Dr Gregory's defence.

Contributors

Gregory James, 1753-1821.
Royal College of Physicians of Edinburgh

Publication/Creation

Edinburgh : printed by James Ballantyne & Co, [1808]

Persistent URL

https://wellcomecollection.org/works/phc5frat

Provider

Royal College of Physicians Edinburgh

License and attribution

This material has been provided by This material has been provided by the Royal College of Physicians of Edinburgh. The original may be consulted at the Royal College of Physicians of Edinburgh. where the originals may be consulted.
This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

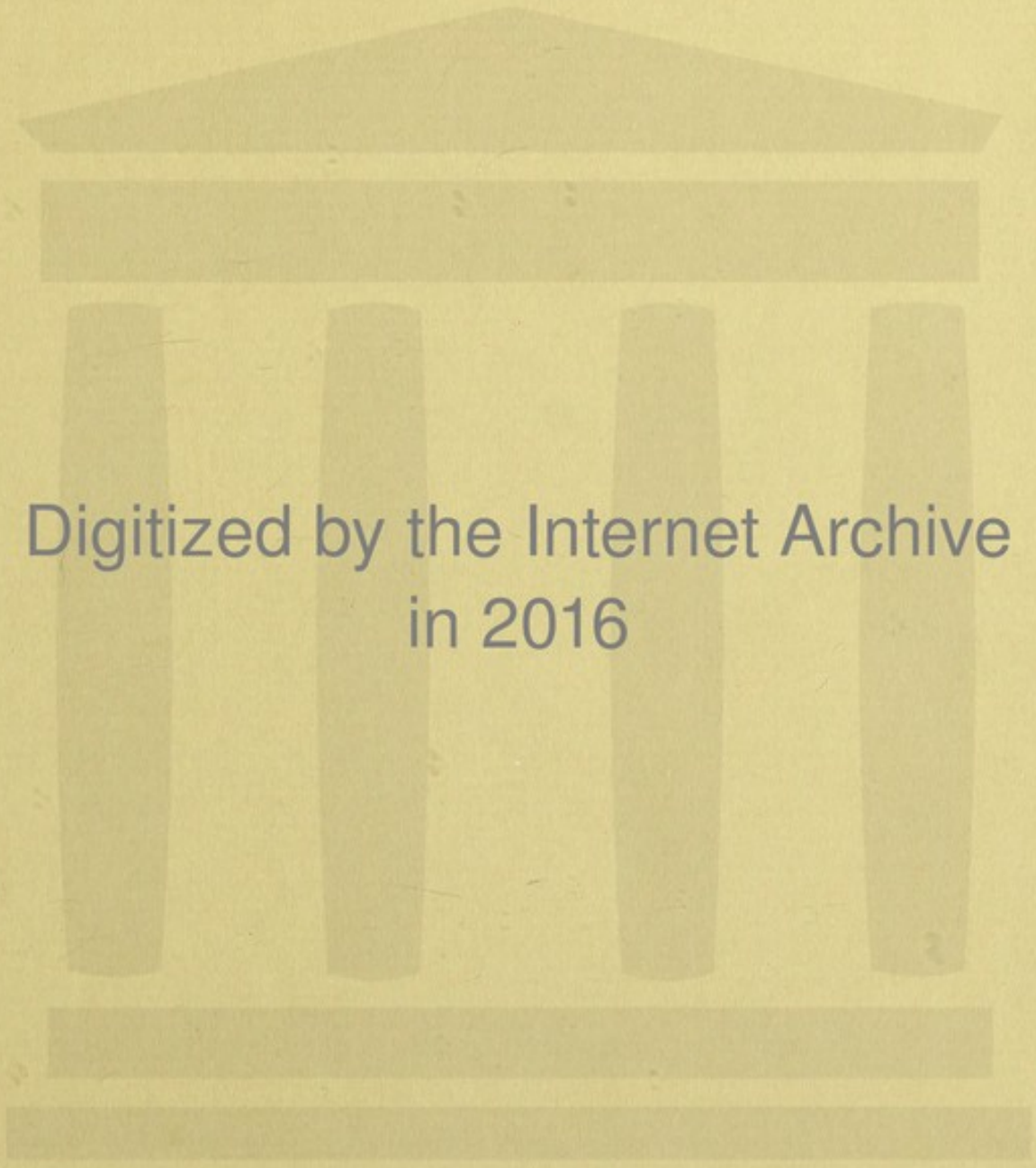
You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.

Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
https://wellcomecollection.org



B11

- Ba 9.4 (A)



Digitized by the Internet Archive
in 2016

https://archive.org/details/b21722286

DR GREGORY'S DEFENCE.

ROYAL COLL. PHYS. EDIN.

THE Accusation, against which I have the honour to defend myself, is, in every respect, strange and wonderful: nor do I believe, that any thing comparable to it is to be found in all the long disgraceful annals of medical warfare. For the honour of human nature in general, and of this Royal College in particular, I hope it shall long continue unrivalled, the most exquisite specimen of that rancorous *odium medicum*, of which the world has, in all ages, seen too many shameful examples.

The nature of the charge preferred against me, and the terms, and, still more, the very extraordinary circumstances in which it has been preferred, must preclude all thoughts of reserve or ceremony in my defence; and absolutely require for my vindication, and therefore justify, on my part, the most perfect freedom of speech.

My brethren, therefore, cannot be surprised, and need not be much offended, when I begin by declaring, that the Accusation preferred against me is infamously malevolent, false, and groundless.

From the nature and terms of the Accusation, and from the manner in which it has been preferred, it is plain, that either I, or my accusers, must have been lying abominably. But this obvious dilemma comprehends, and expresses, only a very small part of the truth. It is equally certain, that either I, or my accusers, and a large proportion of my brethren, who, of course, are to be my judges on this occasion, must have been lying abominably, and acting most knavishly, on a very interesting subject, for more than three years past.

Every member of this College must know perfectly, that the particular fact or circumstance, with respect to which I am unjustly charged with falsehood, is intimately connected with many very extraordinary proceedings on my part; on the part of my two accusers (Dr Hope and Dr Spens); on the part of several others of my brethren; and even on the part of the Royal College as a body.

The connection between the particular fact, which is nominally the subject of discussion, and the whole train of proceedings to which I allude, is so close and intimate, that I doubt much whether any person, not acquainted with those proceedings, can fully understand the nature and tendency of the charge brought against me, or conceive *how much* is *implied* in it. But every person acquainted with those transactions, which is the case with all my brethren of this College, must know, that, in the charge of falsehood, unjustly preferred against me, there is implied another most false and injurious assertion, or insinuation, on their part: no less, than that *I had known* and *acquiesced in* a certain resolution, or declaration of the College, 5th February, 1805, which was equivalent to a formal decision, that certain printed papers of mine (my Review of the Proceedings of this College on a particular Subject for Fifty Years, and my Censorian Letter) were a false and scandalous libel.

This important, and to me most injurious, meaning of that declaration of the College, was avowed by Dr Duncan senior, *viva voce*, at the meeting of the College, 4th November, 1806, and was not disavowed by the College as a body, or by any individual member present at that time. It has since been avowed by him in two different printed papers; and, as far as I know, has never yet been disavowed by any individual of our number, or by the College as a body. I do not think it ever can be disavowed by them; for one part of the Declaration in question, namely, that Dr Spens, at that time our President, and a certain Committee, appointed in 1804, to reprint our laws, with alterations, had acted in the most honourable manner, is a direct contradiction of what, in my printed papers, I had asserted, and, as I think, had proved by the most complete evidence of their conduct in that business. Such a contradiction necessarily implies, that, either what I had asserted, or what the College had asserted, must be wilfully and deliberately false.

It is easy for me to prove, that there is no evidence whatever of the infamous charge preferred against me by Dr Hope and Dr Spens; and that the assertions and insinuations, which, in the string of Resolutions moved by Dr Hope, and seconded by Dr Spens, they have stated as matters of evidence against me, are some of them absolutely false, others of them gross misrepresentations, others perfectly frivolous, and altogether such as can, in no degree, warrant the vile inference which they pretend to draw from them.

But that is not enough for my purpose. I wish to prove, what I am sure is the truth, the *direct contrary* of what they have asserted. I wish to prove, that I had no knowledge, or intimation, or suspicion, of that part of the proceedings of the College, 5th February, 1805, which relates to me; which, though expressed only in the form of a high panegyric on Dr Spens and his Committee, in 1804, conveys, by implication, a severe condemnation of my conduct, and

has been avowed (by Dr Duncan senior) to be virtually declaring, that my printed papers were a false and scandalous libel; and which Dr Hope and Dr Spens now falsely assert was known to me: implying that I had acquiesced in it, and in a manner pleaded guilty, by allowing judgment to go against me by default in my absence.

It is evident, that such a negative proposition, though perfectly true, cannot be proved by testimony. It can be proved only by a long and uniformly consistent train of moral, internal, and circumstantial evidence; of which, in this case, there is a superfluity: nay more, a great part of that moral and internal evidence, including of course the uniform tenor of my professions, and of my actual conduct, always consistent with what I state, and absolutely inconsistent with their assertion, must have been well known to all my brethren of this College, and especially to Dr Hope, and Dr Spens; and, if they had fairly attended to it, must have convinced them, that I had no knowledge or suspicion of that virtual condemnation of my printed papers, and of myself; and that if I had known of it, I could not have acquiesced in it even for an hour. But this kind of proof, by moral, internal, and circumstantial evidence, so necessary for my complete Defence, requires a minute detail, and accurate discussion and collation, of many particulars: and first and chiefly a complete analysis and dissection of that virtual decision of the College, (5th February, 1805,) in which it is pretended that I had acquiesced.

In like manner, it is easy for me to prove, by the most simple and decisive evidence, that Dr Hope and Dr Spens, these zealous champions of truth and virtue, had been publicly and severely reprehended by me, near three years ago, for breach of faith, chicane, and falsehood, in certain proceedings, relating to this College, which are fully detailed in my printed papers;—that I threatened them with the animadversion of a court of justice, if they should persist in that

project, which I thought morally wrong and dishonourable ; that their project was brought before the College in the form of a *Report*, and a *Declaration* of the purpose and extent of one of our old laws, the meaning of which they proposed to declare to be totally different from what we all knew it to be, (in short, to *subvert* and *falsify* it, under pretence of *explaining* it ;) that publicly, in the same printed papers, I offered to acknowledge and rectify, as soon as it should be pointed out to me, any error, if such could be found, in what I had stated of their conduct in that business ; and to answer in a court of justice for any thing which they might think wilfully false and injurious to them, in what I had so explicitly asserted of them and their proceedings ; and lastly, I can prove, that they two, (Dr Spens and Dr Hope,) in these very remarkable circumstances, desisted from their project, or dropped it, at least *pro tempore*, and asked and obtained permission to withdraw their report, and reconsider it ; and withdrew it accordingly, and gave it in again to the College, suppressing all those parts of it which I had reprobated as breach of faith, chicane, and falsehood : which proceeding, on their part, I considered as explicitly retracting what they had improperly declared, and tacitly admitting the truth and justice of what I had said of their strange proceedings.

To these various affirmative assertions, which, I believe, will not be disputed, and which, at any rate, may be easily and completely proved, I must add my most solemn declaration with respect to two other propositions of some consequence in this discussion ; which propositions being *negative*, do not admit of direct proof, but which, I believe, will not be disputed by any of my brethren.

The first of these is, that with only one exception, and this one of no consequence in the great subject of discussion, no attempt has been made to point out to me any error, either in those things which in my Review and Censorian Letter I had stated as matters of fact, or

in those sentiments which I had expressed with respect to the principles of moral conduct, or in my mode of reasoning, and in the inferences which I had drawn from those things which I had considered and stated as matters of fact.

