion; they might justly have been censured for their manner of proceeding; and very properly told, that it would have been *more honourable* for them to have proposed only to *subvert* and *falsify* that law.

And further, as this College has an undoubted right to expect, and to require of all its members to act in the most honourable manner, and to censure and punish them, perhaps by fine or expulsion, if they do otherwise; this Royal College must be understood to require and expect of all its members, individually, and collectively in committees, that they shall take as a model for their proper conduct towards this College, the behaviour and proceeding of the committee appointed in 1804 to reprint our laws; and like them excite dissension among us, and endeavour to evade, subvert, and falsify our laws, especially our enactment of 1754, and introduce, and endeavour by stratagem to accomplish purposes, which some of us reprobate, as not only inexpedient, but morally wrong; and which are strictly forbidden by our own bye laws, as well as by our charter of erection, and by the laws of our country.

If my brethren shall admit and assert these things, let them next consider what must have been their opinion, and decision, if any members of that committee had acted in a manner *directly contrary*

to that which they have *decided* to be *most honourable*. Would this have been acting in the *most dishonourable* manner? If there be *truth* in *their decision*, and in *logic*, I think it must have been so.

For example, if, on the first mention of that proposal to subvert and falsify our enactment, some members of the committee had strongly objected to it, as tending inevitably to excite irreconcileable dissension in the College; as not only inexpedient, but morally wrong and dishonourable; as a breach of faith to the public, and to our brethren, as well as a violation of the laws of our country;—had reprobated, as mere falsehood and chicane, the preamble about doubts being entertained with respect to the meaning and extent of the law, and the new interpretation of it—and if out-voted in the committee, had insisted on the proposal being fully made known to the College without delay, and had actually made it known at the first nominal reading of the committee's report;—what would the College have thought of such conduct?

The case is not so extravagant as may at first appear; nor is it altogether imaginary. I solemnly declare, and swear before God, that, if I had been a member of that committee, I should have acted precisely in the manner which I have specified. Nay, I am convinced, that every member of that committee, and every ordinary attending member of this College, knows that I would have done so; and I shall be glad to know whether they, or any of them, collectively or individually, think such conduct, though diametrically opposite to that of the committee, would have been *in the least dishonourable;* whether they could rationally have proposed to censure me for *most dishonourable conduct;* or to propose to expel me from this College, as having forfeited the character of an honest man, and a good Christian.

If such be the serious opinion of my brethren, on these points of

moral conduct, directly and conversely, they can have no objections to say so explicitly. Nay, they ought to do so, or to allow me to do so for them. It is self-evident, that they, as individuals, can lose nothing, and almost self-evident, or at least very easily demonstrable, that they must gain a great deal, by such an explicit declaration of their sentiments, and principles of action. The demonstration is so plain and easy, that I am almost ashamed to give it. It depends on this fair dilemma:—Either they will be believed, or they will not be believed. If they are not believed, they will be supposed to have much more probity and veracity than they pretend to; which is a very great and uncommon happiness, never yet enjoyed by any Physicians in this world. If they are believed, they will be known to be perfectly free from hypocrisy; the meanest of all vices: alluding to which, the divine Plato has observed, very shrewdly, but somewhat drily, That it is the perfection of knavery to appear honest without being so; (Εσχατη γαρ 'αδικια, δοκειν δικαιον 'ειναι μη 'οντα): So that, on either supposition, my brethren can lose nothing, and must gain a great deal. Which was to be demonstrated. And as to our College, it will immediately be known to be the most charming purgatory on the face of the earth.—While we, miserable sinners, doomed for life to endure its flames, are permitted, like Hamlet's ghost, to stalk about, making night and day hideous; but, like him, are strictly forbidden to disclose the secrets of our prison-house.

If my brethren were *not serious*, when they declared that their committee of 1804, had *acted in the most honourable manner*, it is time for them at last to become serious; and to consider well the consequences of trifling in such an important concern. I have no favour to ask of them; but I must take the liberty to remind them of

the awful words of the prophet Hosea, to the sinful and unrepenting Jews.

"They have sown the wind, and they shall reap the whirlwind.

"Ye have ploughed wickedness; ye have reaped iniquity; ye have eaten the fruit of lies. Because thou didst trust in thy way, in the multitude of thy mighty men; therefore shall a tumult arise among thy people, and all thy fortresses shall be spoiled."

JAMES GREGORY.

PROTEST

BY

DOCTOR GREGORY,

AGAINST THE

RESOLUTION OF THE ROYAL COLLEGE OF PHYSICIANS,

AND THEIR

VOTE OF CENSURE ON HIM,

26th Nov. 1806.

PROTEST

BY

DOCTOR GREGORY.

I THINK it necessary to enter a particular and separate protest against the Vote of Censure passed on me by the Royal College of Physicians in Edinburgh, at their meeting on the 26th of November, 1806.

I protest against it, most peremptorily, as unjust, with respect to me, and dishonourable on the part of the Royal College, forasmuch as it proceeds on several arbitrary assumptions and false assertions, unjust and highly unfavourable to me; and, taken altogether, amounting to a total misrepresentation and perversion of the meaning and purpose of those queries, which I had the honour to give in to the Royal College, at their quarterly meeting, on the 4th of November, 1806.

I acknowledge, in its fullest possible extent, the right of the Royal College to pass votes of approbation and thanks to any of their members whose conduct has been agreeable to them, and votes of censure on any of their members whose conduct has given them of-

fence; and I shall always regard, with the greatest possible respect and veneration, all such votes of the Royal College, whether they be votes of approbation and thanks, or votes of censure; considering the former as unequivocal and decisive evidence of the favour, and the latter as equally complete evidence of the displeasure, of the majority of this Royal College.

Nothing more, I presume, can be intended by those who pass such votes, or understood by those who are the objects of them. It would be absurd to suppose, that those who pass them, or that those who are the objects of them, or that any other persons, who may see them, or hear of them, should regard them as having any other weight, or as evidence of any thing else. Neither in law, nor in equity, nor in common sense, can they be admitted as evidence of any the most trivial matter of fact; and, in any serious question, or discussion, in ethics, or about what is morally right or wrong in human conduct, they are as absurdly and ridiculously incompetent, and out of place, as they would be in a demonstration in abstract geometry.

But while I thus explicitly acknowledge the right of my brethren to pass as many votes of approbation or of censure as they please, on any of their members, and particularly on myself, I beg it may be observed, that I do not admit or acknowledge in them, individually or collectively, any right or title to assign *motives* for my actions, or impute to me *intentions*, which probably I had never thought of, and which certainly I had never either avowed in words, or shewed by any overt act.

In the strictest equity, as in common sense, every person must be understood to *intend* whatever he does knowingly and deliberately. He must also be understood to have intended whatever he knew to be the usual consequence, or certain, or even probable, effect of what he did. But his more remote or ultimate intention, not *of* doing, but

in doing it, or what is more properly, because less ambiguously, expressed by the words *motive*, reason, purpose, or *design*, can be known only to the person himself. His *thoughts*, at least, are his own, till he choose to communicate them to others by word or deed.

But this obvious principle of reason, of justice, of candour, and liberality, in deciding on the conduct of others, so generally attended to by men who wish to act uprightly, or even to preserve the appearance of doing so, the Royal College of Physicians, in their vote of censure on me, have completely disregarded and violated. Either *ex mero motu*, or for reasons and motives best known to themselves, they have presumed, in a manner altogether unprecedented and unwarranted, to assign motives for my words and actions, and motives *uniformly unfavourable* to me, and *disgraceful* in *themselves*, as being either *absurd* and *foolish*, or else *morally wrong* and *dishonourable*.

They have been pleased to assert, falsely, " that they cannot imagine the first part of Dr Gregory's queries to be proposed with any other *design*, than as a mode of introducing the latter parts, which have no connection with the meaning or import of the Admonition, but appears to be *intended* as a *censure* upon the *fifth clause* of the promissory engagement, which Dr Gregory, with many of the other members, has already signed twice, as well as to *convey injurious insinuations*."

Great and manifold as my sins must be, I seriously think, without vanity, that the general tenour of my conduct, through the whole course of a long life, but most chiefly my conduct towards my brethren of this College, might have exempted me from the vile suspicion and accusation of taking any indirect or crooked way to *convey injurious insinuations*. This *injurious assertion*, for it is more than an *insinuation*, on the part of the Royal College, seems to me not only incapable of proof, but void of probability, and advanced in opposition to the clearest evidence.

As to the assertion of my brethren, "that the latter part of my queries appears to be *intended* as a *censure* on the fifth clause of the promissory engagement which I had signed twice," I really can find no words to express what I think of *it*, or of the disgraceful folly and absurdity which, by that groundless assertion, they have unjustly imputed to me. I never dreamed of censuring that very innocent clause of our promissory engagement. I had occasion once, deliberately, publicly, and in print, to take notice of that clause of our promissory engagement, to express my opinion of its extent and import, and to make many remarks upon it; but surely no censure on it is either expressed or implied in any thing that I said about it on that occasion. I do not see in my queries, which have given such offence to my brethren, any expression that can be construed, or tortured, into such a meaning. I am sure that I never had such a meaning; and that if such an intention had been suggested to me by any other person, as what he had, I should have thought it ridiculously absurd.

By that clause of our promissory engagement, we are bound to keep secret any thing said or done in this College, that may tend to the prejudice or defamation of the same, or of any member thereof. This, I conceive, in good sense and good faith, must be understood to apply to *such* things, whether morally wrong or extravagantly foolish, only when said or done inadvertently, or from any of the numberless infirmities of human nature; but by no means to such things when done deliberately and obstinately. I stated explicitly my reasons for being of this opinion; and I acted accordingly on a very interesting occasion. This I did in the most public and deliberate manner, with the advice of counsel learned in the law; inviting my brethren, if they should think I did them any wrong, to seek redress in a court of justice. But this invitation they, after consulting the most eminent counsel in Scotland, did not choose to

accept. Further, I warned them, that, if they should persist in that most deliberate purpose, which I considered as morally wrong, and should carry it into effect by a vote of the College, I should instantly seek redress in a court of justice, and should bring that measure, and the whole of their proceedings connected with it, under the revision of the Court of Session. But this, after consulting counsel, and receiving from them good, sound, legal advice, as Dr Duncan senior declared at our meeting 4th November 1806, my brethren have not given me an opportunity of doing. They have *not* carried into effect their purpose; though none of them, as far as I yet know, have disavowed it, or renounced it, or acknowledged it to be wrong; and though two of them, Dr Duncan junior, by his protest, and Dr Duncan senior, by his circular letter, some months after, have avowed, and proved, that they still persisted in that purpose.

The inferences from all these unquestionable facts were obvious and irresistible.