(The single exception, to which I here allude, is with respect to a *supposed* mistake of mine in what I had stated in the 17th page of my *Review*, that *we*, the *opposers* of Dr Spens's motion in 1796, for repealing *in part* our enactment of 1754, were a great majority. Dr Stewart told me, in the end of January, or beginning of February 805, that Dr Spens had assured him that I was mistaken on that point; and that he had a majority in his favour. I am by no means convinced that I was mistaken; but it may be so: and I must acknowledge, that I expressed myself too confidently and rashly on a point, with respect to which it is plain, even from my own words in that passage of my *Review*, that I could have only conjecture or opinion. But that very rashness or confidence, is a proof that I spoke and acted *bona fide* on that occasion. As it is a point quite unconnected with my Defence against the specific charge brought against me, I wave all further discussion of it at present. But as soon as I shall have leisure to write, for the edification of my brethren, a complete vindication of my conduct towards this College, I shall consider it fully; and shall then state my reasons for not persecuting Dr Spens, by urging him to any explanations with respect to it.)

The other *negative* proposition, which I do most solemnly assert, is this:—That no attempt has been made by any of my brethren to call me to account, or to get me censured, or punished in any way, for any supposed wilful falsehood, or for any wrong done to them, in any of the strong assertions (in my *Review* and *Censorian Letter*) with respect to their breach of faith, chicane, and falsehood.

If my brethren shall choose to contradict those two *negative* propositions of mine, they must *ipso facto* assert the contrary *affirmative* propositions; namely, that certain *errors* in my assertions, my sentiments, my reasonings, and my inferences, in those printed papers, were pointed out to me; and that attempts actually were made to call me to account, and to get me censured, or otherwise punished, for such pretended falsehoods in my papers, and such wrongs done by me to my brethren.

If they cannot prove these affirmative assertions, or will not attempt to do so, one or other of which things, I am sure, must be the case, and I think the latter by much the more probable of the two, they cannot reasonably wonder, nor blame me in the least, when I declare what an important inference I drew from their conduct, in not attempting either to convince me of my unintended errors, and so obtain from me the most honourable satisfaction, and the most complete reparation, or else to convict me of wilful falsehood and deliberate knavery; and so at once vindicate their own characters and conduct, and gratify to the utmost their vindictive malevolence against me. I drew from their conduct this plain inference, the only one, I think, which the premises admit of, that they saw intuitively, and felt severely, that they could neither discover any error in what I had said of them, nor yet convict me of falsehood and knavery. If it had been possible, it must have been very easy to shew incontestibly, where my errors or my falsehood and knavery lay. Nothing more could have been wanted, for either of these good purposes, but merely to compare my assertions in my printed papers, with their own records, and the Report of their Committee.

Even that burning and blazing zeal for truth, and detestation or falsehood, which has lately produced such a tremendous explosion, and shaken our College to its centre, and fairly turned my *quondam* friend Dr Hope inside out, more completely than ever volcano was

turned inside out by an explosion of subterraneous fire, must have made him and his brethren but the more impatient, and the more indignant, and the more eagerly desirous to convict, expose, and punish me, if they had seen any wilful falsehood or knavery in my printed papers, for which I had most explicitly declared myself ready to answer.

As that wonderful explosion of Plutonic truth, and still more wonderful exhibition of a living man fairly turned, or turning himself, inside out, seemed to bring to light much recondite truth *altâ mente repostum*, as truth is always good, as the truth made known on that occasion was very valuable and interesting to me, and as I hold Cicero's maxim *præmium virtutis gloria*, I thought it my duty to move immediately, that all that newly discovered truth should be *printed*. To this my brethren very kindly agreed.

From those facts and circumstances, which are so plain and obvious, that no minute detail or consideration can be required to make them perfectly intelligible, it is evident, that the accusation preferred against me, must be either an honest suggestion of the most zealous love of truth, or else an act of such an extraordinary nature, that our language (for the honour of the English nation be it said) affords no words to express it; but which may fairly be pronounced the most unmanly attempt at retaliation and revenge that ever was made.

As I know for certain, that the accusation is absolutely false, I firmly hold the latter part of the alternative; the more unfavourable to my brethren. But, on this very account, for my own sake as well as theirs, I mean for my vindication and their conviction, I wish the truth to be investigated fully and rigorously.

Some things intimately connected with the accusation, and highly interesting for both those purposes, cannot be understood without a minute detail and discussion of many particulars regarding both the very peculiar tenor and import of the *virtual decision* of the

College against me, (5th February, 1805,) in which it is falsely pretended that I had acquiesced; and also, the still more extraordinary circumstances in which the present Accusation against me has been preferred, and the various sinister purposes which it evidently is calculated to serve. But even these purposes, and those circumstances, cannot be understood, without a minute consideration of the general import, and some of the many strange peculiarities of that *virtual decision* against me; for some of those circumstances were just the result of my indignant attempt to vindicate myself from the foul injustice of that decision as soon as I knew of it; and I firmly believe, and, before I have done with my brethren, I shall prove, that the Accusation itself has, in part, the same origin; and, besides all other bad purposes, some of which are very obvious, is peculiarly calculated and intended for the base purpose of preventing, or evading any discussion of that *virtual decision* against me, thereby precluding my right of vindicating myself, if I should have been conscious that I had done no wrong; nay, even withholding from me the opportunity and the means of acknowledging and rectifying any error, and of repairing any wrong, if it should appear that I had committed any. My original and most candid offer on that point, must have been well known to all my brethren.

Among the many wonderful peculiarities of that *virtual* decision against me, (5th February, 1805,) the following are the most interesting to me, as being the most essential to be known and attended to for understanding my Defence against the present Accusation; particularly for shewing, that it is absolutely *incredible*, nay, almost, or altogether *impossible*, that I, knowing of such a decision, should have acquiesced in it, even for a moment.

I. That declaration of the College, 5th February, 1805, *virtually deciding*, that my printed papers were a false and scandalous libel, is

not expressed directly, but is conveyed entirely by implication and craft.

II. I am not even mentioned in it: so that no person, not previously acquainted with what had passed among us, could ever know, or suspect, that I was a principal party in the business, or that the decision, or declaration of the College, in any manner related to me. Nay, from the tenor of the record of the proceedings of the College, with respect to that business, it could not be inferred or suspected, that such a person as myself had ever existed.

III. Those very printed papers, (my *Review* and my *Censorian Letter,)* which were *virtually decided and declared* to be a false and scandalous libel, are not mentioned or alluded to in the *decision*, or in any part of the proceedings of the College on that occasion; so that no person, not previously acquainted with what had passed among us, could ever suspect, that the decision bore any relation to those papers, or even that any such papers had ever been written.

IV. As far as can be judged from our records, which, in this respect, I am convinced are perfectly accurate, no mention, on that occasion, was made of any papers, even by a nameless author, that were regarded as a false and scandalous libel on the President and his Committee; nor does it appear, that any kind of accusation, or charge of misconduct, had been preferred against them; or that there had been in our College any debate or discussion about such papers, or such accusation; or any investigation of the merit or demerit, the truth or falsehood, of what had been asserted in them; or that any motion was ever made to enquire into these matters. No accusation or charge against the President and his Committee; no libel, real or pretended, on them; no printed papers, reprehending them for any misconduct; no motion, to vindicate them from a false and injurious accusation; no complaint, on their part, of any wrong done to them, seem ever to have been under the considera-

tion of the College; which appears to have acted purely from the suggestion of the Council, and the Council *ex mero motu*, wishing to pay a handsome compliment to the President and to some of his friends, whose conduct had been agreeable to the Council.

That *very extraordinary reserve*, with respect both to the *wrong done*, and the name of the *wrong doer*, against whom it was at that time understood, and has since been avowed, that the *virtual decision* was levelled, *could not be accidental*. It must have been intended for some peculiar purpose, perhaps sinister, and certainly at least unusual in judicial proceedings; in which the nature of the *wrong*, and the name of the *wrong doer*, are always precisely mentioned. That purpose of the College, in *not* mentioning either my name or my papers, (the pretended libel,) *must have been* one that would have been frustrated by mentioning them in the *virtual decision*, as is always done in legal proceedings. My brethren cannot, without absurdity, pretend, that their reserve proceeded from lenity or kindness to me: for, in the *first* place, they all knew perfectly that I had bid them defiance; well assured of the truth and justice of what I had said and done, offering however, as in duty bound, to acknowledge and rectify, as soon as it should be pointed out to me, any error in what I had stated; but withal declaring, that I was ready to justify and answer for the general tenor of my discourse in my printed papers. In the *second* place, they never intimated to me their great lenity or kindness, in suppressing, in their *virtual decision* against me, all mention of my name and of my papers; or took any merit to themselves for that lenity. In the *third* place, they never required of me, as the condition and price of their great lenity, that I should retract what I had said unfavourably of the President and his Committee, or even that I should cease to distribute my printed papers. In the *fourth* place, they, (not the College as a body by any public act, but some of my brethren individually, of course I presume those who

were most interested to do so, either for their own vindication, or to gratify their revenge against me,) of their own authority, printed, and distributed very freely, that *virtual decision* against me, employing a very curious expedient to point me out as the person at whom it was levelled. To the printed copy of the *virtual decision* is prefixed a preamble of their own composition, and no part of our record; in which preamble, mention is made 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 appointed to revise its laws: but it is not mentioned that I am the author of them; nay, the very titles of those wicked papers are suppressed. My name is introduced (in that apocryphal preamble) as being absent, nay, as being the only member on the roll (that is ordinary attending member) who was absent from the meeting of the College, on the day of that *virtual decision.* Instead of giving the list of the members present, as is usually, or always done in our minutes, they mention, that all were present, except *Dr GREGORY* (in capital Italic letters). The said capital Italic letters are as innocent as any in the alphabet; and the assertion, that I was not present at that meeting, is equally innocent, and indisputably true: but the *innuendo*, which cannot be mistaken, is very serious, and absolutely false; namely, that I *acquiesced* in that decision, and in a manner pleaded guilty, and allowed judgment to go against me by default in my absence.

In the *fifth* place, My brethren knew perfectly that I persisted in setting them at defiance, by continuing to distribute my printed papers even after their gentle and kind *virtual decision* against me had been pronounced, and made very public. This I did, not knowing or suspecting, or even supposing it possible, that such a decision should ever have been thought of. But I should have done the same, and much more, if I had known of it. I should have added

to my Censorian Letter a pithy Appendix, or Postscript, containing the *virtual decision*, and my remarks upon it; in which I should have dissected and anatomised it *secundum artem*, and without mercy. Dr Duncan senior, in some of his printed papers, has animadverted on that (supposed) contumacious behaviour on my part, in "still continuing to distribute copies of my libels, after having full opportunities of knowing the precise words of the vote which the College had passed:" And in another of them, he has declared, that "it can hardly be supposed, that I remained ignorant of what was done at those meetings (in February and May, 1805); and that it was my own fault only, if I did not know, that the College had thus virtually declared all my accusations of the President and Committee to be false and groundless."