In these circumstances, I was informed of the new and most formal Admonition of the Royal College on the subject of secrecy; an Admonition expressed in the most general and strongest terms; certainly not acknowledging that just, reasonable, and necessary exception which I had asserted, and seemingly, according to the plain, common meaning of the words employed in it, admitting no exception at all; of course irresistibly implying, that the Royal College wished to impose on all its members the absurd, illegal, and dishonourable obligation of keeping secret, that is, of conniving at, and acquiescing in, things morally wrong and dishonourable deliberately said and done in this College; or things, in the quaint language of our old promissory engagement, that may tend to the prejudice or defamation of this College, or of any member thereof. That clause of our promissory engagement abundantly testifies, that our predecessors acknowledged, and we, by our signing of it, have

explicitly admitted, that things of such dishonourable nature and tendency might be said or done in this College. But I cannot believe that our predecessors, in making that law, had in view such things when done deliberately, or meant to impose on themselves and their successors the obligation of connivance and acquiescence in such things; nor can I believe that any fellow of this College, in signing that engagement, took upon himself such an obligation, which none of us can or dare avow; which we cannot without contumely to our predecessors impute to them, nor without infamy acknowledge in ourselves; which cannot be enforced, which cannot even be pleaded in a court of justice; and which, taken literally, and in its full extent, would amount to a formal renunciation of all regard to the established principles of honourable and moral conduct, and to all laws divine and human, in conducting the business of this College; nay, that we even renounced all regard to our own bye laws, and acknowledged no principle of action, or of restraint, but the sovereign will and pleasure of the majority of our brethren for the time being.

It was *possible*, however, that the very improper general expression, which plainly conveyed that most unworthy and disgraceful meaning, might have been employed *inadvertently*, and that my brethren might never have entertained such a thought, or have wished to impose such an obligation.

If so, all doubts and ambiguities might be easily removed, and the point might be finally settled in a moment. Nothing more could be wanted for that purpose, but merely to point out the too general import of the words employed in the Admonition, and to ask of those who gave it, whether they meant so much as they had expressed; and whether they admitted the exception, which they all knew I had asserted in the most public and strongest manner. In this case, the Royal College, which had adopted the Admonition,

and especially the immediate authors of it, could not fail to perceive the necessity of disavowing that general meaning which their words conveyed; of declaring that they never had such an intention; and of admitting explicitly that important exception from the obligation of secrecy, for which exception I had contended.

But for many concurrent reasons, fully stated in my other Protest, which therefore it is unnecessary here to repeat, I was convinced, that the very general and improper expression in the Admonition had *not* been employed *inadvertently*, but by *design;* and that my brethren intended and endeavoured, by implication and craft, to convey a meaning, and impose an obligation on those who disapproved of their principles, and thwarted their proceedings, which meaning and obligation they durst not explicitly avow.

If so, I was confident that they would *not*, when required to explain their own Admonition, disavow that too general meaning, to which I objected; and that they would *not* admit the important exception to it, for which I contended. I was confident also, that, as they *could not avow*, and *would not disavow*, the meaning conveyed by their own deliberate words, they would endeavour to evade my question; but what kind of evasion they would attempt, I own I could not conceive. I was confident also, that they would be very angry with me, and that they would express, and endeavour to gratify, their wrath, by any kind of censure, or other expedient, that did not, by touching my civil rights, give me an opportunity of bringing them and their proceedings under the review of the Court of Session.

But not choosing, on so important a point, to trust entirely to any speculations or reasonings *a priori*, *I fairly* tried the experiment with my brethren, in the most public manner, at their meeting, 4th November, 1806; on which occasion I took them by *surprise*, else my experiment would not have been a fair one.

The result of the experiment they all know. Every thing which I foresaw (on the supposition that my brethren meant to convey, by implication, that meaning to which I objected) has been fully verified: and some very curious things, which I believe it was not intended that I should know, have been brought to light.

My brethren have *not* given an explicit categorical answer to any of my queries; they have *not* avowed, that they intended the Admonition about secrecy to extend to things morally wrong and dishonourable done deliberately; they have *not* disavowed this meaning; they have *not* admitted the exception for which I contended; they have evaded my questions; they have again, even in their explanation of their own Admonition, employed such general expressions, as still convey, by implication, the same meaning, which I still object to as morally wrong, and which it was incumbent on them, when called upon, either to avow or disavow explicitly; they have been, and are likely to continue, very angry with me; and they have passed a vote of censure on me. All this I expected, and was prepared for; but I own I did not expect to have had the honour of being censured for such things as they have imputed to me; but which I never did, nor said, nor thought.

Of this injustice to me, one of the most extraordinary specimens is in the beginning of the 8th paragraph of their Answer to my Queries, in which they say, after alluding, in a manner highly expressive of their self-approbation, to their own uniformly honourable conduct, "that this appears to them so plain, that they cannot imagine the first part of Dr G's queries to be proposed with *any other design* than as a mode of introducing the latter parts, which have no connection with the meaning and import of the Admonition."

This is indeed a most wonderful assertion. It would have been abundantly wonderful, and a complete proof of want of attention,

want of understanding, want of candour, or excessive violence of passion, if it had been hazarded, inadvertently, at the very moment when I had read my queries; but it is much more wonderful, and almost incomprehensible, when considered as the result and fruit of the united understanding and candour of many of my brethren, employed on a very interesting subject for three weeks.

As there could be no want of attention, and no want of understanding on their part, the wrong which they have done, as well as the strange error in point of reasoning into which they have fallen, must be attributed either to want of candour, or to extraordinary violence of passion, which made them deaf, blind, and insensible, to every other consideration.

They have asserted "*that they cannot imagine the first part of my queries to have been proposed with any other design than as a mode of introducing the latter parts,*" of the purpose of which also they have given a most uncandid, unfavourable, unjust representation.

The very extraordinary demerit of the clause of their answer, at present under consideration, consists in this, that they have asserted what they chose to make the ground and ostensible reason of their vote of censure on me, not only without any evidence, but in direct opposition to the clearest and most decisive evidence, that can be desired, or conceived.

Something very nearly the direct contrary of what they have so positively and deliberately asserted is the truth. This I say with confidence, not wishing to avail myself of the certain knowledge I have of my own thoughts and design when I wrote, and when I read those queries; of which thoughts and design my brethren could have no knowledge at all; but wishing my thoughts and purpose to be fairly judged of, according to the strict logical and grammatical meaning of the expressions which I have employed in my queries, and

from the very peculiar circumstances, well known to all my brethren, which gave occasion to them.

I solemnly declare, that the first part of my queries was proposed, not with the absurd design imputed to me by my brethren, but, *bona fide*, with the design of obtaining from them a precise and clear explanation of their own Admonition, as I told them repeatedly by word of mouth, and of the relation which it bore to my own past and future conduct; alluding to my Censorian Letter, and my Review of the proceedings of the Royal College, on a certain subject, for about 50 years. I knew they could not, and durst not, avow that *most general* and *unfavourable* meaning to which I objected as being morally wrong and dishonourable in itself, as well as an implied and very unjust censure on my conduct. As the words of their Admonition conveyed that meaning, I thought I had a right, and I certainly wished, and endeavoured by those queries, to make them either *avow* it *explicitly*, or else *disavow* it, and admit the important exception with respect to some things done deliberately. I had no right or wish to force them to avow a bad meaning; and though I certainly had the wish, I had not the right, nor the power to extort from them an explicit disavowal of it, and an acknowledgment of that exception for which I contended, and on the faith of which, as they all knew, I had acted on a very public and important occasion. But I thought I had a right to demand, and that in candour, probity, and good faith, it was their duty to give, explicitly, and categorically, *either* an *avowal* or a *disavowal* of the *bad meaning* conveyed by their own deliberate words.

All my queries were *intended* and *arranged* with this design.

The first twelve of them are such as, to the best of my judgment, cannot, without either absurdity or infamy, be answered any way but one. If only a few of them had been answered, as they should have been, explicitly, rationally, and candidly, others, even of the

first twelve, could not rationally have been put. For example, if the Royal College had declared, in answer to my eighth query, that the obligation of secrecy extended only to things indecorous, done inadvertently from the various infirmities of human nature, my ninth and tenth queries (about things dishonourable, either as morally wrong, or as extravagantly foolish) would have been precluded.

If they had answered, properly, all my first twelve queries, none of the subsequent five would, or could, rationally, have been proposed.

If they had answered, properly, my thirteenth query, by declaring, that they neither knew, nor suspected, on the part of any of us, any intention of proposing or doing any thing dishonourable, either as being very foolish, or as being morally wrong, the four subsequent queries, at which my brethren have taken the greatest offence, certainly would not, and could not, have been proposed. This is amply testified, even in the expression of the fourteenth, to which alone the subsequent three bear reference. The fourteenth query is purely *hypothetical.* It begins with the word *if;*—" if *they do know of any such dishonourable intention, on the part of any of us,* what is it? Who are the individuals who have formed such an intention?" and so forth. No man in his senses could have proposed such questions to men who had just before declared, that they knew of no such intention.

My brethren must now be convinced, that the first part of my queries, far from being designed as a mode of introducing the latter parts of them, was intended to *preclude* them, by procuring, or, if they shall choose to call it so, by extorting from them a disavowal of that meaning conveyed by their Admonition, which I hold to be illegal and morally wrong, as well as by implication injurious to me.

I came to the meeting of the Royal College 4th November last, prepared with all those queries, and with some others which they have not yet seen, and very probably may never see, being fully aware of the great difficulty which I should meet with in prevailing on my brethren to answer explicitly my chief queries, and even to disavow that meaning, which I knew they could not openly avow. But I endeavoured to the last, as I had intended from the first, to propose my queries, and to procure explicit answers to them, one by one, till I should be fully satisfied as to the main object of my enquiry. Then, of course, I should have stopped, and suppressed the rest of my queries, as at least unnecessary, perhaps improper, perhaps absurd.

As the first twelve were intended, on the principle already mentioned, to preclude, by rendering unnecessary, the last five of my queries, so these last five, far from being intended for the absurd purpose (unjustly imputed to me by my brethren,) of censuring the fifth clause of our promissory engagement, were *bonâ fide* intended to shew my brethren the *necessity* of answering *explicitly* and *properly* the preceding twelve.

For example; my thirteenth query, "Do our office-bearers know of any intention, on the part of any of our members, to propose or do any thing dishonourable in this College," &c. would have been very properly addressed to men, who should either have avowed, or refused to disavow, explicitly, that the Admonition about secrecy extended to things morally wrong done deliberately. Unless they knew of some such intentions, their admonition, in that sense, was useless, as well as absurd and dishonourable.

If they did know of such bad intentions, my fifteenth, sixteenth, and seventeenth queries, as to what they were, who were the authors of them, whether our office-bearers had done all in their power to dis-

suade them from such bad intentions, or whether they had contented themselves with endeavouring to bespeak our secrecy, and enforce our connivance, with respect to things notoriously dishonourable, were surely very rational and proper, and must have tended powerfully to convince the authors of the Admonition, that it was both foolish and dishonourable, unless they disavowed that most general, but most obvious and unfavourable, meaning of their own words.