Supposing, for the sake of argument, *all* that Dr Duncan has asserted in these and other passages of his printed papers, to have been *bonâ fide* believed by him and his brethren; particularly, that they were all convinced that I knew of their *virtual decision* against me, and that I still continued to distribute my printed papers, *alias* false and scandalous libels, just as I did before their decision upon them, this must have been the most cogent of all possible reasons for the College first to admonish me strongly of the impropriety and the certain bad consequences of my behaviour; and if I still should have persisted in my contumacy and wickedness, then to have proceeded against me with the utmost rigour. It is inconceivable how, or why, they should have failed to act in that decisive manner, if they seriously believed, that I knew of their *virtual decision* against me. It was worse than weakness; it was perfect inconsistency, on their part, not to do so. To know of their *virtual decision*, and not instantly to protest against it, with indignation, as false in itself, and unjust with respect to me, and not to repel, or, at least, endeavour to repel it, in the most complete manner, would have been to ac-

quiesce in it. To acquiesce in it, would have been either to admit that it was true and just, that is, in other words, to admit that I was a liar and a knave; or else to show, by my conduct, that I shrunk from the contest with my brethren, and was become afraid of them, whom, but a week before, I had set at defiance. But I am convinced, that my brethren, however angry they might be with me, knew too much of me, and too much of their own conduct, seriously to believe, or even to act on the supposition, that I had acquiesced in their virtual decision. I am accustomed, on many occasions, to regard the actual conduct of men as the best commentary on their thoughts, and the best explanation of them; often much more to be trusted than their words, even in the form of the most solemn declarations. On this principle, as the conduct of my brethren, individually and collectively, from the first, (4th and 5th February 1805,) did not correspond with the notion of their *wishing* me to know their *virtual decision* against me, (for it is not even pretended that any regular official intimation of such an act, or such a purpose, on their part, was ever communicated to me; and I solemnly declare, that I received no information whatever of it, and had no suspicion of it till the 4th of November 1806;)—and as their conduct, afterwards, in proceeding no farther against me; above all, their allowing me unrestrained, unadmonished, unpunished, to continue to distribute those printed papers which they had *virtually decided* to be a false and scandalous libel, was inconsistent with the supposition, that *they thought* I knew of their decision, I must take the liberty to declare, that, notwithstanding all which they have said, or rather insinuated, to the contrary, I doubt much whether any of them *believed* that I knew of their virtual decision against me, till the moment when Dr Duncan senior shewed it me in our Minute Book, on the 4th of November, 1806.

The inconsistency on their part is great and striking. But the inconsistency which they, particularly Dr Duncan senior, wish to impute to me, by their assertion, that I still continued to distribute my printed papers, (alias libels,) after knowing their virtual decision against them, is still more glaring, and absolutely irreconcileable with any notion or principle of common sense, either on their part or on mine. It is exactly equivalent to their declaring, that they believed that I acquiesced, and did not acquiesce, in their virtual decision; that I acknowledged, and did not acknowledge, my Censorian Letter to be a false and scandalous libel; that I admitted, and did not admit, myself to be a liar and a knave; that I was afraid, and was not afraid, to continue the war with them. It is abundantly wonderful how any individual should even inadvertently have fallen into such inconsistencies; and still more wonderful how he should have deliberately stated, and repeatedly printed and persisted in them, as Dr Duncan senior has done; but to me it appears absolutely incredible, that a whole society of men should, for two or three years, have overlooked such glaring inconsistencies; or should have failed to perceive, that the fact (which they all knew) of my continuing to distribute my printed papers without taking any notice of their *virtual decision* against them, plainly shewed that I knew nothing of that decision.

If they shall find any such inconsistencies, or any inconsistencies at all, between my professions and my actual conduct, they will obtain an easy and an honourable victory over me. If not, their own inconsistencies will lie heavy on their souls.

To these considerations I do not scruple to add, that I am convinced all my brethren know enough of me to believe, without any assurance from me, that, independently of all advantages to be gained by it, such as establishing what I had stated of their sentiments and conduct, and vindicating my own conduct and character, the

mere pleasure of dissecting and anatomising so admirable a subject as their *virtual decision*, would have been to me an irresistible temptation to begin that good work without a moment's delay.

From this long digression of five pages, I must now return to the point under discussion ;—namely, the consideration of the reasons which my brethren might have, or be supposed to have, for not naming me, or even mentioning my printed papers, in their *virtual decision*, that the said papers were a false and scandalous libel. It cannot be supposed, that in a transaction so important in itself, and conducted so deliberately, they deviated so much from the straight and well-known way of truth and justice, without some very substantial reason for doing so ; without some purpose, good or bad, which that mode of proceeding was to serve ; without the prospect of some advantage to themselves and to their cause, which advantage they could not have obtained, if they had pronounced an explicit condemnation of me, or a direct instead of a virtual decision, that my printed papers were a false and scandalous libel.

The most obvious purpose that their indirect mode of proceeding could serve, and the only advantage to themselves and their cause that I can conceive them to have expected from acting in that manner, are the precluding my right of complaining, remonstrating, or, in case of need, seeking legal redress, on account of the injustice done to me by their *virtual decision.*

If they had declared, or decided directly and openly, that my *Review* and my *Censorian Letter* were false and scandalous libels, I should certainly have been well entitled to vindicate myself, by shewing, or, if necessary, by proving in a court of justice, that *every thing of importance* which I had asserted was strictly true ; and that *every thing* which I had asserted was true to the best of my knowledge, information, and belief ; and further, by shewing, that the peculiar circumstances of the case, when I printed and distributed those papers,

were such as to require, and fully justify that very strong measure on my part.

If my brethren had chosen to declare explicitly, that I had forfeited the character of an honest man and a good Christian, (according to the tenor of our promissory engagement,) by wittingly and willingly divulging such proceedings as theirs, which I thought might tend to the prejudice or defamation of the College, or of any members thereof, which I had good reason to believe was the wish and intention of some of my brethren, I should have been well entitled to vindicate myself, by shewing, that though their proceedings did unquestionably tend very much to the prejudice, and defamation, and degradation, of the College as a body, and of themselves as individuals; yet in good sense, and in good faith, the obligation of secrecy, expressed in our promissory engagement, could not be understood to extend to such things, or to any things morally wrong and dishonourable, when done deliberately, any more than it could be understood to extend to schemes of felony, or to conspiracies of high treason, or of impiety, if deliberately proposed and urged in our College.

Not so with respect to their indirect, or *virtual decision*, that my papers were a false and scandalous libel; for it, considered simply, by itself, as it stands on our record, or even as it was printed and distributed with its very artful preamble, not explained or illustrated by the luminous commentary of Dr Duncan senior, (4th November, 1806,) is only an innocent declaration, that Dr Spens and his committee, 1804, had acted from the purest motives, and in the most honourable manner, with no reference or allusion to me or to my printed papers, which had never been the subject of discussion or enquiry in the Royal College, because no complaint and no mention of them had ever been made; as appeared by our minutes:— in short, my papers never were before the College.

If I had presumed to complain of such an innocent declaration in favour of four or five of my brethren, or to remonstrate against it, or to seek redress in any way, or to set about vindicating myself, I might have been told, and probably should have been told very soon, that it was no concern of mine, or, in the language of law, that it was *jus tertii* to me; and that I had no more reason to consider it as an injury to myself, than I should have had to regard in the same unfavourable light, a declaration or decision, on the part of the College, that Dr Spens and his committee were each of them seven feet high, and always wore scarlet and gold, as most of them do occasionally; especially on the king's birthday.

The real case would have been as indifferent as the supposed one is to me, if I had not had occasion to assert, and publicly to declare the directly contrary opinion, with respect to the proceedings of Dr Spens and his committee: and the supposed, or imaginary decision and declaration on the part of the College, that they were each of them seven feet high, and that they always wore scarlet and gold, would have been to me just as interesting as the real one, if I had had occasion seriously to declare, or perhaps to swear, that they generally wore coloured or black clothes, like other men of their profession; that they were not all exactly of the same stature, and that none of them were much above or much below the common stature of mankind. If this had been the tenor of my declaration, or of my oath, the supposed extravagant declaration by my brethren, would have been equivalent to a virtual decision, that I had been guilty of falsehood, or of perjury. What right I should have had, in point of strict law, to vindicate myself against the injustice of such a virtual decision, I really do not know. It might be found no decision at all; or, if a decision, no decision with respect to me; forasmuch as I was not mentioned in it. But in equity, and common sense, and at the bar of the public, where, in the real case, my brethren had

chosen to meet me, by distributing very freely, printed copies of their *virtual decision*, I should certainly, in such circumstances, have been well entitled to vindicate myself, by shewing, that what I had said, or sworn, was true, and that of course the virtual decision was false.

V. Another very striking, and on the part of my brethren, not very honourable, peculiarity in that proceeding of the College, (5th February, 1805,) *virtually deciding*, that my printed papers were a false and scandalous libel, is this. In it no regard was paid to my most explicit and candid offer, to acknowledge and rectify, as soon as it should be pointed out to me, any error or inaccuracy in what I had, with the most scrupulous care, stated in them as matters of fact, and made the subject of very severe and public reprehension. Nor yet, in that most wonderful proceeding of the College, was any regard paid to my public and explicit declaration, that I was ready to answer, judicially, for any thing which my brethren, whose conduct I had reprehended so severely, might choose to consider as wilfully false and injurious to them.

These were my words; which they all knew I had never retracted, and never could retract, if I had been ever so much inclined to do so: but this they could have no reason to suppose was the case.

"The transactions to which I allude, and, in some measure also, the sentiments which have led to them, and the principles on which they have been conducted, you will find stated and explained in the Review of the Proceedings of our College for the last fifty years, with respect to that subject, which is at present under our consideration, in consequence of a Report from a committee appointed to revise our laws; the most wonderful Report, in many respects, that ever was made by any committee to any society. For the truth and accuracy of every thing stated in that Review, I am answerable.

All the *more important facts* contained in it are taken *verbatim* from our Minutes; some few are stated *briefly*, or *abridged* from our Minutes; but this has been done most faithfully, to the best of my judgment. If there be any inaccuracy, of the smallest consequence, in my mode of abridging and stating those facts, it was not intended, and I shall be happy to acknowledge and rectify it, as soon as it shall be pointed out to me. As to the justness of my remarks on those particular facts, as well as on the general tenor and spirit of some late proceedings in our College, my remarks must answer for themselves; and every Fellow of our College, and every reader, is well entitled, and heartily welcome, to judge of them as rigorously as he pleases."—*Censorian Letter*, p. 2 & 3.

" Nay, more, if they shall not think my own conduct, and such a commentary from them on what I have advanced, a sufficient punishment for my offence, and shall seriously think that I have done them any injury, collectively or individually, the laws of their country will afford them ample redress. They will easily find abundance of lawyers able and willing to clapperclaw me *secundum artem;* and I have no doubt, that I shall find others equally able and willing to perform on them the same very necessary operation; but if not, rather than so good a work shall be left undone, I will do it myself.

" In the mean time, they will please to observe, that I deliberately stake my fame and fortune, on the truth of the assertions, the validity of the reasonings, and the justness of the sentiments, expressed in this Censorian Letter, and in my Review of the Proceedings of our College, with respect to the same subject, from 1753 to 1804. I admit the *possibility* of there being some little *unintended* mistakes in what I have written: which mistakes I shall be happy to rectify, as soon as they shall be pointed out to me. But on the truth, and validity, and justness, of the *general tenor* of my discourse, on the purity of my motives, the uprightness of my intentions, and on the

candour and openness of my conduct, in this very strong measure, I cheerfully stake my fame and fortune. I shall be curious to see any, or all, of our committee do as much on their part."—*Censorian Letter*, p. 120.

These explicit declarations and offers, on my part, must, I think, have convinced my brethren, that I *meant* to act candidly towards them, and that I, at least, *thought* myself in the right in every important assertion with respect to matters of fact, and of evidence, as well as with respect to those principles of moral conduct, and with respect to those sentiments, and those arguments, which I had stated so strongly in my printed papers. But if, without any reason, and contrary to the strongest probability which the nature of the thing admits of, my brethren should have done me the gross injustice of supposing me insincere in those declarations, this would have been the most decisive of all possible reasons for putting my sincerity to the simple and sure test of an easy experiment. If, on their pointing out to me any real or supposed errors in any thing, especially in any thing of importance, or in any thing unfavourable to them, which I had asserted in my printed papers, I had swerved from those principles of truth and candour which I professed, and had persisted in those assertions, without giving the most fair and valid reasons for doing so, this would have been *ipso facto* complete evidence of disingenuity and falsehood on my part, and would have operated to my conviction, and their vindication. To disregard totally, as my brethren have done, my professions and offers, which certainly were intended by me to be as candid as possible, was very uncandid, both on the part of the individuals, whose conduct I had reprehended, and also on the part of the College as a body, in that proceeding, (5th February, 1805,) which at present I have occasion to consider.

VI. In that proceeding, *virtually deciding*, as Dr Duncan senior has termed it, that my printed papers were a false and scandalous libel, no particular passages of them are specified as being false and scandalous. The decision was not only indirect, and merely by implication, but was expressed in the most general terms. Yet it was strong and complete; implying, that the whole of my printed papers, or at least the general tenor of them, was false and scandalous. But this could not be, unless some, or many of the particular assertions, or passages, in them were false. It is self-evident, that if every particular, contained in my printed papers, is true, the whole tenor of them must be true. It was not only uncandid, but positively unjust to me, not to specify, in their virtual decision, the particulars in my discourse, which my brethren individually, or the College as a body, considered, or pretended to consider, as false and scandalous: for that was with-holding from me the means of vindicating my own conduct with respect to every such particular, even if I should have been able to produce the most complete evidence, that every thing which I had asserted, either in point of fact, or principle, and sentiment, was true and just.

VII. In the clause of the declaration of the College, *virtually deciding*, that my printed papers were a false and scandalous libel, it is not expressed, nor even conveyed, by any kind of implication that I can discover, whether my brethren meant to contradict my assertions with respect to those particulars of the conduct of Dr Spens and his Committee in 1804, which I had stated precisely, with exact references to the records of the College, and to the Report of that Committee for the proof of what I asserted, or whether they meant to declare, and formally to decide, that, though the conduct of Dr Spens and his Committee had been, in point of fact, exactly what I had stated, yet still they had acted in the most honourable manner. In other words, their virtual decision against me does not

explain, whether they meant to represent me as guilty of the most deliberate and villainous falsehood, or only erring in judgment, and entertaining opinions with respect to the principles of moral conduct different from theirs, and repugnant to the common sense of mankind. In terms of logic, they have not explained, whether they meant to deny the *major* or the *minor* part of that plain syllogism, into which my proposition (with respect to the conduct of Dr Spens and his Committee) may fairly and easily be resolved. As they could not, without the most disgraceful absurdity, and the certainty of not being believed, deny my *major* proposition, or assert that such proceedings, as I had specified, were most honourable; and as they could not, without the certainty of being instantly convicted of deliberate falsehood, by the simple expedient of referring to their own records, and to the *Report* of that Committee, deny my *minor* proposition, or assert, that the conduct of Dr Spens and his Committee in that business, had not been, in point of fact, exactly what I had stated in their own words, it was natural, and reasonable to judge, that the reserve and ambiguity of the *virtual decision* of the College against me, in that respect, was not accidental, but intended. This, however, which is a point of some consequence to me, has lately been put beyond all doubt, by a simple and decisive experiment. In a letter to the President, which, by him, was communicated to the Council and to the College (2d November, 1807, here printed, page 100,) I stated the question clearly and strongly; explained of what interesting importance it was to me, with a view either to acknowledge any error that I might unintentionally have committed, or to vindicate my conduct, if I should still think it right; and earnestly begged of my brethren—not to retract any part of what they had said, but to explain precisely their meaning in that declaration (5th February, 1805).—This request, which to me appears so reasonable, that, to refuse or evade it, savours strongly of absurdity, as well as

injustice, my brethren would not comply with; but have declared "their adherence to that Resolution;" and expressed their concern, that I should think myself reduced to the dilemma so strongly stated in my letter. This expression of concern, which seems to have been intended as a kind of sarcasm and sneer, shall be considered in due time; that it may be known, whether they or I were hard pressed by my dilemma.

VIII. That unanimous resolution of the College, expressly declaring, that Dr Spens and his Committee, 1804, had acted from the purest motives, and in the most honourable manner, in their proceedings with respect to revising our laws, was connected with several very important and extraordinary circumstances; which are absolutely inconsistent with the supposition of *bona fides* on the part of the College in that declaration.

The important measure proposed by the Committee, in their Report with respect to our laws, was not adopted, or sanctioned, by the College. Nay, more, the Committee themselves asked, and obtained leave, to withdraw their report, and reconsider it. They withdrew it accordingly; and gave it in again, suppressing, or retracting those parts of it, which I had reprehended so severely in my Censorian Letter; and which, it was well known, were highly disapproved of by several of our number, as well as by me. The College approved of the Report so reconsidered and amended; and adopted it accordingly, leaving our enactment of 1754 unchanged, unfalsified, unexplained in the way that the Committee had at first proposed.

This procedure on the part of the Committee and of the College, was the more remarkable, that it was generally understood at that time, and, I believe, has since been avowed, that Dr Spens and his Committee were sure of a majority of the College in favour of that

change, or subversion, or falsification, or explanation, of our enactment, which they had been at so much pains to accomplish.

If their motives were the purest, that is, if the ultimate end, or object, which they intended, was perfectly good, and if the manner in which they had acted was the most honourable, that is, if the means which they had employed to accomplish that end were also right and good, both which things are declared by the College in the resolution, 5th February, 1805, the College was bound in honour and conscience to adopt and sanction that Report, which their Committee had so honourably, so laboriously, with so much trouble to themselves, and so explicitly, given in. I do not know what more, or what better, can be required in human conduct, than that both the end proposed, and the means employed to accomplish it, be the best and the most honourable. The concurrence of these two circumstances characterises any action as perfectly good. The want of either of them, the employing of good or innocent means to accomplish a bad end, which is sometimes done, or the employing of bad means to accomplish a good end, which is done very often, is knavery.

According to the declaration of the College, 5th February, 1805, not only the motives of the Committee, or the end which they had in view, were good, which, I believe, nobody ever disputed, and which I am sure that I at least never did dispute, but also the manner in which they had acted, the means which they had employed to accomplish that end, were good. If so, to oppose so good an action, and frustrate so honourable a purpose, or even to allow it to be frustrated, as was done in this case, by a few individuals, who must have been supposed to act from mere caprice and obstinacy at best, if not from some incomprehensible kind of knavery, must have been dishonourable and wrong. Nay, it must have been dishonourable and wrong, on the part of the Committee, to desist from doing, or

to undo what they knew to be right, and to retract, or unsay, what they knew to be true.

These arguments become still stronger against the *bona fides* of the Committee at least, if not of the College at large, when it is considered, that the opposition on the part of some of us to their proceeding, notwithstanding the purity of their motives, and the most honourable manner in which they had acted, was *foreseen* by themselves; and that they were prepared for it. Of this, the great secrecy with which their plan was conducted, and the precautions taken to prevent any debate upon it till the third reading of their Report, amply testify. But it has since been avowed by Dr Duncan senior, in one of his printed papers, his *Memorial and Queries*, &c. (printed here, page xxxiv.) in which he says, "They [*the Committee*] did not expect that the members would be unanimous in their "opinion with regard to it." [*Their Report with respect to our enactment of* 1754.]

It is reasonable, then, to inquire, and by no means difficult to ascertain, what they *did* expect. Certainly they could not expect, or wish to be baffled, and obliged to drop their proposal, after carrying it so far by such strange means; as Dr Spens had been in 1796, with respect to a plan, in substance precisely the same;—for such baffling would have been a severe mortification to them. Certainly they could not expect to be reduced to the sad necessity, which they have actually experienced, of being obliged to ask and obtain leave to withdraw their Report; to undo their own favourite work; to retract what they had most deliberately asserted; to eat up their own words: for this could not fail to be a bitter mortification to them. And, most certainly, they could not expect to have their *Report* rejected by the College; irresistibly implying, that they had been guilty of breach of faith, chicane, and falsehood.

There remains, then, but one possible supposition, and this one the most plain and obvious of all, with respect to what that unlucky Committee really expected to be the fate of their darling project, and the noble reward of the great trouble which they had taken in revising our laws;—namely, that they expected to carry their point, and get their Report adopted by a majority of the College, in spite of the most determined opposition, and well known disapprobation of several of the most respectable members of this College; in which every one of them, on his admission, had solemnly declared, and surely promised, as he desired to be holden and reputed an honest man and a good Christian, "that he should, as much as he could, advance and preserve *unity*, *amity*, and good order, among all the fellows, candidates, and licentiates thereof."

But, as they foresaw, with certainty, such opposition to their project, it is plain, that either they were conscious that they themselves were doing wrong, or else, that they expected that some of their brethren of this College would do wrong, as soon as they should have an opportunity of doing so, by obstinately opposing a plan, which they knew to be honourable and right. Such opposition to what is right, is unquestionably wrong and dishonourable. It is a species of *mala fides*, scarce less blameable than the more common kind of *mala fides*, which consists in doing, or endeavouring to do, what is known to be wrong.

In these circumstances, it becomes an interesting enquiry on which side the *mala fides* was; whether on the part of those who endeavoured, by every strange means, to accomplish their favourite project, or on the part of those who opposed it.

From a very striking passage in a letter, which I received from Dr Spens and Dr Hope, 29th January, 1805, and which I have printed in the sequel of this Paper, it is plain, that they two, and some more of their associates, thought the fault was on the part of

those who endeavoured to thwart them. Their words are, " Most of us, who saw little objection to the proposed alterations, except that they did not meet with the approbation of some of our friends in the College, considered it to be of more importance to maintain the unanimity of the College, than to carry through those changes; and that, on this account, the Committee, and some other members, had agreed, that the measure should be dropped."

Dr Duncan's avowal in his *Memorial and Queries*, already quoted, is of a very different import: implying, that the Committee foresaw the disapprobation and opposition of some of their *friends* in the College, and yet were resolved to carry their point.

This foreknowledge, that some of their *friends* in the College would oppose what the Committee thought honourable, and right, and expedient, precluding all belief, on their part, of the *bona fides* of their said friends in their conduct towards this College, and to them personally, is the more wonderful, and the less reconcileable with any notion of *bona fides* on the part of the Committee and their adherents in the College, that the appointment of that " Committee to revise the former edition of the laws, and to make such alterations as might seem necessary to be laid before the College for their consideration," was *unanimous*.

It was impossible that it should have been otherwise. All the copies of the former edition of our laws being exhausted, it would have been absurd to object to having them *reprinted*, (according to the President's suggestion, 7th February, 1804,) for that would have been to insist, that we should be governed by laws which we could not know, or could learn only by a tedious and laborious search into our own records. It would have been equally absurd to have objected to our laws, being " reprinted *with alterations*," (according to the President's suggestion:) for to have insisted that they should be reprinted, *without alterations*, verbatim as they were printed in

the former edition of them, when several little changes, but none, I believe, of any consequence, had been made in them, would have been equivalent to saying, that we were to be bound by laws in several respects different from those which were made known to us. It was evidently *necessary*, in good faith, that all those *alterations*, already made in our laws, should be attended to in *reprinting* them. If the committee had omitted any of *those alterations* in the new edition of the laws, it would have been negligence on their part, and must have been disapproved of by the College. Nay, it would have been necessary for the College to have corrected as soon as possible any such error, and supplied any such defect, in the new edition of our laws.