With this view, and on this account only, I complied with the earnest request of my brethren to read to them all those queries, which they have seen, and afterwards to give the Royal College a copy of them in writing, to be considered deliberately, and answered all together. My brethren could not fail to perceive, that it was my intention, as it was my undoubted right, and completely in my power, to have proposed my queries one by one, postponing any subsequent query, till I should have received an answer to the preceding; and, suppressing such of them as their explicit and candid answers to the preceding should have rendered improper or unnecessary.

They cannot pretend, that there was any thing improper on my part, or disrespectful to the Royal College, in the first seven or eight of my queries; nor can they rationally and candidly say, that there was any difficulty in giving explicit and satisfactory answers to all of them, without even a moment's hesitation or delay. Yet they surely must remember what a sad demur there was about answering my first and most innocent query;—" Does the Admonition about secrecy extend and apply to all things, without exception, done by this Royal College, or said or done by any member of it individually in any meeting of this College, or of its Council?" which query, I am sure, could offend nobody. There was a very curious and edifying conversation, amounting almost to a spirited little debate, about *it*, and about the proper answer to be given to it. Dr Stewart, now our honoured president, who avowed himself the author of the Ad-

monition, and who therefore must have had at least a shrewd guess of its true meaning, at first hesitated, but at last declared, that he meant it to extend to all things without exception. In this interpretation of it, however, as far as I could judge from what they said, *none* of his brethren concurred with him. On these doubts and difficulties, I took the liberty to offer a few dry remarks, which, of course, were disregarded by my brethren. The result was, as they all know, that they could not agree about whether their obligation of secrecy extended to *all things*, or only to *some things*, said or done in this College; that this knotty point of medical jurisprudence was gravely reserved for the most deliberate consideration; and that I was desired to read the rest of my queries, that they might all be considered together. I could do no less than comply with that desire of my brethren; and we have now seen what a noble use they have made of my dutiful obedience. Instead of answering my queries, in the order in which I proposed them, in such an explicit and candid manner as must have precluded and rendered impossible those few queries, at which they profess to have taken offence, they have evaded my preceding and most important queries, and have selected, as the subject of a vote of censure, those very queries, which were read to them at their own particular and urgent request, which they *must* have seen were to have been proposed *only* on the supposition, that the preceding queries were not answered in an explicit and candid manner, which it depended entirely on themselves to do, or to refuse.

It was therefore *their own choice*, and their own *fault*, not *mine*, that ever those queries were known to them; and they ought not to blame me for the consequences of their own conduct.

In proof and illustration of what I have thus stated, I must remind the Royal College of some things which passed at their meetings, on the 4th and 26th of November, 1806.

None of my brethren knew one iota of my queries till I began to read them. Yet two of our number, Dr Yule and Dr Brown, caught at once the chain of strict reasoning which pervaded and united them all; they perceived, and pointed out, distinctly, that the latter queries were but hypothetical, or conditional; and that it was unjust, as well as unreasonable, to consider them independently of the preceding queries, and the answers that should be given to these: they gave their votes accordingly; and lastly they protested against the answer given by the Royal College to my queries, and against their vote of censure.

Another of our members, Dr Wright, had also perceived the necessity of giving explicit answers to my queries, in their proper order; had actually taken the trouble to write a series of such answers to them, which he read to the Council, of which he is a member; but, to his surprise, (not in the least to mine,) though his answers were generally approved of, they were not adopted.

My brethren, I hope, will recollect, that, on the 26th of November, I made them a very extraordinary offer; which they could not have expected from me, after what had passed in our meeting three weeks before, when I was told by Dr Duncan senior, that my publication (meaning my Censorian Letter,) was *a scandalous libel;* that *the College had already decided that point; and that the College had shewn too great lenity to notorious offenders,* &c. It having been suggested to me that I ought to withdraw my queries, I told my brethren that I would *not* withdraw my queries, as acknowledging that there was any thing wrong in them; but that, if the College chose to consider the whole business as a *Res integra,* and would engage to answer my queries explicitly, one by one, I should withdraw them, and propose them anew in their proper order, and stop short as soon as a satisfactory explanation should be given, of that part of the law and admonition about secrecy, which I wished to

have explained. But this very candid and liberal offer my brethren disregarded; as I expected they would do; for I knew that they had taken their resolution. If they had accepted my offer, I should have gained a great deal; perhaps all that I wanted: by their refusing of it, I ascertained, that after knowing *all my queries*, and having had full time and opportunity to understand the drift of them, and the relation of them to one another, and to the *Admonition*, my brethren were obstinately resolved not to disavow the meaning which their words conveyed, and which I knew they could not avow; that they were resolved to evade my most important queries; and, right or wrong, to select a few of the hypothetical queries as the subject of a vote of censure.

I must now remind my brethren, if they have forgotten it, or more probably suggest to them, if they never before thought of it, that as it is the *right* of every member of this College to demand, and to obtain an explanation of any part of their laws or proceedings, which he thinks obscure, ambiguous, or morally wrong, so it is the *duty* of the College to give that explanation in the most complete, explicit, and candid manner, so as to remove, if not the supposed wrong, at least all obscurity and ambiguity. The terms and notions of Right and Duty, in this case, are correlative, like those of debtor and creditor: the one cannot subsist without the other. My brethren may judge for themselves, whether they have discharged their *duty* as explicitly and candidly in answering, as I exercised my *right* in proposing my queries; or whether my chief queries still remain unanswered, and perfectly applicable to the explanation or *opinion* which they have given concerning the Admonition, as they were to the Admonition itself.

If so, the wrong is done by them, not by me: and I need hardly remind them of an old maxim, *Omnia dat qui justa negat.*

For all these reasons, in my own name, and in the name of all

who shall adhere to me, I solemnly protest against the vote of censure on me passed by the Royal College, on the 26th of November last, as unjust with respect to me, and dishonourable on the part of the College: but I beg it may be observed, that I do not require, what in strict justice I am entitled to require, that it should be erased from the minutes of our College. On the contrary, I wish and require it to remain on our record, that our successors, on comparing it with the whole of the proceedings, and especially with my queries, which gave occasion to it, and also with this explicit Protest against it, may fairly judge for themselves; and take example by those who have done right, and warning by those who have done wrong.

JAMES GREGORY.

LETTERS

TO

DR CHARLES STEWART,

PRESIDENT OF THE ROYAL COLLEGE OF PHYSICIANS IN EDINBURGH,

AND

NOTE TO DR SPENS AND DR HOPE.

LETTER

TO

DR CHARLES STEWART.

St Andrew's Square, Monday Morning, 2d Nov. 1807.

SIR,

FROM what passed at the quarterly meeting of the Royal College of Physicians in August last, I understand that it is the wish and intention of many of my brethren to refuse to allow my Reasons of Dissent and Protest against their Admonition, with respect to the obligation and duty of secrecy (adopted, in my absence, by the College at their quarterly meeting in August 1806,) to be recorded in their minutes, if they shall think them disrespectful to the Royal College. Nor should I be in the least surprised, if, for the same reason, or under the same, or some similar pretence, my brethren should even refuse to allow me to read my reasons of Protest; for I heard something of an advice, from their counsel learned in the law, about taking down my words, if they appeared improper or disrespectful.

(I do not remember precisely the expression that was used, but I cannot be mistaken as to the general import of it.)

That precaution of taking down, which, I presume, means taking down *in writing*, my words, appears to me abundantly superfluous and unnecessary, with respect to words of mine already written down in a formal paper, which I was to give in to the College, demanding, as a right, that it might be recorded in their minute-book. But, though the precaution itself was superfluous, the mentioning it was not the less characteristic of the disposition and intentions of some of my brethren.

They have now had full time, almost three months, to consider the subject maturely, and to take their final resolution, either on the strength of their own unassisted judgment, or with the aid of their learned counsel. They must at least have settled, in their own minds, what they conceive to be the nature of a Protest, and what the right of a Protester, with respect to stating publicly, and recording permanently, his reasons for dissenting from the majority of his brethren.

On these points, as on several others of much more importance, I think it but too probable that I and my brethren shall not perfectly agree. But it is at least possible, and, as I should think, very desireable, that we should fully understand one another, were it only to prevent an unavailing debate, perhaps a disagreeable and disgraceful altercation, at the next meeting of our College, when I propose to read and give in, in writing, my reasons of Protest against their Admonition with respect to secrecy, (of August 1806); against the interpretation of it given by the College 26th November of the same year; and against all proceedings in consequence of that Admonition, and that interpretation of it. But farther, I conceive that to understand one another perfectly on those points, is the first step, and a very essential one, to agreeing about them; forasmuch as it is im-

possible that we should agree about them, unless we fully understand one another.

I shall therefore state to you, explicitly, what I conceive to be the nature of a Protest, and the right of a Protester, with respect to the stating and recording of his reasons of dissent and protest.

I shall also state to you, briefly, the nature, and tendency, and purpose, of the reasons of protest, which I mean to give in to the College; all which things I wish you to communicate to the Council; or, if you shall think this necessary, to the whole College.

My brethren, I trust, will not think it unreasonable on my part, to ask of them to say, as explicitly, whether they admit the nature of a protest to be what I conceive it; and whether they acknowledge my right to read to them, and to record in their minutes, such reasons of dissent, as I have to offer.

If they shall not admit and acknowledge these preliminaries, I shall not enter into any debate with them on the subject; but shall protest against their proceeding; and shall afterwards take such steps, as, by and with the advice of counsel learned in the law, I shall think most expedient: For, I am convinced, my brethren will all believe, without any assurance from me, that their refusal to hear, or to record my reasons of dissent, will not make me withdraw my protest, or desist from asserting it, or suppress, or keep secret my reasons of dissent.

By a Protest, I understand a deliberate, solemn, public, permanent, declaration of dissent, on the part of one or more individuals, from the resolutions or proceedings of the majority of any society of which they are members.

The right of protesting, in this sense, is acknowledged in many societies; and very remarkably in this Royal College; in which it has often been exercised with great freedom.

I understand the right of protesting to be founded on this strong and obvious consideration, that many individuals might suffer grievously, in fame, and fortune, perhaps in conscience too, if they appeared to concur, or even to acquiesce, in such proceedings of the majority, as those individuals thought either *intellectually* or *morally* wrong.

Under the head of things *intellectually* but *not morally* wrong, I comprehend, not only such things as all men of competent judgement and knowledge must regard as extravagantly foolish, and perhaps even ridiculous; but also such things as to any man of reputed good sense, and competent knowledge of the matter in debate, may appear injudicious, or very inexpedient, and likely, in their consequences, to be prejudicial either to the society collectively, or to some of the members individually of that society, the majority of which had resolved to do such things.

Under the head of things *morally wrong*, I comprehend, not only things *atrocious* or *criminal*, such as might legally be *prevented*, or *punished*, and every kind of *injury* done either to individuals, or to other societies, which *injuries* the wrong-doers might be obliged to repair; but also every thing that men of competent judgment, and liberal education and manners, consider as *illiberal* and *dishonourable*, even though they may be such things as *no positive laws* can either *prevent* or *punish*.