It certainly was *not necessary* for that Committee to make, or to propose for the consideration of the College, any other *alterations* in our laws. If they, of their own accord, chose to propose any others to the consideration of the College, as what they thought *expedient*, they were entitled to do so. But, in good faith, this ought to have been done in conformity to the general spirit and tenor of our laws; and ought to have been limited to such alterations as they expected their brethren, who *unanimously* appointed them to revise and reprint the laws, would unanimously approve and adopt. To suppose a society of men, of reputed good sense, and probity, and liberal education, *unanimously* to authorise five of their own number to do what many of them thought highly wrong, and never would consent to, is a kind of absurdity, and at least an incongruity of thought, absolutely inconsistent with the belief of good faith in those who chose to understand their own commission, as having a meaning that could not have been meant by those who gave it them.

These obvious considerations would have great weight, or, as I think, should be decisive, if the subject of discussion (the Report and the project of the Committee) had been a direct proposal to make, or

to repeal, or to alter any law of the College. But, in the case really under discussion, there is no occasion to lay any stress upon them. They are all superseded by the more interesting and complete evidence, which the form and tenor of the Report itself, given in by the Committee, afford. That part of it which relates to our enactment of 1754, (the only part of their Report with which I concern myself at present,) was *not* a proposal to make a new law with respect to permitting or forbidding our members to practice pharmacy publicly or privately; nor yet was it a proposal to *alter*, or to *repeal*, in whole or in part, our old law on that subject, as had been proposed and urged very keenly by Dr Spens in 1796; but it was a *declaration*, that "*doubts had been entertained* respecting the *purpose* and *extent* of the act of the College, of date 11th April, 1754; and 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*."

This declaration evidently implied, that our members were for the future to be permitted to practise pharmacy privately, and to furnish medicines to their patients: and this meaning was avowed by Dr Spens the President, when the question was put to him by Dr Hamilton senior, at the meeting of the College, 6th November, 1804, when that wonderful declaration first became generally known to us.

Such a *declaration*, according to the acknowledged indefeasible principles of logic, or indeed of common sense, *must be* either *true* or *false*. If true, it was the duty of the Committee, and of their adherents in the College, openly and boldly to assert it; and they acted wrong and dishonourably in retracting it. If true, it was equally the duty of the College to adopt and sanction it, to acknowledge that the terms of their old law were ambiguous, that doubts had very reasonably been entertained about the meaning of it, and to declare that the meaning of it was just what the Committee had discovered

and declared it to be; even though this meaning of the law was unknown to those who made it, and unsuspected by them and by their successors for about half a century, during which time they had all uniformly obeyed it in the opposite sense; nay, though only eight years before, when Dr Spens in 1796 proposed, and strongly urged, a partial repeal of it, precisely to that effect, which the Committee of 1804 in their Report declared to be its purpose and extent, it appeared indisputably, by the conduct of those who wished, and of those who did not wish, the law to be repealed, that all of us equally understood and knew the purpose and extent of it to be, on that point of furnishing medicines to our own patients, the direct contrary of what Dr Spens and his Committee of 1804 declared, and wished the College to declare it to be.

If their declaration of the meaning of the law of 1754 was true, their proceeding (*in that respect*) was honourable, and the College was bound in duty, and could not have hesitated a moment, to adopt and sanction it; and the members of the Committee could never have thought of retracting it.

If their declaration was false, it was right and necessary for them to retract it, as they did; it would have been wrong and dishonourable for the College to adopt and sanction it: and it was perfectly absurd, in these circumstances, for the College to declare, that the committee *had acted in the most honourable manner:* for this was equivalent to a declaration, that falsehood and breach of faith were most honourable, and yet that the College would not adopt and sanction such most honourable proceedings.

The inconsistency between the words and the actual conduct of the Royal College, on that occasion, is so glaring, that it is inconceiveable that any one of them should have believed their own decision or declaration: for if they did believe it, the approbation which they expressed of the conduct of the Committee, was a strong con-

demnation of their own conduct, in doing the contrary, by either persisting in giving a perverse and false meaning to their old law, or else adhering to truth and good faith, when they thought falsehood and breach of faith more honourable.

IX. Another most extraordinary peculiarity in the virtual decision of the College, highly interesting to me, and not very honourable on the part of my brethren who proposed it, is this. The motion implicitly conveying, and, as it is now avowed, intended to convey, a complete contradiction of what I had asserted in my printed papers, and a condemnation of them as a false and scandalous libel, was made, and carried, not only without the smallest evidence that any thing which I had asserted was false, or any enquiry whether it were true or false, but withal was made in such terms, in such a manner, and in such circumstances, as precluded all freedom of debate or discussion, or even of voting, on the part of those who in their hearts did not approve of it ; and implied a kind of compulsion or necessity for them to concur in it, however repugnant to their own sentiments.

That part of the motion, which alone relates to me, as implying contradiction of what I had asserted, and a condemnation or censure of me for what I had done, was expressed in the form of a declaration, that Dr Spens and his Committee "*had acted in the most honourable manner.*" This was brought before the College in the presence of Dr Spens and the other members of the Committee, except Dr Buchan, who was absent from Edinburgh, in the service of his country.

Supposing now, what I firmly believe, and may almost say I know to have been the case, and which at least is fairly supposable for the sake of argument, that four or five of the members present at that meeting of the College thought as unfavourably as I do of the pro-

ceedings of Dr Spens and his Committee, with respect to our enactment of 1754, regarding any attempt to repeal or subvert it, or to absolve themselves from the obligation of it, as a breach of faith, and regarding as mere falsehood and chicane the *declaration* of the Committee, that *doubts* had been entertained about the purpose and extent of it, and the new explanation of it which the Committee proposed; every one of them (whose sentiments were what I have here supposed) when called upon to vote for or against that motion, must have found himself reduced to the painful and most unfair dilemma, either of voting contrary to his own real sentiments, or else telling to their faces, four of his own brethren, that they had not acted in the most honourable manner. The consequence of choosing this latter part of the alternative was obvious. Any person who should have done so, must *ipso facto* have engaged in an implacable personal quarrel with four or five of his colleagues, with somewhat more than equal chance of finding a bullet in his thorax before nine o'clock next morning. But if all the combatants had been very punctilious, and much addicted to the Christian system of powder and ball, the good people of Edinburgh would have been regaled with a new and grand spectacle, worthy of the amphitheatre of antient Rome; four or five pair of medical *Pistolators* dispatching one another, from the purest motives, and in the most honourable manner; and would have wondered

> "Whence 'twas physicians were so frugal grown
> Of others' lives, regardless of their own."

The same considerations, *mutatis mutandis*, are equally applicable to the reception of the proposal when first made by Dr Stewart in the Council. As no person can be supposed so ignorant, or so stupid, as not to perceive that kind of compulsion on making such a pro-

posal in the Council, or such a motion in the College, I firmly believe that it was intended, and the result of it confidently expected.

X. Another very interesting peculiarity in the *virtual decision* against me, intimately connected with the last mentioned, and depending on the same well understood general principle of what is deemed *proper*, or even *safe*, for one gentleman to say to another, is this. No individual member of the College, who concurred in such a vote or decision, could have been desired, or expected by the College, to give me information of it. No member of this College could, without downright absurdity, and something very like insanity, have come to me to inform me of what he had done, or was just going to do, unless he had wished, and had been resolved to provoke me to a personal quarrel, and had been prepared to go to the last extremity with me.

Whatever my angry brethren may profess to think of me in point of probity and veracity, they certainly will not dispute, that I have sense enough, and knowledge enough of logic, to understand, that their declaration, that Dr Spens and his Committee "had acted in the most honourable manner," was a direct contradiction of what I had asserted in my printed papers; implying evidently, that they were a false and scandalous libel, and that I was a liar and a knave. I can perceive no difference, in point of impertinence and affront, between telling me so in plain terms, and conveying to me the same meaning by such evident and irresistible implication: nor can I conceive any answer but one that could have been given by me to such a person, and such an extraordinary intimation; which, in point of civility and good sense, would have been not a jot better than coming to my house to give me a slap on the face.

The case would have been widely different with any of my brethren, who should have opposed the *virtual decision* of the College against me and my printed papers.—Such a person, not only with-

out any impropriety, but with a very good grace, might have come to tell me what was a-doing. He might very reasonably have addressed me thus.—" I know the candid and liberal offer that you have explicitly made in your printed papers, and also by private intimation to some of your brethren; that you are ready to acknowledge and rectify, as soon as it shall be pointed out to you, any error in those papers, and to answer judicially for any thing in them which may be thought wilfully false or injurious to any member of our College. I know your reasons for absenting yourself from the meeting of the College to-day. You wished to leave them at full liberty to discuss the report of the Committee, and every part of your conduct towards your brethren individually, and towards the Royal College as a body; and take their final resolution, either to adopt that Report, and proceed against you as a great offender for treating it, and the Committee that gave it in, as you have done; or else, not adopt that Report, but either formally reject it as false and dishonourable, or allow it to be quietly withdrawn; thereby tacitly admitting, that what you have said of it is true and just. You probably expect, that they will point out to you any thing in your printed papers which they think unintentionally erroneous, that you may acknowledge and correct it, according to your offer: aud, at least, you must certainly expect, that they will give you explicit information, and cite you to answer for your conduct, and hear you in your own defence, if they mean to proceed against you as an offender, or profess to find any thing in your papers that is wilfully false or injurious to them. But you little know the men whom you have to deal with. They will do none of those things; they will enter into no investigation of the truth or falsity of what you have stated in your papers, nor of the rectitude or the impropriety of your conduct; they will not hear you in your defence; they will not cite you to answer for what you have done; they will not give you an op-

portunity to acknowledge and rectify any unintentional error in what you have stated with respect to the conduct of your brethren; they will not even inform you of what they are doing with respect to you; they have taken advantage of your absence, to do you the greatest injustice. Without even naming you, or mentioning your papers, they have contrived, virtually, or by irresistible and obvious implication, to condemn your papers as a false and scandalous libel, and of course yourself as a liar and a knave. This they have done in the form of a high compliment to Dr Spens and his Committee; declaring, in direct contradiction to what you have asserted, that they had acted in the most honourable manner. I have remonstrated, and voted, and protested, against this *virtual decision*, as contrary to truth, contrary to evidence, injurious to you, disgraceful in itself, and, in its consequences, likely to be ruinous to our College: and I give you this explicit intimation, that you may take the most effectual and speedy measures to vindicate yourself, and to repel so extraordinary and so foul an injury."

Such a friendly monitor as I have here supposed,—and such a one I certainly should have been to any of my brethren, if any of them had been in the same situation in which I was on the 5th of February, 1805, the day of the *virtual decision*,—would have been well entitled to my most hearty thanks: and I am sure I need not tell my brethren what my conduct would have been towards them, if I had received such explicit information of their proceedings with respect to me; or if I had received any intimation at all of their virtual condemnation of my printed papers.

For the reasons fully stated already, it is hardly conceivable, that any member of this College, who had concurred in that proceeding, should have come to tell me of it, unless he wished to quarrel with me for ever. But it is still more difficult to conceive, that any one, who had previously, in repeated confidential conversations, agreed

with me in strongly reprobating the proceedings of the Committee, should come to me, not only to quarrel with me implacably, by intimating to me, that he had concurred with the rest of my brethren in deciding that my papers were a false and scandalous libel; but, at the same time, to bear testimony against himself, and to announce to me his own self-condemnation. It would be still more marvellous, if two of my brethren, separately, and without any concert, (all suspicion of which between Dr Hamilton senior and Dr Wright, in this case, is quite out of the question,) should have come to my house purposely to act in that absurd manner. But the most marvellous of all things is, that, after such absurd and unfriendly proceedings on the part of those gentlemen, they and I should have continued to live, as we had done before, on the most intimate and friendly terms. Such things appear to me absolutely inconsistent with every notion of human reason and of human conduct. Of course, I must regard as false and incredible any assertion, such as that of some of my brethren, which necessarily implies such glaring absurdities.

XI. Another very interesting peculiarity in the *virtual decision* against me, and one so important, that, of itself, independently of all other considerations, it must make it incredible, that I, knowing of such a decision, should have acquiesced in it even for an hour, is this:—It is directly contrary to the most complete and incontrovertible evidence; which, at that time, was well known to me and to all my brethren. This evidence to which I allude, is supreme and decisive. It results from comparing the terms of our enactment of 1754, and the record of our uniform proceedings with respect to it for fifty years, with the declaration of its purpose and extent proposed by the Committee of 1804. By that comparison, it appears indisputably, that the Report of the Committee, with respect to it, is a deliberate and artful falsification of our old law, evidently intended to palliate a determined breach of faith. The comparison, or con-

trast, to which I allude, was stated fully in my *Review:* but to preclude all possibility of ignorance, forgetfulness, or mistake, with respect to it, I must here state it again.

"It appears by the Minutes of the Royal College of Physicians in Edinburgh, that, more than fifty years ago, they had observed, and, for weighty reasons, which they most explicitly stated, strongly condemned a practice, about that time beginning to prevail in this city, of persons keeping apothecaries shops and practising pharmacy, presenting to the College diplomas *obtained* or *purchased* from some of our Scotch Universities, and, by virtue of them, claiming from our College a licence to practise medicine in this city, *in terms of our charter:* that is, *without* any *trial* or *examination.*

"It appears also, that it was at that time, and had *constantly been,* the principle and practice of the College, to prevent any of its own *Fellows* (as distinguished from its *Licentiates)* from keeping an apothecary's shop, for *preparing and dispensing medicines to his patients.*

"For the satisfaction of the curious, and the edification of some individuals among us, who profess to believe, that *doubts have been entertained* concerning the meaning and purpose of the College in enacting a certain well-known regulation, (11th April, 1754,) made notoriously and avowedly to extend to their *Licentiates,* as well as their *Fellows,* that prohibition with respect to keeping shops and practising pharmacy; and who, in order to remove all such doubtful or pretended doubts, not one of which I ever heard of till the afternoon of Tuesday, 6th November, 1804, have deliberately proposed to interpret that law, in a sense not only *different from,* but almost *opposite to,* that sense in which it had been generally at least, if not universally, understood for fifty years, so as to make it a *permission,* or *warrant* of the College to its own Fellows and Licentiates residing in Edinburgh, to keep apothecaries shops, and prepare and dispense

medicines to their patients;—I quote here the *precise words* of that part of the Minutes of our College, 6th November, 1753, which relates to this subject. It is part of the Report of a Committee appointed, three months before, to consider of the expediency of augmenting the fees to be paid to the College by any future Licentiates.

'The Committee has accordingly had this affair under their most serious attention; and considering,

'That, of late, many Gentlemen, *keeping apothecaries shops* and *practising pharmacy*, have presented to the College *diplomas in physic, purchased or obtained* from some of the Universities of this part of the kingdom, and have thereupon *claimed* from the College a licence to practise medicine within this city, in the *character of Physicians, without undergoing any trial* or *examination.*

'That the greater part of the Fellows of the College, still alive, have assented to, and subscribed, a decreet of separation; wherein it is, *inter alia*, declared, That the employments of *surgery* and *pharmacy*, being two different employments, and both requiring a great deal of care and knowledge, should hereafter be exercised, within this city of Edinburgh and liberties thereof, by different persons, and that one and the same person should not exercise both employments.

'That their argument against the conjunction of *surgery* with pharmacy, is still stronger against *uniting*, in the *same person*, the *physician* and the *apothecary*, because these are two *different occupations;* either of them being *sufficient to employ* any one *man's whole time* and *attention;* and therefore it appears to be the *interest of the public*, that they should be exercised *separately;* nor can their union be judged at all *necessary in so large a city as this*, where those who practise either medicine or pharmacy by itself find encouragement so to do.

'That this appears to be the constant opinion of the College; because by the statute *no Licentiate* can be admitted Fellow, without *subscribing an obligation*, that he shall *not take up*, or *keep* an *apothecary's* shop for *preparing and dispensing medicines to his patients;* which obligation is made an *express condition* of his fellowship.

'That it has often been surmised, and is supposed, that the smallness of the fine payable to the College by those who obtain a licence to practise, has been, and may still be, an inducement with several to *undertake both physic and pharmacy*, and to act in this *double capacity*, whilst they can, for a *small sum*, *dignify the title of apothecary*, by uniting it with that of *Doctor of Medicine.*

'Therefore the several members of the Committee, with the advice and concurrence of some of the other Fellows of the College, are jointly of opinion, that it would tend very much to the *honour* as well as to the *interest* of the *College*, and *the good of the lieges*, to discourage *this practice of uniting the apothecary with the physician in the same person;* and that so good a purpose, in some measure, may be obtained, by augmenting the fine payable to the College by Licentiates, at their admission or afterwards, in the manner following, viz.'

"This *Report* is signed *John Rutherford, P.*; and afterwards the whole Minute is signed *John Rutherford, P. C. R. M. E.*

"Our predecessors, faithful to their honourable, rational, disinterested, and public-spirited intention, after the most ample and deliberate discussion for five months, enacted that law, (11th April, 1754,) which has ever since been well known among us by the name of *the Enactment*; which has been considered as a fundamental and essential part of our constitution; which extended even to our *Licentiates* that prohibition, which formerly attached only to our *Fellows*, against keeping an apothecary's shop, or practising pharmacy in any

way; that law, which on our part, and as far as we were concerned, and had the power, was to make an eternal separation between the province of the physician and that of the apothecary; that law, by which our predecessors, with the liberal spirit of gentlemen and men of science, for themselves and for us, renounced certain views of private and pecuniary interest, purely and evidently for the advancement of their science, and the good of mankind; that law, by which, as I have always understood, every individual among us was specifically and indefeasibly bound, not only to our College as a body, but to every other individual of our number, and to the public, either to act uniformly in that liberal and honourable manner prescribed to him, or else quit his place among us, and forfeit his licence or right to practise physic in this city, and be liable to be prosecuted and punished if he should continue to practise here as a physician; that law, to which, at the time of receiving his licence, each of us individually, either in person or by proxy, in the most explicit manner, signified his assent, and promised obedience, under the specific penalty, the greatest possible in such a case, of forfeiting his place and all his rights and privileges as one of our number; that law, which was revised by the ablest lawyers in Scotland, and by them declared to be reasonable, just, and valid; that law, by which, the very next year, a respectable gentleman, (the late Dr Martin Eccles,) who had the degree of Doctor of Physic from the oldest university in Scotland, was refused his licence, because he would not engage to give up the practice of pharmacy, in which he had previously been engaged as a surgeon-apothecary; and afterwards (notwithstanding his diploma from St Andrews) was prosecuted legally to conviction, and actually punished by fine and otherwise, for presuming to practise as a physician in this city; that law, in consequence of which a respectable gentleman, the living *Dr Farquharson*, at one time a Fellow of our College, within these twenty years, when he wished to

practise pharmacy as well as physic, found it necessary to resign his place among us; to which, I presume, and as he means to demand, he must of course be restored, if it shall be found, as some individuals among us pretend, that for fifty years we had uniformly mistaken the meaning of our own law, and understood it to mean just the reverse of what is now declared, by the same individuals, to be its true meaning; that law, which eight or nine years ago, our present President, Dr Thomas Spens, understood to mean, that we were *not allowed* to keep shops and practise pharmacy, as he wished us to be, and accordingly moved to *repeal* in part, so as to *give us leave* to keep shops, and prepare and dispense medicines to our patients; and yet now agrees with his Committee in telling us, that *doubts had been entertained about the meaning* of it; and that the *true meaning* of it is, that it *does allow* us to *keep shops*, and *prepare* and *dispense medicines for the use of our own patients.* All this sad change, in the understanding, the sentiments, the character, and the conduct, of some of our Fellows, within a few years!

Damnosa quid non imminuit Dies?
Ætas Parentum, pejor avis, tulit
Nos nequiores; mox daturos
Progeniem vitiosiorem.

"That all whom it concerns, and first and chiefly, that every *Fellow* of our College, *present* or *absent*, whose honour and interest must be affected by such proceedings, and who therefore has an interest and a right to preserve inviolate that law, and that constitution, of our College, on the faith of which he deemed it an honour to be enrolled in our number, may have an opportunity of judging whether any doubts *could* be entertained about its meaning; and, if so, whether the interpretation now given of it by our Committee, and which we

are called upon to adopt, and sanction as our own, be *true*, or even, *bona fide*, *possible*, I here lay before them that law *verbatim*.

"The act of the College, bearing date the 11th of April 1754, directed to be signed by all the members of the College practising in Edinburgh, is in the following terms:

'The Royal College of Physicians in Edinburgh, taking into their serious consideration the trust reposed in them by their charter of erection, to watch over the practice of physic within the city of Edinburgh and its liberties, and the full power vested in them by the said charter, ratified by act of Parliament, of making such acts and regulations as may contribute to promote the knowledge and practice of medicine, and for the good government of the Fellows of the said College, and of all others practising physic within the said city and its liberties: And also considering, that an innovation and abuse has been lately introduced into the manner of practising physic within this city and its liberties, whereby some physicians, licensed and authorised by the said Royal College to practise physic, have also acted as apothecaries, by keeping or setting up apothecaries' shops, and thereby conjoining the profession of medicine and pharmacy in one and the same person: And the said Royal College further considering, that this innovation and abuse tend to hinder the advancement of the knowledge of medicine, and may prove dangerous to the health of the inhabitants of this city, and of the liberties thereof: they, by these presents, enact and ordain, That from and after the eleventh day of April, one thousand seven hundred and fifty-four years, no member of the College, nor any physician by them licensed and authorised to practise physic within the said city and its liberties, shall take upon himself to use the employment of an apothecary, or to have or keep an apothecary's shop, by himself, his partners, or his servants: And in case any such physician shall do in the

contrary, and shall therefore be lawfully convicted, he shall forfeit from thenceforth his right of Fellowship, and his right and title to practise physic within the city of Edinburgh and its liberties.

'And for preventing the like abuse in time coming, it is hereby enacted and ordained, That from and after the said eleventh day of April, one thousand seven hundred and fifty-four, all and every physician, whether having received his degrees in Scotland, or in any foreign university, applying to the said College for a licence to practise physic in the city of Edinburgh, and liberties thereof, shall previously enact, and oblige himself not to set up an apothecary's shop, nor to practise pharmacy, by himself, copartners, or servants; and with this condition, that if at any time thereafter he shall contravene, by taking up an apothecary's shop, and practising pharmacy, by himself, his partners, or servants, he shall, *ipso facto*, forfeit his licence aforesaid, and be liable to be prosecuted for such practice, without licence from the said Royal College, in the same manner as he had never been licensed; and that such condition shall be engrossed in all licences to be granted after the said eleventh day of April, one thousand seven hundred and fifty-four years.

'And it is further enacted and ordained, That from and after the said eleventh day of April, one thousand seven hundred and fifty-four years, the said Royal College, and their successors, shall not grant any licence to any physician, whether graduated in Scotland or elsewhere, to practise medicine within the said city or liberties, who, at the time of his application for such licence, practises pharmacy in manner above mentioned, until such physician give up the practice of pharmacy, and become bound and enacted not to practise the same in any time thereafter, in manner foresaid.

'And the said Royal College ordain this act to be publicly read to every physician who shall, after the said eleventh day of April, one thousand seven hundred and fifty-four years, apply to them for

a licence to practise physic within the city of Edinburgh and its liberties.'