A protest, or reasons of dissent, *not founded* on *one* or other of those strong considerations, of what is either *intellectually* or *morally wrong*, *must necessarily* be *frivolous* and *irrational;* and, if recorded, would remain a lasting monument of egregious folly in the protester.

But a protest, and reasons of dissent, *substantially founded* on *one* or *other* of those *strong considerations*, *must necessarily* be very disrespectful to that society, or to the majority of it, against whose pro-

ceedings the protest is directed. But it must be peculiarly disrespectful to them, if it is founded on the consideration that their proceedings were morally wrong; for not only this is much more opprobrious than any, the greatest, error of judgment, which they could commit, but, moreover, it implies a very great error or defect of judgment; forasmuch as all things morally wrong must, ultimately, and, in most cases, very speedily, prove ruinous and disgraceful to those who do them.

But as all protests, and all reasons of dissent, must either be frivolous in themselves, and disgraceful to the protesters, or else very disrespectful to those against whom they are directed, if reasons of dissent are to be refused, not allowed to be recorded, nay, not even to be read, because they are thought disrespectful, as being founded on the consideration, that the proceedings that gave occasion to them were either intellectually or morally wrong, it follows necessarily, that none will be allowed to be recorded, or even to be fairly read and fully heard, but such as those against whom they are directed think frivolous in themselves, and disgraceful to the authors of them; or, in other words, that members of such a society as ours are allowed to protest for frivolous and bad reasons, or for no reasons at all; but not for good and valid reasons. Which to me appears absurd.

In the very notion of the right of protesting, there is implied, as I conceive, the right, not only of reading, but of recording the reasons of protest: forasmuch as a protest, without any reasons assigned, or without those reasons which the protesters thought most valid, must be nugatory at least, if not absurd; and could appear on the record only as a monument of their obstinacy, caprice, and folly.

I think it ought also to be considered, that though, from knowing the subject and occasion of a protest, and the arguments that were

urged against the proceedings which gave occasion to the protest, or perhaps from positive information, the majority of a society may guess, or even know with certainty, that there are some things in the protest very disrespectful to them, yet they cannot know the general tenour, and whole force of it, nor, consequently, judge of the validity of the reasons contained in it, till after they shall have heard it all.

To this I beg leave to call your attention particularly; for it is at least the universal practice, and seems almost inevitable, in drawing up reasons of protest, to express them in very strong language: much stronger than is usually employed on any other occasion.

The most remarkable protest that I have ever had occasion to hear read, was one of the Reverend Ministers of Edinburgh against the proceedings of the Magistrates of Edinburgh in electing, and of the Professors in the University of Edinburgh in admitting, a certain person Professor of Mathematics. The protest was founded on the consideration of what those reverend ministers of the religion of peace thought morally wrong in those proceedings. I dare not venture to quote from memory any particular or striking passages of it; but I may safely say, in general, that I could scarce have contrived to express myself in stronger terms, if I had been to write a protest, firmly believing that not only the new professor, but a great majority of the old, and all the magistrates of Edinburgh, without exception, were engaged in a plot to overturn the Christian religion. But, to the best of my remembrance, no objection was made to that very strong protest, because it was disrespectful to us all; and I remember to have been told by some of my brethren, better acquainted with those matters than I was, that the strong expressions, which astonished me, were very common, and almost words of course in protests.

Every difference in opinion is necessarily disrespectful to those from whom we differ. It is still more disrespectful to them, to ex-

press, in plain terms, such a difference; more especially when the difference is serious, and deliberate, and permanent, or irreconcileable; and worst of all, most disrespectful and offensive, when it relates to some important and interesting subject; as for example, religion, morals, or politics. Accordingly, in the polite intercourse of elegant society, or what is called the best company, all such expressions of difference of opinion are avoided as carefully as possible, and are very seldom heard of.

But in the conduct of any important business, still more in the discharge of a public duty or trust, those refined considerations of delicacy and politeness, and that acquiescence, real or apparent, in the sentiments of others, are as much out of the question, as in a debate in a popular assembly. They ought to give way, and must give way, to the supreme considerations of truth and virtue. These, and a becoming deference to what men of sense and probity, not interested in the subject of dispute, may think rational and valid in point of argument, are the only limits, that I can conceive, to the right either of free debate, or of protesting, and recording the reasons of protest, against the proceedings of a majority.

These principles of conduct I conceive to be undeniable, with respect to a debate, or a protest, on any important proceeding of this Royal College; but they are applicable with tenfold force to any new law, or regulation, or admonition, intended to have the force of a law, enacted by the majority, but appearing to one or more individuals of us not only inexpedient, but morally wrong and dishonourable; and of such a nature and tendency, that to obey it implicitly would, in many supposable cases, be disgraceful, and, in some, absolutely criminal. The privilege of opposing, in debate, such a proceeding, and afterwards of protesting against it, which in ordinary cases is only a *right*, becomes, in this case, a high and indispensible *duty;* which duty, to myself, to my brethren, to

our successors, to this Royal College, to our profession, and to the public at large, I wish to discharge; and I will discharge, to the utmost of my power.

You, Sir, and, I believe, all my brethren, know already, that I mean to state my reasons for protesting against the late Admonition or Regulation with respect to secrecy, as not merely unnecessary and inexpedient, but morally wrong and dishonourable; forasmuch as it seems intended to impose on us all individually the obligation of secrecy, acquiescence, and connivance, with respect to all things, even the most deliberately proposed or done in this College, although some of us should think them not only inexpedient, or perhaps extravagantly foolish, but morally wrong and disgraceful, as being illiberal or perhaps criminal.

It is certain at least, that the Admonition admits no such exception, nor any exception whatever, from the supposed duty of secrecy; although every attending member of this College knew perfectly, that, a year and a half before, I had asserted, in the most public manner, and in the strongest terms, the self-evident necessity of such an exception; and that I had acted accordingly on a very interesting occasion; inviting my brethren, if they thought I did wrong, to seek redress, and try the question, in a court of justice; which they did not choose to do; and assuring them also, that, if they persisted in those measures, which, for reasons explicitly stated, I regarded as morally wrong and dishonourable, I should immediately bring their proceedings and themselves under the revision of the Court of Session; which, however, they did not give me an opportunity of doing.

It is certain also, that the Admonition about secrecy is expressed in terms very different from our old law with respect to secrecy; which law I hold myself in duty bound, as an honest man and a

good Christian, to obey strictly, in that plain, rational, honest sense, in which alone I can understand it, or suppose it to have been meant by our predecessors, who enacted it, or understood by ourselves and our predecessors in the course of fifty years, when we subscribed it, and promised to obey it.

And further, it is certain that my brethren, when publicly, deliberately, and solemnly called upon to disavow that meaning of their own Admonition, would not disavow it; and that I protested against the Admonition, in consequence of their refusal to disavow that meaning and extent of it, which I thought morally wrong.

And lastly, it is certain that I had many concurrent and very strong reasons (some of them of date many months prior to the Admonition or the occasion of it) for believing that it was the wish, and intention, of some, though not all, of my brethren, to impose on us all, and on me in particular, an unlimited obligation of secrecy, not admitting those reasonable or necessary exceptions, for which I had contended most expressly, and strongly, and openly. Of the validity of my reasons for that belief, my brethren, if they please, shall soon have an opportunity of judging; for an ample specimen of them is stated in my Reasons of Protest against their Admonition.

I cannot conceive that I do my brethren any injustice, when I suppose them to have intended that meaning which, though not expressly asserted, their words convey by irresistible implication; which, when most strongly and solemnly required to disclaim, they would not disclaim; and which I previously had very strong reasons for believing to be the wish and intention of several of those, who concurred in making that Regulation, or giving that Admonition.

I cannot conceive that I do my brethren any injustice, in thinking there is something very wrong, morally as well as intellectually, in the attempt to impose such an obligation, and even in supposing

that they think so too; when they will not, though strongly called upon, explicitly avow that such is their meaning.

Proceeding on such plain and strong grounds, I thought there was little probability of my going far wrong in stating my Reasons of Dissent and Protest against the Admonition with respect to secrecy. But, to preclude even the possibility of any such error on my part, I have taken the precaution to submit them to the revision of some persons of reputed good sense and probity; and especially eminent counsel learned in the law. The result of this revision has been much more favourable to me than I expected. There was in my Reasons of Dissent, which are pretty long, only one short clause of one sentence, to which any objection has been made.

That clause, which was of little or no consequence to my argument, was instantly expunged, so that my brethren may be assured, that my reasons of protest, long as they may be thought, contain not one word that has not been duly considered by my counsel, nor one word that I am not ready and willing to answer for in the Court of Session; or, if they like it better, first in their own court, and afterwards, if their decision shall be unfavourable to me, in the Court of Session.

It is but fair, on my part, to warn them, that nothing less than the authority of that high Court shall ever convince me, that it is lawful to make, or possible to enforce, such a regulation as their Admonition of secrecy, implying that meaning and unlimited extent, against which I have solemnly protested, and which my brethren have not chosen to disavow. And even the authority of that high Court would not convince me, that, if it were lawful to make, and possible to enforce, such a regulation, it would be honourable and right, or even expedient, to do so, either explicitly, or by implication.

My reasons of protest are very long; but my brethren need not be much alarmed at that peculiarity in them; for I have the greatest hopes, not to say a strong conviction, that there will be no occasion to read any considerable part of them. The purpose of them is not merely to declare, that I disapproved of the Admonition, and would not acquiesce in it, or obey it in that unlimited sense and application, to which I object, and that I would take measures, the very first opportunity, to bring the question to trial in the Court of Session; for all this is sufficiently implied in the very act of protesting against it; nor yet to tell my brethren what reasons I have for such protesting, and to get these reasons recorded in their minutes, there to remain, and be forgotten or despised; but to induce the Royal College to reconsider and rescind that sudden, and, as I think, most improper regulation; and, if they shall think any further law, or regulation, or admonition, necessary, in addition to that which makes a part of our promissory engagement, to enact such a law deliberately and explicitly, in such terms as shall leave nothing to be gathered by implication or arbitrary construction, and of such just and rational import, as to contain nothing repugnant to the generally received notions of moral duty, and nothing but what might be openly avowed, and, in case of need, might be pleaded and enforced in a court of justice.

It will no doubt appear to you, and to most of my brethren, great vanity and arrogance in me to suppose it possible, that any considerations, which I can suggest, should have such weight with them as to make them rescind that favourite regulation, which they seem to have thought necessary; and either leave the matter as it stood before, according to the true *bona fide* meaning of our promissory engagement, or else make a new law, or regulation, on the subject of secrecy, about which they seem to have been so anxiously interested. But, if they shall choose to hear me read my reasons of

protest, I believe, they will soon be convinced, that they imply no peculiar vanity or arrogance in me; and that my confident expectation of the influence, which my arguments will have with my brethren, is founded, not on any high conceit of my own talents for argumentation, but entirely on the firm persuasion which I have, of the uniformity of human reason.

The considerations, which I have to suggest to my brethren, are so plain and strong, that, if they had been stated in a debate on the proposed Admonition, I cannot suppose, that any of my brethren should have disregarded them, and persisted in their purpose of making such a regulation. I am sure, at least, they would not have expressed it in such terms, as those to which I object.

The objections to it, which I mean to state, appear to me so obvious, that I think it wonderful, that any member of our College should have overlooked them even for a minute. Indeed, I should have thought this impossible, if the actual conduct of my brethren had not reduced me to the dilemma of believing, that they either had *bona fide* overlooked them, or else, that, knowing, they had yet wilfully disregarded them. It is reasonable, and it is now full time, to ascertain which of these, the only two possible suppositions, is the true one.

None of you, I am sure, can dispute, that, if I had been present at the meeting of the College in August 1806, I should have been entitled to have stated my objections to the regulation or admonition about secrecy, recommended by the Council; to have made it the subject of the most deliberate discussion, as being a matter of great importance, in which the honour and interest of our College, and of ourselves individually, were deeply concerned; to have required, that the terms of it might be compared with those of our old promissory engagement, and that it might be explicitly declared, what was the intended difference between the wo, what more or less was meant

by the new, than by the old regulation; to have required, according to the tenour of our laws, that such an important regulation, intended evidently to have the force of a law, and perhaps to supersede an old and good law, should be read and considered at three successive meetings, before it should be adopted; to have required, that it should be made perfectly explicit, with respect to its extent, and the exceptions (if any) that were admitted from the obligation of it, and if none were admitted, or if those exceptions (from the obligations of secrecy and obedience to this College,) which I had publicly and solemnly asserted as rational and necessary, should not have been admitted by my colleagues, and if the regulation, *tantum et tale*, as proposed by the Council, had been adopted by the College, at the first reading of it, then to have protested against it *in toto*, as not only inexpedient, but illegal and morally wrong; and to have declared, that, far from obeying it, or thinking myself bound by it, I should take the very first opportunity of bringing it under the revision of the Court of Session.

I doubt much, whether the Admonition ever would have been proposed in the Council, if I had been a member of it, or even whether it would have been laid before the College, though recommended by the Council, if I had been present; and I am almost certain, that it would not have been adopted by the College, either so suddenly, or in that form which we have seen; and I doubt much, whether it would have been adopted at all.

If I had known that such a thing had been proposed by you in the Council, and approved by the Council, and that it was to be laid before the College, recommended by the Council as a regulation that ought to be adopted, I should certainly have attended in my place, and said and done all that I have here stated, or as much of it as I should have found necessary, in opposition to it. But you did not inform me of your purpose of making, nor afterwards of your

having made such a proposal, and of its being approved by the Council, and recommended to the College, and actually to be laid before the College at their next meeting. I had no intimation from any of my brethren, and it was impossible for me to have conceived any suspicion of their having such a purpose.

In my absence, it was proposed and adopted precipitately; as far as I have yet been able to learn, without debate or discussion.

It seems to me both inexpedient with respect to the College, and unreasonable and unjust with respect to ourselves individually, that a member of our society should be absolutely, and for ever, precluded from stating his objections to a new and important regulation, merely because he chanced to be absent from that one meeting at which it was first proposed and instantly adopted.—And it seems to me peculiarly unjust and unreasonable, that any individual of us should be thus precluded from stating his objections against a proceeding, which, either directly and expressly, or by implication and innuendo, relates, in an unfavourable manner, to him personally.

From the peculiar nature of our profession, as well as from the common infirmities of human nature, all of us must sometimes be absent from the meetings of this College, without any fault, or any negligence of our own. For aught that you or my brethren could know, I might have been prevented from attending your meeting, in August 1806, by sickness, by absence from Edinburgh, or by some sudden and urgent call of professional duty.

But I scorn to avail myself of any pretence, or concealment, in such a case. I was in Edinburgh that day, in very good health, and not engaged in any such professional business, but what I could have done, as easily, and as well, an hour or two before or after, as just at the time of, the quarterly meeting of the College.

I absented myself from that meeting purposely, and went about my ordinary business at the time of it, because I confidently expect-

ed, that some very strong measure, with respect to me, was to be proposed in the College; and I thought it more delicate towards my brethren, to leave them at full liberty to express, without reserve, their sentiments, and take their resolution, with respect to me, than to lay them under any restraint, by being present at their meeting; and also more prudent with respect to myself, to avoid, than to engage in, an unavailing debate, or perhaps an angry and disgraceful altercation. On that occasion I acted exactly in the same manner, and from the same liberal and honourable motives, that I had acted from, on a similar occasion, at the quarterly meeting of the College in February 1805.

My reasons for expecting, or believing, that something very strong against me was to be attempted at that meeting, were, that several months before, (to the best of my remembrance in February or March —but of the exact time I cannot be certain,) I had heard a surmise, that some of my brethren had consulted, or intended to consult, counsel, to know how they might best proceed against me, for publishing my Censorian Letter. To this surmise, as I could learn no particulars of it, nor get it authenticated, nor trace it to any certain source of information, I paid little or no regard.

But some time after our quarterly meeting in May 1806, and several weeks before the quarterly meeting in August, I had the pleasure of hearing, that some of my brethren, whose names I did not learn, had actually consulted counsel on the best mode of proceeding against me, and even of expelling me from this College, for having divulged their secrets. This interesting information, which afterwards was confirmed to me from different quarters, I had through such a channel, and found verified by so many particular circumstances of intelligence, that it was impossible for me either to disbelieve, or to disregard it.

To that authentic information I alluded, with confidence, at our quarterly meeting in November last; saying, (when you expressed great concern that any proposal of yours should have given occasion to such an angry debate as was going on,) that you need not be uneasy on that score; for I could assure you, that some of my brethren had already been consulting lawyers, how to proceed against me.--This produced a short silence; and all eyes, that I could see, were directed to Dr Duncan senior; who, finding that even that greatest and most profound of all secrets had already transpired, very wisely and honestly made no attempt to deny it, but openly avowed, that he had consulted counsel on that point; adding, "that he had *received from them good advice;---good sound legal advice.*"

Though I did not attend the meeting of the College in August, my curiosity to know what passed at it, especially with respect to myself, was very great. Having, in nearly three days, received no official or public information, nor indeed any intelligence whatever, about what had passed in the College, I began, very quietly, to enquire about it, and in a moment learned, to my utter astonishment, what kind of Admonition, or regulation about secrecy, had been adopted in my absence; with this additional circumstance, that it was understood to allude to me; which, without any information, nay, in opposition to the most positive declarations, if any such had been offered, I must have believed. But I heard not a word of any opinion of counsel, or any proposal to expel me from the College, for having divulged its secrets.

In these circumstances, it was natural and reasonable for me to suspect, nay, it was impossible for me not to believe, that the learned counsel, for reasons which I could pretty easily guess, had dissuaded my angry brethren from the violent proceeding which they had intended, and which would instantly have brought them into the Court of Session, and had recommended to them other measures,

less violent, less public, more easy, and more likely to be ultimately successful.

As I clearly perceived the great difference between the old law, and the new regulation about secrecy, and the facility of applying the latter, and the absurdity, or impossibility, of applying the former, to such proceedings as I knew that some of my brethren had in contemplation, I shrewdly suspected that the Admonition, whether contrived by some of themselves, or suggested to them by their learned counsel, was intended for that very purpose, to which it seemed so admirably adapted, and which the old law about secrecy could never serve.

If you will consider, along with these things, the protest of Dr Duncan junior in August, and the circular printed letter of Dr Duncan senior, on the same subject in December 1805, you will understand perfectly what I had in view, and will have a complete key to my queries, given in to the College in November 1806, especially to the latter half of them, at which my brethren chose to take such grievous offence, and which they chose to make the subject of a vote of censure on me, instead of answering them explicitly, as I wished, and urged them to do.

From this detail of the nature, and tendency, and purpose of my Reasons of Dissent, you will easily perceive that it involves some plain considerations of reason, or rather of common sense; about which, I can hardly conceive that my brethren and I should differ even for a quarter of an hour. They are at least totally different from, and independant of, those principles of moral conduct, about which we differ totally, and, I much fear, irreconcileably. This strange difference of opinion with respect to the principles of moral conduct, I discovered only about a year ago, and that, as you know, by mere accident; for, though it had been strongly expressed by my

brethren, in an unanimous resolution, in my absence, at their meeting in February 1805, and had even been recorded in our minute-book, nay, had been printed, and distributed very freely, for a year and a half, it somehow happened that I had not the least intimation of it till our meeting in November last. From this I infer, that neither the Royal College at large, nor any individual member of it, not even yourself, who, if I am rightly informed, first proposed that declaration of your moral sentiments, wished me to know it, or to make it a subject of discussion; for if you had wished this, you would certainly have informed me of it without delay.

The first intimation that I had of it was by Dr Duncan senior, declaring vehemently, after hearing me read my queries, that the College must assert its own dignity,—that it had shewn too great lenity to great offenders (or offences); that my printed paper was a scandalous libel, and that the College had already decided that point. This he repeated; and, on my telling him repeatedly, that I did not understand him, or know to what he alluded, he turned up the minute-book, and shewed me the record of the proceedings of the College in February 1805. As that discovery of it was evidently accidental, and as the proceeding of the Royal College was most deliberate, I judge that it was not intended by my brethren that I should ever know of our great difference about morals; which, I must own, was the most likely way to prevent any disputing about them. I judge, also, that their deliberate proceeding, on that occasion, was strictly consonant with their principles of moral conduct: But I must take the liberty to say, that it is altogether repugnant to mine; which, as my brethren well knew, were explicitly stated in my Censorian Letter.

As their sentiments of moral right and wrong were so different from mine, that they all thought those proceedings most honourable, which I thought just the contrary, they must have thought mine

completely erroneous, and probably dangerous, or pernicious in their consequences. They could not surely distrust my sincerity, in the sentiments which I professed, and the assertions, with respect to many plain matters of fact, which I had stated. But, if they had thought so unfavourably and unjustly of me, they ought to have proceeded against me as a criminal: and, no doubt they would have done so, for their own sakes individually, as well as for the honour and interest of the Royal College.

If they believed me sincere in what I had professed, but miserably mistaken in my notions and principles of moral conduct, it would have been rational, and highly proper, on their part, nay, it would have been a humane and Christian duty, to have endeavoured to instruct me, and set me right, or at least to have admonished me of the nature and danger of my errors;—provided always, and supposing that they thought me not absolutely insane, but capable of being reasoned with.

But, if they thought me absolutely insane, incapable of instruction, and unfit to be reasoned with, and were themselves sincere in those sentiments, so different from mine, which they professed, then, certainly, they ought to have taken measures to get me confined, and treated as a lunatic.

If now, on hearing my reasons of protest, they shall differ from me with respect to the principles of reasoning and common sense, as much as, on reading my Censorian Letter, they did with respect to the principles of morals, they cannot hesitate what to do with me.

You know, sir, that more than three months ago, Dr Duncan senior distributed among us a printed paper, purporting to be a memorial and queries submitted by him to counsel, including a query about the expelling of me from this College, for having divulged

their secrets; and containing, in his own hand-writing, a very strong hint, or intimation, that probably he would make a motion to that purpose. He is heartily welcome to try the experiment, whenever he pleases.