"I doubt whether it be possible to contrive expressions more full, strong, and precise, than those here employed by the College, to convey their meaning, that none of their Fellows, or Licentiates, residing and practising within the city or liberties of Edinburgh, should keep an apothecary's shop of any kind, or practise pharmacy in any manner or way. If it had been the intention of the College to permit its members to keep private shops in their own houses, and to prepare and dispense medicines to their own patients, but only to prevent them from keeping open shops for the common sale of medicines, as the trading chemists and druggists, not members of the Royal College of Surgeons, (comprehending apothecaries) do at present, these things would certainly have been *expressed*, and the requisite *exceptions made*, clearly and explicitly. But I can find no evidence or presumption, either from the minutes of our College, or from any thing else that ever I saw or heard of, that any Licentiate or Fellow of this College ever kept, or proposed to keep, such a shop. But supposing, for the sake of argument, that some such instances had been known to our College at that time, and that our College, by its act, meant only to prohibit that kind of shop-keeping and apothecary-practice, but to permit their members to have private shops, and to dispense medicines to their own patients, this purpose would only have made it the more obviously necessary for them to state this distinction and exception. Their not having done so is a complete, though a negative proof, that they never meant to make any such distinction or exception. But when, along with this consideration, we take the singularly clear and strong expressions of the *preamble* of the act of our College, stating the reasons for it, which reasons, for keeping separate the office of physician and that of apo-

thecary, are equally applicable to the *private* as to the *public* practice of pharmacy, there cannot be a doubt in the mind of any man of common sense, and I am convinced, that, in fact, there never yet has been a *doubt* in the mind of any man whatever, of the true *intent* and *meaning* of the act in question; whatever exceptions may have been taken at that meaning.

"But if, contrary to all credibility, any such doubts had been entertained, they must very soon have been removed. For the very next year (1755) the College engaged in an altercation with Mr Martin Eccles, surgeon, who assumed the title and designation of physician, and practised as such, by prescribing medicines and signing receipts, without licence from the College to practise medicine within the city of Edinburgh and its liberties. Immediately after the beginning of this altercation, Mr Martin Eccles suddenly became Dr Eccles, by virtue of a diploma of Doctor of Medicine from the University of St Andrews; which, as he told our College, 'he humbly apprehended, entitled him to practise in that profession." He told them also, that 'he acquainted the president of our College, that he intended to apply to our College for a licence, in terms of our charter; but received for answer, that it would not be granted, unless he gave up his shop: but that, not being satisfied that there was any thing inconsistent or incompatible in the exercise of these professions by the same person, he desired our clerk, to whom his letter was addressed, would be pleased, in his name, to acquaint our College, that he requested our licence, in terms of our charter of erection, and as had been granted to others in the like circumstances.'—Our College, finding him obstinate, consulted counsel learned in the law; namely, the Lord Advocate, Mr Alexander Lockhart, and Mr Andrew Pringle, upon the merits of the whole cause, and how the College should proceed to do themselves and the public justice, and to put their just and most reasonable laws most effectually in execution.

" Those lawyers were unanimously of opinion, that, *inter alia*, the College were well founded, both in *law* and *reason*, in the act lately made by them for keeping the practice of *medicine distinct* and *separate* from the practice of *pharmacy;* and that they have not exceeded their powers in making the same; and that the College, for vindicating and establishing their own rights and privileges, and for enforcing their laws, and rendering them effectual, should prosecute Mr Eccles before *themselves*, for practising medicine without licence, agreeable to the powers vested in them by their patent.

" The College followed this advice; Dr Eccles declined the jurisdiction of the Court. Our Court *repelled* his *declinator;* and he having made no peremptory defence in the cause, our Court held him as confessed, and fined him sixty pounds Scots, for *each* of *two months* to which the libel against him for practising physic had been restricted. When he was required to pay his fine, he brought the cause by a bill of suspension before the Court of Session. But soon afterwards Dr Eccles desisted from this litigation; made his submission to our College; paid his fine; and our College did not exact the payment of the expences: and being, as their Minutes (4th of May, 1756) express it, disposed to treat him with all the gentleness and lenity, especially as he had come to wait upon the College, and give them all the satisfaction in his power, Resolved, that, in place of hearing him on what he might offer or allege in his own vindication, or by way of apology, he should be called in, and rebuked, and admonished by the President; which was done accordingly.

" In all this long discussion, which seems to have occupied the attention of our College very much, from the 4th of February 1755, to the 4th of May 1756, and which ended so unfavourably for Dr Eccles, I can find no vestige of any distinction having ever been made, or attempted, between a public and a private apothecary's shop.

"In 1759, (1st of May,) a Committee was appointed to revise the act in question. Their Report, fully approving it, was adopted 6th of November, 1759.

"8th December, 1761, Dr Innes's *second* petition for a licence from our College was unanimously refused; he being called in, and refusing to conform himself to the act of 11th April, 1754, or to sign the obligation for that purpose, constantly subscribed by all Licentiates before obtaining their licence.

"That strong and explicit obligation has been uniformly signed by every Licentiate and Fellow of our College for fifty years.

"3d May, 1785, Dr William Farquharson, at that time physician in Paisley, was admitted a Fellow of our College, on the usual conditions, and under the usual obligations. He continued a Fellow of our College for near three years.

5th February, 1788, 'A letter to the President from Dr William Farquharson, lately of Paisley, was read, signifying, that he found it necessary to become a member of the Royal College of Surgeons, unless he, as president of the Royal College of Physicians, should have objections to it: That he had, and ever should have, the greatest respect for the College of Physicians, and most sincerely regretted the necessity he was under of forfeiting his seat at that Board. Which being considered by the College, they are unanimously of opinion, that they can make no reasonable objection to Dr Farquharson becoming a member of the Royal College of Surgeons; and agree to receive this letter as a sufficient intimation of his purpose of becoming so, and thereby forfeiting his seat as a member of the College; which they authorise——to intimate to the Doctor accordingly.

'2d February, 1796, Dr Thomas Spens moved, That the act of the College, bearing date 11th April, 1754, be *repealed*, in so far, that every Fellow, or Licentiate, of the College, may have it in his power

to supply his own patients with medicines, or the patients of those with whom he may be conjoined in practice. This motion was read a first time that day, a second time 3d of May, a third time 2d August; and the debate adjourned till the 1st of November, 1796; 'on which day the members severally delivered their sentiments; but the Doctor not insisting that any vote should be put upon the subject at this time, it was agreed that the same should stand over until some future contingency shall seem to render such a vote more necessary.' Such are the words in our Minute-book; which *import, at least*, that the motion which Dr Spens had made, and had urged with *unexampled perseverance*, was not relished by the majority of the College; that Dr Spens did not choose to try a vote upon it, and was fain to *suspend* it, or *slur it* over, in that most singular and ungracious manner. For I beg it may be observed, that Dr Spens's motion (2d February, 1796) for *repealing in part*, that is to say, in its essential part, for the sake of which it was enacted, our old law of 11th April, 1754, was *not* negatived, or rejected, by a *vote* of our College; was *not* expressly *withdrawn* or *dropped* by him; was *not* even *tacitly dismissed*, by passing on to other business, without taking any notice of it; but *was made* the subject of a *particular* and *very remarkable* minute, or record, the only one of the kind that ever I saw or heard of; importing, that Dr Spens was left at liberty, if he should, at any time thereafter, think it expedient, to take the sense of the College, by a vote, on his original motion, which had been so strongly and ignominiously reprobated, by most of us, in the long and keen debates to which that unlucky proposal had given occasion. I believe it was generally understood, that the singular mode adopted, of laying the question to sleep at that time, was meant as a kind of delicate attention to Dr Spens, proceeding from a wish, common to us all, to save him, whose feelings must have been severely hurt by what had passed in the debates, the additional mortification of

having his favourite scheme rejected by a *needless vote*, which *must* have been *recorded* in our Minutes. I believe we all took it for granted, at that time, that Dr Spens understood, and felt the delicacy of our proceeding; and of course, that he would never afterwards revive such a discussion among us, in any form, or on any pretence. But this was not *expressed* as the *condition* of the gentle mode in which his motion was laid to sleep: and unquestionably, from the very precise words of that Minute, it was, and still is competent for him, and indeed for any member of the College, to demand a decision by vote, without any further discussion, on his original motion; which, more than eight years ago, had been read and discussed, at least at *three meetings*, as required by our laws; but in truth, at four meetings. How far such a procedure would be *delicate*, or *expedient*, I shall not presume to determine. That Dr Spens has not hitherto thought it *expedient* to try such a vote is very plain; and I presume he was right in that caution. Many wise men think it prudent to *let sleeping dogs lie:* and every classical scholar knows how dangerous it is *incedere per igneis suppositos cineri doloso.* But, at any rate, the indisputable facts, that he made such a motion for *repealing in part* our law of 1754, and that it was allowed *to stand over* undecided by a vote, *till some future contingency shall seem to render such a vote more necessary*, implies, that he in 1796 understood perfectly the true meaning of the law in question, just in the same sense that we all understood it. To the best of my knowledge and belief, neither Dr Spens, nor any other member of our College, ever intimated to us any doubts about the meaning of that law; or suggested any other meaning to it, in all the intervening seven years, and more, from November 6th, 1796, to 2d February, 1804, when he moved for the appointment of a Committee, whose Report is at present under discussion."

On the 1st of December, 1803, Dr Spens was elected President of our College; at the next ordinary quarterly meeting of which, (7th February, 1804,) he suggested to the College the propriety of having their laws reprinted with alterations. This proposal the College unanimously approved of; and, at his suggestion, appointed Drs Duncan senior and junior, Dr Hope, and Dr Buchan, with the President, a Committee for that purpose. In that Committee, one of the earliest, if not the very first thing he did, as I was informed by Dr Duncan senior, was to propose a most wonderful interpretation of our enactment of 1754; an interpretation of it *exactly equivalent* to that *partial repeal* of it, which eight years before he had proposed, and urged with great perseverance. This proposed *interpretation*, or *subversion*, or *falsification*, or *alteration*, or *repeal* of our old law, was kept concealed from the College at large, nay, from many members of the Council, till it could be concealed no longer; the secret having somehow transpired: and even then, at the earnest desire of the President, who first announced it from the chair, 6th November, 1804, at the second nominal reading of the Committee's Report, all debate or discussion about it was postponed till the next quarterly meeting of the College; when, in the ordinary course of business, the question would have been decided by a *vote;* of the result of which, in such circumstances, there could be no doubt.

That part of the Committee's Report which related to our act of 1754, the only part of their Report about which I concern myself at present, was expressed in the form of a *declaration* in these memorable words:

"As *doubts have been entertained* respecting the *purpose* and *extent* of the act of the College, of date 11th April, 1754, it is hereby declared, 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.*" The Committee also

proposed to alter the engagement, to be subscribed by every resident member, from that " not to set up an apothecary's shop, *nor to practise pharmacy, by himself, copartners, or servants,*" (quoted page 43, line 29, of this my Defence,) to this—" I shall not keep a public apothecary's shop; nor sell medicines publicly by retail, by myself, copartners, nor servants."

Nay, by a wonderful incongruity of thought, they proposed to make every person, petitioning for a licence, declare, in his petition, as follows :—" And I being willing to enact myself, *in terms* of an act, dated 11th April, 1754, that I shall not keep a *public* apothecary's shop, nor *sell medicines publicly by retail,* by myself, copartners, nor servants, under the certification mentioned in the act;" when it is self-evident, that these are *not* the *terms,* nor the *meaning* of that act.