It is possible, however, that Dr Duncan senior may not be to blame, but only *bona fide* mistaken, when he said it could not be doubted that I knew of that proceeding. As to the fact, I must repeat my solemn declaration and oath, before God, that I neither knew, nor suspected, any thing of it, nay, that I could not even have thought it possible, till the moment when Dr Duncan senior told me of it, and shewed me the record of it in our minute-book, last November, just one year and nine months after the resolution had been passed. But measures which I never heard of, yet well known to Dr D., may have been taken to inform me of it, even from the first; and these measures may have been frustrated by circumstances, of which I have no knowledge or suspicion. His words seem to imply some such meaning; and the fact ought to be ascertained for his vindication and credit. If the College, as a body, expressed any wish, or gave any order to inform me of it; if any individual member of our College expressed such a wish, or undertook to give me such intimation; if any individual of our College, or not of it, says he gave me such intimation, or says he ever heard me express any knowledge, or suspicion, of such a proceeding, before it was announced to me by Dr. D. in that strange manner, of which you were a witness, at our meeting in November last, I wish it to be declared explicitly, and publicly; for, in case of need, I have a very different tale to tell, and to establish, as far as a negative proposition can be established, by very competent evidence.

From some of Dr Duncan's expressions, such as "*the College has already decided that point,*" it should seem, that he, and his brethren, none of whom, as far as I can learn, have disavowed that sentiment,

conceived that the College, on that occasion, acted as a legal court, having jurisdiction (in the first instance) over its own members. But from the use made of their *virtual decision*, that my Censorian Letter was a scandalous libel, it should seem that the Royal College meant only to act as a witness at the bar of the public. For their decision, far from being made the ground of any further proceedings against me, was not even made known to me; but was printed and distributed, very freely, in this city, and in many very distant parts of the country; seemingly as an answer to my printed papers, and for the sole purpose of disproving, or at least of contradicting, what I had asserted in them.

Whether the College, in that proceeding, acted as a competent court, or only as a witness before another kind of court, I conceive that a certain respect is due to its decision, or to its testimony; which would not be due to the same proposition, if asserted by the same persons, collectively or individually, not acting in either of those capacities. I wish therefore, and I think I have a right, to know, whether the Royal College, in that proceeding, (February 1805,) acted as a competent court, having jurisdiction over its own members, or only as a witness at the bar of the public; or in what other character, or capacity, it acted on that important occasion.

If it acted as a court, I must anxiously ask, whether its *virtual decision* against me, without even naming me, without hearing me in my own defence, without citing me, without even informing me of what was intended, or doing, or done, be absolutely final? Whether my acquiescence in it be the condition of their lenity and forbearance, and the price that I must pay for being allowed to have the honour of continuing a fellow of this Royal College? Or whether I am still entitled to vindicate myself, if I can?

I must also enquire, whether my brethren, when they pronounced hat *virtual decision* against me, by declaring that those persons had

acted in the most honourable manner, whose conduct I thought very reprehensible, meant to say, that those proceedings were most honourable, which I thought just the contrary; or only that their proceedings had not, in point of fact, been what I had asserted? In terms of logic, I wish to know whether they mean to deny the *major* or the *minor* of that plain regular *syllogism*, into which *my proposition* may easily and fairly be resolved? They certainly are well entitled, in point of logic, and are heartily welcome for me, to deny both *my major* and *my minor;* or, if they shall admit them both, to deny *my conclusion.* But this last I am sure, that, for their own sake, they will not do: but then, unless they shall deny either my *major* or my *minor* proposition, or both of them, my conclusion, directly contradictory to their *virtual decision,* must follow of course.

If they shall deny my *major* proposition, expressing those principles of moral conduct which I have asserted as honourable and right, and the contrary of which I hold to be dishonourable and wrong, the appeal must be made to the common sense, and common honesty, of mankind.

If they shall deny my *minor* proposition, asserting many things well known to all my brethren, the appeal must be made to our own record, and to the report of a certain committee, from which I had taken, most faithfully, all those assertions, to which I here allude.

In either case, *Væ Victis.*

It is of the most interesting importance to me, that they should say, explicitly, what part of all that I have asserted they mean to deny; for their *virtual decision* is expressed so cautiously, and ambiguously, that it is impossible, from the words of it, after admitting the implication, and allusion to me, so strongly avowed by Dr Duncan senior, to know whether they meant to deny my *major* or my *minor* proposition, as already defined. But the difference, with re-

spect to me, is very great. If they meant to deny my *major* proposition, their *virtual decision*, against me, amounts to a public and solemn declaration, *that I am absolutely insane*, as believing those things in moral conduct to be dishonourable and wrong, which are in truth, and which they maintain to be, most honourable and right. If they meant to deny my *minor* proposition, as already explained, their *virtual decision* against me amounts to a deliberate and public declaration, that *I am the most impudent liar, and the greatest knave*, that ever appeared in this country; forasmuch as I had forged a number of the foulest calumnies, that could be contrived, against some of my own brethren of this College; most falsely and impudently pretending, that I had taken them all from our own record, and from the report of a certain committee of our own number.

The fact that I am still a fellow of this College, and that no attempt has been made to punish me as a criminal for what I said, or even explicitly to contradict any one important particular of what I had asserted, is a pretty complete proof that my brethren cannot deny my *minor* proposition.

It follows, then, that they mean to deny my *major;* and to declare, that they think those proceedings most honourable and right, which I think just the reverse; implying, that they think me absolutely insane.

Surely it is but reasonable and just to require of my brethren,—not to retract any part of what they have said,—but to explain it precisely and candidly.

From some expressions of Dr Duncan senior, in his printed paper, (his Memorial, and Queries to his learned Counsel) it should seem, that he thinks I have forfeited the character of an honest man, and ought to be expelled from this Royal College, *not* for having said what was *false*, but for having said what was *true*:—having *divulged*

things that passed in this College, tending to the prejudice and defamation of the same, or of some members thereof.

I trust that Dr D. will have the goodness to say, explicitly, what those things are which I divulged; and whether our old law, with respect to secrecy, extends to such things.

I cannot conclude without asking your pardon for the unreasonable, and unintended length of this letter. I hope the importance of the subjects discussed in it, not only to myself personally, but to several of my brethren, and to the Royal College as a body, will be considered as some excuse for such an unmerciful intrusion on your time and patience.

I have the honour to be,
Sir,
Your most obedient Servant,
JAMES GREGORY.

To Dr Charles Stewart,
President of the Royal College of Physicians
in Edinburgh.

AT the meeting of the Royal College of Physicians, Saturday, 5th December, 1807, I read to them the following Note, the copy of one written to Dr Spens and Dr Hope, the day before, in answer to a Note which I received from them, intimating that the business which was to come before the College at the extraordinary meeting next day, which was called at their desire, related to me.

" DOCTOR GREGORY thinks it right to inform Dr Spens and Dr Hope, that he has received their Note of this day's date, intimating

that the business, on which they have requested a meeting of the College of Physicians to be called, relates to him.

Dr G. also thinks it right to inform Dr S. and Dr H., that he means to attend the meeting of the College to-morrow; and that, unless he shall be prevented by sickness, or some unforeseen occurrence, he certainly will do so.

Further, Dr G. thinks it right to mention to Dr S. and Dr H., that, before the College shall proceed to the business of the day, he means to give in to the College a small packet of papers, under his own seal, with a request that it may be kept unopened till Dr G. shall desire it to be opened, and the contents of it to be read to the College. Or, if more agreeable to his brethren, any two of them may affix their seals to it, and the custody of it may be entrusted to Dr G., he engaging, that the seals of it shall not be broken, till the packet shall be opened in presence of the College; and that he shall desire this to be done in *ten days* at farthest.

The object of this precaution is to ascertain, for ever, that the matters stated in these papers are quite independent of any thing that may be said or done at the meeting to-morrow.

The precaution was suggested, as honourable, and almost necessary, by some things which occurred at the meeting last Tuesday. Many things were made the subject of keen debate and angry declamation, which were fully stated in his Protest; and so completely discussed in it, that he is confident there never could have been any debate about them, if he had been allowed to read but three or four pages of his Protest: but even this request, though undoubtedly a matter of right, was denied him. One of the examples of this kind, the most striking to Dr G., was his supposed impeachment of the President's veracity in what he had said of the Admonition having *no reference* to Dr G. or his conduct.

Many other things (discussed in the meeting on Tuesday last) were just on the same footing. Of course, when those parts of Dr G's protest which relate *to such things* shall be heard, though they were written by Dr G., and approved of by his counsel, many months ago, they will be thought to have been written *only* in consequence of what passed at that meeting of the College.—This is vexatious; yet there is no help for it. But, as a similar misconstruction, with respect to the origin and motives of what is contained in the sealed packet, would be infinitely more vexatious, and might frustrate the good purpose in view, it is reasonable to obviate even the possibility of it. And as the merely receiving such a packet need occasion no delay or debate, Dr G. trusts that no objection will be made to it.

Further, Dr G. thinks it right to mention, that the papers in the sealed packet have already been perused by his counsel. Some other papers, relative to the same subject, are at present under their consideration; and Dr G. expects to receive their final opinion and instructions, with respect to them, in the course of next week. If not, he promises to give in some, or all of them, to the College, on the strength of his own judgment, with a request to the College to open and read the papers contained in the sealed packet.

With respect to the subject matter of those papers, Dr G. shall only say, at present, that it concerns very deeply the peace and honour of the College, and still more, the honour and welfare of some individual members of it; that he thinks it worthy of the most serious consideration of the College; and is confident, that, if his proposal shall be adopted, it will effectually prevent the vexation and expence of any law suit, and soon put an end to those painful disputes, which, for three years, have so miserably agitated the College; and, lastly, that, if the College shall not adopt his proposal, or pay any regard to those documents, which Dr G. shall lay before them,

they shall not be restrained, nor even delayed, any longer than the few days which he has specified, from proceeding, with respect to him, in whatever manner they shall please.

If, from these considerations, and from those still stronger of impartiality and justice, the College shall think it right to act towards Dr G. as they did towards Dr Hope last week, and adjourn for a fortnight, (to Saturday 19th December,) which will allow them time to consider Dr G's proposal and documents, it will be highly agreeable to Dr Gregory."

St Andrew's Square,
Friday Night, 4th December, 1807.

The *sealed* packet, mentioned in the note, and given in to the College, contained a letter to the President, of which the following is a copy:

SIR,

You will remember, I dare say, that, in the debate in the College of Physicians, on Tuesday the 24th of November, some things were mentioned, (chiefly, or solely, if I remember right, by Dr Hope,) which tended to explain and excuse, if not even to justify, the very remarkable proceeding of the College 5th February, 1805, in declaring, that Dr Spens, and his committee for revising our laws, "had acted from the purest motives, *and in the most honourable manner*," without informing me, that such a thing was intended, or doing, or

actually done, although they all must have known, though my name was not mentioned in their resolution, that it was tacitly, and by irresistible implication, condemning me in the most general and severest manner. This was avowed by Dr Duncan senior, at the meeting of the College 5th November, 1806, which was the first time I ever heard of it, or of *any contradiction of any one important circumstance or assertion,* or indeed of *any one thing stated in my printed papers, excepting only that one* very unimportant *particular*, which you will probably remember you yourself mentioned to me, namely, " that Dr Spens assured you, that I was mistaken in believing, that *we* (who opposed Dr Spens's motion in 1796,) had a great majority *against* his motion; for that there was a majority *in favour* of it." On this point, I shall give you a separate memorandum, to be by you communicated to Dr Spens.

The sentiment of Dr Duncan senior, *that my publication was a scandalous libel, and that the College had already decided that point,* so strongly declared by him *viva voce,* 5th November, 1806, was not at that time, nor at any time since, as far as I know, disavowed by any one of my brethren. It has since that time been avowed, in just as strong terms, as those in which it was first expressed by Dr Duncan himself, *in print,* in his paper, purporting to be a memorial and queries, which he had submitted to counsel. In it he declares, that the College had virtually decided, (by their declaration of 5th February, 1805,) that my printed papers were a false and scandalous libel. This, as far as I know, has not been disavowed by the College, or by any individual of it; and I am sure, at least, it is *not disavowed,* but rather, as I humbly conceive, virtually or tacitly adopted by the College in their last minute on the subject, (24th November, 1807,) in which they declare, that they adhere to their former minute, (of 5th February, 1805,) and express their sorrow, that I should think myself reduced to the dilemma so strongly

stated towards the end of my long letter to you. Nay, I do not think it *possible*, that they should *ever disavow* that meaning, which Dr D. has avowed, and which is *necessarily implied* in their own declaration. They will not surely deny the fundamental axiom of logic, (or of *common sense*, if you please,) that a proposition, directly contradictory to one that is true, must be false. If what they said was true, what I had said (the direct contrary of their proposition,) must be false.

In any case, or in any supposable circumstances, such a mode of proceeding, condemning a man *virtually*, or by implication, without hearing him in his own defence, without citing him, without informing him of what was intended or done against him, would have a bad appearance, and admit of a most unfavourable interpretation; more especially when the person, so condemned, had offered, in the most explicit terms, to acknowledge and repair any error, or unintended wrong, which he had committed, as soon as it should be pointed out to him; and who had declared his willingness to answer in a court of justice, for the general tenour of his conduct, or for any part of it, that might be supposed wilfully wrong. (See my Censorian Letter, page 3, and page 120.) But the unfavourable construction of their conduct, in keeping me ignorant of what they were deciding virtually against me, obtrudes itself on us with almost irresistible force, and requires to be redargued, or disproved, by the most decisive arguments, when it is considered that the individuals of the opposite party, to the number of four, who could be cleared only by my condemnation, actually sat as judges on that occasion, in the court which explicitly acquitted, applauded, and thanked them, and virtually, or by necessary implication, condemned me.

I admit, however, that these considerations, strong as they are, may be obviated by still stronger arguments, especially by assigning

rational and adequate reasons or motives, —or, in other words, fairly accounting, for that peculiarity in their mode of proceeding.

I acknowledge, also, that there was much ingenuity and eloquence in that part of Dr Hope's speech which related to this point: as indeed there was in the whole of his speech. Some of the things that he stated as the reasons of his own conduct, and that of his brethren, on the memorable occasion to which I allude, appeared to me not only acute, but plausible: so very plausible, that I thought (on hearing them) it would be incumbent on me either to admit them to be valid and satisfactory, or to give my reasons for not thinking them so. But though I listened with the utmost attention to that part, and indeed to the whole of Dr Hope's speech, I was not able to follow the chain of reasoning, even on that most interesting point. If I understood him right, different individuals of the College had different reasons for not informing me of what they were doing, when they were virtually deciding, that my printed papers were a false and scandalous libel.

In this notion (that different individuals had different reasons for acting in that manner) I may be mistaken: but I cannot be mistaken when I declare, that I could not, at this moment, undertake to give a complete and fair, or even a distinct and intelligible account of that part of Dr Hope's speech; such an account of it as I might rationally submit to the consideration of my own Counsel.

Of course, I can neither acquiesce in it as satisfactory, nor give my reasons for not thinking it so.—And yet, after what I heard of it, I should think it very uncandid to my brethren, to disregard it altogether, and take no notice of it in my own discourse, or other proceedings, but persist in putting on their conduct the most unfavourable, but withal the most obvious and natural construction.

In these very peculiar circumstances, I hope it will not be thought

unreasonable, on my part, if I *suggest* to the consideration of my brethren, and chiefly of Dr Hope, the propriety of giving me in writing, a memorandum, or abstract, the fuller and more precise the better, of what those various reasons were, which induced them (in February 1805,) not to inform me of the most important part of what they were doing;—the only part of it that was interesting to me, or that bore any relation to my conduct.

I am sensible that I can by no means demand, as a matter of right, any such written communication, with respect to the reasons which my brethren had for withholding from me the knowledge of *that part* of what they were doing, on the 4th and 5th of February, 1805; and I certainly shall not ask it of them as a matter of favour. I only suggest it to their consideration, as a matter of candour and liberal conduct on their part; which may do good, and evidently can do no harm. If Dr Hope, or any other of my brethren, individually or collectively, shall think it right, *on that footing only*, to give me such a communication, I shall consider it with the most patient attention; and shall either admit it to be satisfactory, and fairly and honourably to account for their very strange conduct towards me, or else state, explicitly, my reasons for not doing so.—If, on that occasion, I shall act irrationally, or uncandidly, the evil will be to myself, and all the advantage will be to them.

But I am ready and willing, for the sake of truth, and justice, and candour, to go a great deal farther.

You heard, and, I should think, cannot have forgotten the declaration of Dr Hope, that (for his part *individually*, as I understood,) he wished to have sent me a number of copies of the unanimous resolution of the College, 5th February, 1805, that I might paste one of them on each copy of my Censorian Letter.

I said, without hesitation, that I heartily wished he had done so; and that I should very gladly have made that use of them: of course

subjoining some remarks of my own on the resolution of the College. I have precisely the same sentiment and wish at present: and, whatever trouble or expence it may cost me, I shall most gladly act on that principle, to the utmost of my power. It is impossible for me to do so with respect to my Review and Censorian Letter, all the copies of them having been long since exhausted, and I having only two copies of the Declaration of the College (5th February, 1805). This, however, I can easily get reprinted.

But I will do much more, and much better, for all the purposes of candour, truth, and justice, than what Dr Hope wished me to have done. I will print and distribute, at my own expence and *risk*, every authentic document, either already printed, or only written, of the proceedings of the College as a body, or of any member of it individually, either directly and avowedly, or indirectly and virtually relating unfavourably to me. This will necessarily include the *Declaration* of 5th February 1805---the *Answers* to my *Queries*---the Vote of Censure on me, and many other curious pieces; with my remarks on them all.---To this proceeding of mine I presume the College can have no reasonable objections, after so many pieces have already appeared in print, and, above all, their own *Declaration*, which was distributed very freely; not, I believe, by the authority of the College, but by some of my brethren individually.

But I do not mean to stop even there; for nothing that has passed, or that ever can pass, among us, shall make me swerve from those sentiments, and rules of conduct, which I professed, and the offer which I made in my Censorian Letter (page 3 and 120). That steady perseverance in the straight path is no more than what I owe to truth and justice, to my brethren, and to myself.

On this principle of being always eager to acknowledge any error, and repair any wrong that I may have committed, as soon as it shall be pointed out to me, I hereby make the same offer of printing and

distributing, with my remarks on them, any further documents, which any of my brethren shall give me, containing any *contradiction*, or *refutation*, real or supposed, of what I have said of them in print: For example, *all*, or *any part*, of what Dr Hope said in his speech on Tuesday 24th November. You must acknowledge, that it contained many strong things, such as it is incumbent on me either to admit as valid, or to give my reasons for not thinking so. You know he either read, or spoke from very full notes, that speech. The whole of it, or any part of it, which he shall think *most important*, and withal most irrefragable in point of *fact* and *argument*, if he will give it me in writing, or any memorandum or abstract of it, fuller or more concise, as he shall please, I engage to print and distribute, with an explicit acknowledgment of what I admit to be satisfactory, and my reasons stated, as explicitly, for not admitting other parts of it to be so. The same offer you will understand me to make to Dr Spens, and to Drs Duncan senior and junior.

If they seriously wish to try their fortune in a court of justice, or if the College, as a body, shall choose to do so, I cannot hinder them, and I am not afraid of them; but at least, if they will fairly try the experiment with me now, as they ought to have done in February 1805, they shall soon be convinced, that it is not my fault, if they have occasion to seek redress from me in a court of justice.

Do not suppose, however, that I wish by any means to prevent them from seeking that kind of redress, if, after a fair trial of reason and argument, and evidence of all kinds, including such testimony upon oath as they may choose to produce, they shall find it necessary to have recourse to law. On the contrary, I adhere to my offer and declaration in my Censorian Letter, (page 120,) and I hereby solemnly promise and engage, that any such *communications*, as I here allude to, if they shall make me any such, shall never be pleaded either by

me, or for me, to bar their original right of seeking redress in a court of justice.

If, in the course of such an *experimental test* of my candour, probity, and veracity, as I here propose, I shall prove knave or fool enough to act disingenuously, the advantage will be entirely theirs, and the loss mine. If I act candidly and rationally, which, I assure you, I intend to do, both my brethren and I will gain much by the trial. We shall, at least, fully understand one another, and know on what points of fact or argument we differ, and on what points we ought to join issue. But, if my brethren shall also act candidly, on such a trial of strength, in fact and argument, there never will be any law-suit, nor any further dispute (about this business) in our College. In short, such a trial, as I suggest, conducted fairly, will certainly keep us out of the Court of Session; but the instant we go into the Court of Session, we come again before the public, some of us in such a point of view as it is not easy to find decent words to express.

With respect to the indelicacy, as it may probably appear to you, of divulging things said or done in our College, tending so much to the prejudice and defamation of any of us, as those things which Dr Hope said of me, that relates to me, and me only. I am the only person who can be hurt by such divulging; and, for the sake of truth and justice, I cheerfully take *it*, and all its consequences, on myself. Their own counsel will tell them, that *volenti non fit injuria.* I listened with patience, nay with pleasure, though, I must own, with much astonishment, to what Dr Hope announced, so emphatically, of an *intended contradiction,* on the part of himself and his brother, of what I had said of a very short conversation, which I had had, the last friendly one I could ever have, with Dr Hope; the conclusion of which conversation his brother heard, and took a share in. I also understood, that there was to be a similar contra-

diction by Dr Spens, of what I had reported of a much longer conversation, that I had with him singly. I lament, that I did not hear, as I ought to have done, those contradictions, two years and nine months ago. You may believe, my curiosity to know the particulars of them now, is very great, and, I hope you will think, very reasonable.

Men, in those vexatious circumstances, in which some of my brethren were placed, by the strong charges which I had brought against them, are unquestionably well entitled to employ such means as are in their power, and as they may think most likely to be effectual to vindicate themselves, and to blacken their accuser. Of these, by far the most obvious and easy is, a direct contradiction of any circumstances, however trivial, that can be made a matter of mere oral testimony. This expedient would also be the most certainly effectual, if there were no such thing as *circumstantial,* no such thing as *moral,* no such thing as *written evidence,* and *record.* But these are often good auxiliaries in discovering the *truth* of *human conduct,* and even of *human testimony.* I hope to avail myself of them very soon; but *how* I cannot judge, till I shall know what is to be asserted in contradiction to what I have said.

In the mean time, I have the pleasure of knowing, that, *if* what some of my brethren have said of me *be true,* I deserve to be hanged; and that, *if* what I have said of them *be true,* which I know it to be, and if they shall attempt to *contradict* it by *testimony,* they will bring tenfold ruin on themselves:

Quod metuit auget, qui scelere scelus obruit.

Having heard some days ago, that it was currently reported in Edinburgh, that my brethren in the College of Physicians had got me fairly laid upon my back at last, I beg leave to assure them, that

they shall soon have an opportunity of judging for themselves, whether I am laid upon my back, or walking firmly on my own hinder legs; and that, however contrary it may be to their opinion, I shall continue to believe, as I have always done, that "he that walketh uprightly, walketh surely." I have the honour to be,

Sir,

Your most obedient servant,

J. GREGORY.

PROTEST

BY

DOCTOR THOMAS BROWN,

5th May, 1807,

AGAINST

THE VOTE OF CENSURE ON DR GREGORY,

BY

THE ROYAL COLLEGE OF PHYSICIANS,

26th November, 1806.

REASONS OF DISSENT

FROM THE

VOTE OF CENSURE PASSED ON DR GREGORY'S QUERIES.

1st, Because the Admonition, which gave rise to Dr Gregory's Queries, is so far from being impossible to be mistaken, as to its extent, that, without the explanation of it *now* offered by the Council, *which, it must be remembered, is given, not before, but after the Queries,* it would have been impossible to imagine, that it really had that universal extent, which is now declared to have been originally intended in it. Of this no stronger proof can be necessary, than that it was *actually misunderstood* by at least one of those who brought forward the Admonition; since one of the members of the Council, when the Queries were originally put, positively denied it to have that sense, which he now thinks so obvious, that none can mistake it.

2d, Because, if any Admonition of the Council be not clear in its extent, it is not merely allowable, but incumbent on every member of the College, to require an explanation of that advice, which he is expected to obey. The very dignity of office, which the Council

considers as injured, seems to render queries, in such a case, absolutely necessary to our faithful observance of it;—unless it be considered more respectful to incur the risk of disobeying an injunction, of the exact extent of which we are ignorant, than to obtain the certainty of having it always in our power to obey it, by making ourselves thoroughly acquainted with its nature and limitations.

3d, Because, if it be the duty of every fellow of the College to endeavour to obtain fuller information of the nature of *any* official Admonition, which may seem to him to be obscure, that duty is *especially* urgent *in the case of the present Admonition;* since, beside such general obscurity, it seems impossible to understand it, without one of two suppositions, which no member of the College, who has a regard for its dignity, can be very willing to make. That dignity does not consist merely in the reverence shewn to the office-bearers, but in the respectability of the whole members of whom the College is composed:—yet there seems no mode of vindicating the expediency and decorum of the Admonition of the Council, unless by supposing a very gross want of character in some or all of the individuals, to whom their Admonition is addressed. Every fellow, at his entrance, has "*solemnly declared, and surely promised,*" that "*he will never divulge any thing that is acted or spoken in any meeting of the College or Council, or Court thereof, which he thinks may tend to the prejudice or defamation of the same, or any member thereof;*" and has promised it, "*as he desires to be holden and reputed an honest man.*" If, therefore, the Admonition of the Council extends *no further* than that promise, it must be considered as not less disrespectful to the fellows of the College, than if it had formally and solemnly enjoined them *to be in future honest men;* and, if it enjoined them to do *more* than was comprehended in their promise at subscription, *it must be altogether frivolous and insignificant;* since that,

which cannot tend to the prejudice or defamation of the College, or of any member thereof, it cannot be of importance to the College, or any member thereof, to wish unrevealed, *still less to render it the subject of a solemn official advice.* Of such a solemn advice, therefore, which seemed either to commit the dignity of the Council, as the official advisers of the College, or the supposed good faith of the fellows in general, as men of common honesty and fidelity to their word, it was *peculiarly* incumbent on every fellow of the College, and therefore on Dr Gregory as one of those fellows, to require an explanation.

4th, Because, although the exercise even of a just and undeniable right may be conducted with such circumstances of indecorum, as to render the conduct of him who exercises that just right censurable, no such circumstances of real indecorum are to be found in the Queries of Dr Gregory; and the imputation which the Vote of the College attempts to throw on them, can have arisen only from inattention, both to the mode in which the Queries were introduced, and to the general principles of logical criticism, as applicable to such successive and connected Queries. It must be remembered, that, before Dr Gregory put the Queries, he declared, that as soon as an *explicit and satisfactory answer* should be given to any one of them, he should proceed no further: and the queries, which the College considers as offensive, are not the 1*st* and 2*d*, but the 15*th* and 16*th*, *which existed as queries, only because an answer to the* 1*st and* 2*d, and to the other intervening queries, had been refused.* The queries do not follow in loose and casual succession, but rise out of each other, as strictly *consecutive.* Each is founded on the possible alternative of some affirmation or negation, supposed to have been given to a former query; and the necessity of this ambiguous supposition, and consequently of the query proposed to meet a possible

case, arose altogether from the refusal of a direct and explicit answer to the preceding query. Those said to be disrespectful are to be taken in connection with the 13*th*, and merely follow out the hypothetical case, that the Council know of certain improper measures about to be introduced,—a supposition, which may be erroneous indeed, but which cannot be said to be absolutely absurd, when taken in connection with an obscure and indefinite admonition of future secrecy, declared at the same time most guardedly, *to have no reference to any thing past;* and which certainly could not have given rise to the offensive queries, if the supposition itself had been previously removed, by a very simple answer. In this supposition alone, not in the conditional questions, *which follow almost unavoidably,* the whole of Dr Gregory's imputed disrespect consists: yet those, who begin by solemnly soliciting concealment, when ample provision for concealment had already been made by the laws, and who, when respectfully questioned, refuse to say, that they have no knowledge of any improper measures about to be introduced, express the highest indignation at those very questions, to which such *unnecessary* claims of secrecy, with such unnecessary silence as to its object, might well be supposed to give rise. It requires no very acute criticism to point out the misinterpretation, on which alone the censure seems to have been founded. To neglect altogether the *supposed case* involved in the preceding query, and to consider the subsequent queries, which arise only from that supposed case, as *absolutely, and without hypothesis,* charging the Council with improper connivance, is as accurate a piece of logic, as it would be to contend, that the censure, which the College attempts to cast on Dr Gregory's Queries, *must* be just, because it may be hypothetically said to be just,—*if founded on just grounds.*

5th, Because, even though the queries had involved such disrespect as would, *in other circumstances,* have rendered them justly censure-

able, there are circumstances in the Admonition itself, which excuse such disrespect. When even the semblance of insult is thrown by one individual on another, it is not required, in good manners, that the reply of this individual should be equally respectful, as if no semblance of insult had been thrown:—and the Admonition of the Council, which solemnly requires of us to be, *in future*, that which we have already engaged to be, as we desire to be reputed honest men, if not really insulting to the fellows of the College, must be allowed to imply at least such a suspicion of their honour and good faith, as might justify, in any answer which it might be necessary to make, a little diminution of accustomed respect.

6th, Because, even though there had been great indecorum in the queries said to be offensive, and though there had been no circumstances in the Admonition itself, to excuse or palliate such indecorum, the members of the Council had previously deprived themselves of all title to complain. No principle of equity can be fairer, than that he who has occasioned an injury to himself, by a violation of his own duty, *and by that violation alone*, cannot, with any moral grace or fitness, complain of the injury, to which he has himself given occasion. The supposed injurious queries of Dr Gregory existed as queries, only because an answer was refused to previous queries; and, in refusing an answer to those previous queries, the Council violated a *duty*, which, by their own confession, they owe to every member of the College. They declare, that "they admit the right, and approve of every member taking the proper and usual steps, to have the opinion of the College, concerning any part of the laws, regulations, or proceedings, which may seem ambiguous;"—which certainly implies, that it is their corresponding *duty* to answer such queries, when respectfully put:—and they have not attempted to shew, that, in the first queries of Dr Gregory, there is any thing disrespectful,

though to them they refused an answer, as much as to those which they consider as offensive. When an answer was refused to those first queries, they certainly could not anticipate the queries which were to follow:—and for withholding an answer from them, no apology is attempted to be made. It was confessedly, therefore, *their own violation of a duty*, that occasioned the queries of which they complain:—and it certainly is too much, both to neglect their own duty, and, at the same time, to insist on compensation for any injury, which they may suppose to arise from their own neglect of such duty.

7th, Because, if the censure of Dr Gregory be taken in connection with the *silence* of the Council, not merely on those supposed offensive queries, *which themselves occasioned*, but also on those simpler queries which preceded them, it seems to imply a species of despotism in the Council, which it is not of advantage to the College, that they should exercise. They profess, indeed, that they have no wish to limit the usual and proper right of query. Yet it is not easy to imagine queries more necessary, and it certainly is impossible to imagine any less disrespectful than the *first* queries of Dr Gregory, which they did not think proper to answer; and it may therefore fairly be presumed, that, in all future cases, it is their intention to withhold an answer from queries equally necessary, and equally respectful. But it surely is not expedient for the College, that those, to whom it entrusts the chief conduct of its affairs, should propose measures, which are not to be thoroughly discussed, and give advice, which, however well meant on their part, it would require something like the power of divination, to understand and follow.

Such are the *general* reasons, for which, without any reference to the merits and character of the individual censured, I dissent from

the vote which the College has passed on his queries. The language, in which the reasons are expressed, is unavoidably severe: and I am aware, that, as coming from so young a member, it may *seem* to fail in that respect which is due from all of us, and above all, from the junior members, to those whom we have invested with authority. But, though severe, I trust the language is in no instance unnecessarily so, and that it is merely such language, as must always be used, when a sense of injustice is expressed. I trust, at the same time, that the Council and the College will give me credit, when I assure them, that I most sincerely regret the circumstances, which have obliged me to use language that may possibly give offence to the feelings of any individual; and that, although, in such circumstances as the present, *I shall never shrink from dissenting from a majority of my brethren, however great*, I shall always feel more happiness in joining my voice to their unanimous approbation of such measures as seem to me to deserve it.

THOMAS BROWN.

END OF PART SECOND.

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