As to the declaration, that *doubts* had been entertained respecting the *purpose* and *extent* of it, and 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, it is so glaringly false, that it is impossible that it should have been believed by any person who knew the words even of the enacting clause of our old law. The words of the *enacting clause* of it are abundantly clear and precise. If they had been less so, and if any doubts had really been entertained about the meaning of it, they must have been removed (or prevented) by the clear and strong *preamble* of it: if this had not been enough, by the explicit opinion of the great lawyers (quoted page 47, line 3, of this paper); if this had not been enough to remove all *doubts,* the proceedings, in consequence of that law, must have removed them; if these had not been sufficient to remove them, the uniform practice of our members, and their obedience to the law in its plain original meaning for fifty years, must have removed them: if all these things had been

insufficient to prevent or to remove such doubts, Dr Spens's persevering attempt, in 1796, to get the act of 1754 *repealed in part*, so as to *allow our members to furnish medicines to their own patients*, and the strong and obstinate opposition made to that attempt by a large proportion of our number, must have put an end to all such doubts for ever. Human genius can conceive no stronger proof, or better illustration of the purpose and extent of our old law, and of the uniform understanding of its true meaning, both by those who approved of it, and by those who disliked it, and wished to get rid of it. If Dr Spens and his adherents, in 1796, immediately after his motion for repealing, in part, our act of 1754 was dropped, or suspended *sine die*, had proposed such a declaration of the purpose and extent of that act as he and his Committee proposed in 1804, the falsehood of it would have been not only glaring, but ludicrous. It was just as real and great, and almost as glaring, though not quite so ludicrous, when proposed by them in 1804. The facts being unquestionably as I have stated them, with respect to these proceedings, the declaration of the College, 5th February, 1805, that Dr Spens and his Committee had acted in the most honourable manner, when fairly explained, by specifying what their conduct was, and especially what was the import of their declaration of the purpose and extent of our old law 1754, is just an assertion or decision on the part of the College, that deliberate falsehood is most honourable: which decision is immoral, as well as absurd and disgraceful.

But this is not all; nay, hardly the worst that is implied in the declaration of the College, 5th February, 1805, and their virtual decision, that my printed papers were a false and scandalous libel.

It is reasonable to inquire, and, in this case, very easy to ascertain, for what *purpose* that falsehood was employed.

"No man (says Bacon) does wrong for the wrong's sake; but for some advantage to himself, such as profit or pleasure, or the like."

The only advantage which my brethren, who wished to get rid of the restraint imposed on them by our act of 1754, can be supposed to have expected from their deliberate attempt to falsify it, instead of directly and openly repealing it, is so evident, that I do not think there can be any reasonable dispute about it.

By the very singular and memorable resolution of the College, 1st November, 1796, it was in their power at any time, or at least at any ordinary meeting of the College, to call for a *vote* on Dr Spens's motion, to repeal the act of 1754, in part, and precisely to the same effect as was intended by the Report of his Committee in 1804. If they had a majority in favour of such a change, of which they seemed confident, and without which confidence of a majority in their favour, they were acting like madmen, in giving in such a Report; they could have accomplished their favourite purpose, by *repealing* as much of that law as they wished to repeal, without delay, without trouble, without even the form of any debate or discussion about it. They were entitled to call for a vote at once, and to determine it according to the wishes of the majority of the College. But to such a *direct repeal* of our act, 1754, there was one very obvious and strong objection; an objection, in my opinion, absolutely insurmountable. It would have been a bare-faced breach of faith; *ipso facto* acknowledging the true purpose and full extent of the law, and at the same time deliberately absolving themselves from the obligation of it; from that obligation, which each of them individually had taken upon himself as the indispensible condition, *sine quâ non*, of his being allowed to become, or to continue, a member of this College, or even of his being allowed to practise physic in this city.

Every thing else, with respect to that law, and the proposed alteration of it, remaining the same, that strong objection, on the principle of its being a breach of faith, is completely obviated by the falsification of it proposed by the Committee 1804. According to their

Report, the College was invited, and expected to declare, that the law had no such meaning, or purpose, or extent, as had formerly been understood, and as the Committee wished to get rid of. This was certainly a great and very tempting advantage; especially if such a declaration had been allowed to pass unexamined, unexposed. But the advantage was gained at the expence of truth; and by far too dearly purchased. When the declaration of the College, 5th February, 1805, that Dr Spens and his Committee had acted in the most honourable manner, is thus fairly analysed, by specifying the particulars of their conduct in the alterations which they proposed to make in our act of 1754, it appears to amount to a deliberate assertion, that they acted in the most honourable manner, when they employed deliberate falsehood to cloak a most deliberate and determined breach of faith.—Which is doubly immoral, absurd, and incredible.

If the College at large had thought the declaration of the Committee true, they certainly would have adopted and sanctioned it. They must have done so. If the members of the Committee themselves had thought their own declaration true, they never would nor could have retracted it. If the College had thought the proposed *change* or *alteration* of our act 1754 (for *such* it was avowed to be) honourable and right, they certainly would have made it openly and fairly, as was proposed by Dr Spens in 1796; in the form of a repeal of our old law. And now those very men, whose most honourable conduct was precisely what I have here specified, appear as my accusers, seeking to retaliate on me for my severe reprehension of them and their proceedings, and to fix on me the imputation of falsehood.

They must allow me, on this occasion, to remind them of the words of the Gospel: "And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye? or how wilt thou say to thy brother, Let me pull out the mote

that is in thine eye; and, behold, a beam is in thine own eye? Thou hypocrite! first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye."

If my two accusers, and some others of my very angry brethren, will take the trouble to cast out the beams that are in their own eyes, I dare say they may easily discover many motes, and some beams, in my eyes: but they certainly will not discover that kind of mote, or beam, which they are pleased to fancy, or pretend to fancy, that they see in my eye: nor will they make it credible, that, having any eyes at all, I should have failed to see, in a moment, the absurdity of the declaration of the College, (5th February, 1805,) that Dr Spens and his Committee had acted in the most honourable manner, as well as the glaring inconsistency of that declaration, with the well-known fact, that Dr Spens and his Committee asked and obtained permission to withdraw and reconsider their Report; and actually withdrew it accordingly, and gave it in again to the College, suppressing all those parts of it which I had reprehended as false and dishonourable. As little can my brethren make it credible, that, having any eyes at all, I should not have seen at once the gross and shameful injustice done to me by that declaration, as implying a virtual decision, that my printed papers were a false and scandalous libel:—or that I, seeing and knowing all these things, should have delayed, even a moment, to remonstrate, in the strongest terms, against such a flagrant act of injustice to myself, and to take the most effectual measures to vindicate my own character and conduct.

XII. Another *peculiarity* in the *virtual decision* of the College (5th February, 1805,) highly interesting to me, and not very honourable, nor even consistent with the notion of *bona fides*, on the part of my brethren, on that memorable occasion, is this.—Though their decision necessarily, and by irresistible and obvious implication, related to me in the most unfavourable manner, and amounted to condemn-

ing me to infamy, as being the author of a false and scandalous libel, and *must* have had this effect, if their decision, when it was printed, and very freely distributed by some of them, had been *believed;* which, however, I have good reason to think, it *was not*. I was condemned without being heard in my own defence; without ever being cited, or required, to defend myself; without even being tried, as far as I can discover; and certainly without being informed of any one assertion, or opinion, or sentiment, or argument, of mine, in my printed papers, which any of my brethren, collectively or individually, professed to regard as wilfully false and injurious to them; nay, with only that one frivolous exception, already mentioned, page 6. of this paper, without being informed of any thing which I had stated being regarded by them as even unintentionally erroneous, and such as it was incumbent on me, according to the tenor of my original and most explicit offer, and indeed according to every principle of candour, truth, and justice, to acknowledge and rectify as soon as it should be pointed out to me.

To this most sad *peculiarity* in that memorable proceeding of the College, I have already had occasion to allude (page 10.): and I shall be obliged to make some further remarks on it, when I shall come to point out some of the base sinister purposes which the accusation preferred against me seems intended to serve. In the mean time, it is sufficient to point out, that such condemning of a person, untried, unheard, uncited, is an act of the most flagrant injustice: such an act of injustice as could not be vindicated, even though the evidence against the person so condemned were complete and irrefragable.

Qui statuit aliquid parte inauditâ alterâ,
Æquum licet statuerit, haud æquus fuit.

But if the decision pronounced, *parte inauditâ alterâ*, be contrary to evidence, as was the case with the *virtual decision* of the College, that my printed papers were a false and scandalous libel, the injustice of it is glaring and atrocious; and if the person so condemned was not even cited, or called upon formally, either to defend himself, or to acknowledge himself guilty, the injustice must be regarded as wilful and determined. In no case, that the most lively imagination can suppose, would that kind of injustice be more glaring and inexcuseable than in the real one under discussion; considering the explicit and candid offer which I had made to acknowledge and rectify, as soon as they should be pointed out to me, any unintended errors, if any such could be found in my printed papers, and to answer judicially for any thing in them which my brethren should think wilfully false or injurious to them.

In such circumstances, I do not scruple to say, that I think it would have been *very uncandid* at least, if not positively *unjust*, and almost *absurd*, on the part of my brethren, to have proceeded against me as an offender, by citing me, even in the most regular and formal manner, to answer for my conduct, unless they had previously given me an opportunity of acknowledging and rectifying, according to the tenor of the *first part* of my offer, any unintended errors which I might have committed. And I maintain, with confidence, that men who knew, as all my brethren must have done, the *second part* of my offer, to answer judicially for any thing that might be thought wilfully false or wrong in my printed papers, *could not* really believe, whatever reasons they might have for affecting to believe, that I meant to plead guilty, and allow judgment to go against me by default in my absence; not only without any evidence against me, but in direct opposition to what I regarded and had stated publicly as complete and decisive evidence in my favour; *no part* of which *evidence* they had attempted to *refute*, or even to *contradict*.

I admit, as a well established and most rational principle of law, and justice, and common sense, that a person, accused as a wrong doer, regularly cited to defend himself, and explicitly informed of what wrongs he is accused, and of what is intended against him, may fairly be presumed to plead guilty, if he cannot or will not defend himself, and justify his own conduct. But I do not admit, that a person may justly or rationally be presumed to plead guilty in that manner, unless he had been previously cited and explicitly informed of what was intended against him, and of what he was accused. If this mode of proceeding could be allowed in any case, it might be allowed in every case: but in none certainly with more bare-faced injustice than in mine, considering the whole tenor of my conduct towards my brethren, and the candid offer which I had made them.

Their conduct, on that occasion, in condemning me *virtually*, or by implication, without even citing me, or giving me any regular official information of what they intended to do, affords, if not complete proof, at least the strongest possible presumption, that strict justice to me was not their chief object in that proceeding.

Their conduct in pronouncing, that Dr Spens and his Committee had acted in the most honourable manner, without specifying the particulars of that conduct, which their brethren did not choose, or did not dare to adopt and sanction as true and right, nay, without even enquiring into those particulars, affords an equally strong presumption, or proof, that the investigation and assertion of truth was not their chief object on that occasion.

It certainly will not be disputed, that all of them, without exception, had some other motives for their conduct, some objects in view, really good and honourable in themselves, but quite different from the pure love of *truth* and *justice;* and, in my opinion, not entitled to be preferred to these sacred, supreme, indefeasible considerations.

Every member of our College must have lamented the violent dissention, or war, that had broken out in it. All of them must have wished to put an end to that dissention, and to restore peace among us as soon as possible. All of them must have wished, as most essential to the restoration of peace, to prevent any further discussions about what was past, and not to be mended or altered. All of them must have wished to save, as far as possible, the credit, and to sooth the feelings of Dr Spens and his Committee, which could not fail to be much hurt by my severe reprehension of their conduct. All of them must have known, that informing me of their intended *virtual decision* against me, would have frustrated *all* those good and amiable purposes, by inducing me to come to the meeting of the College, to vindicate my own conduct, and to carry on that war to which they wished to put an end.

Even taking this most favourable view of the motives and intentions of my brethren, in condemning me *virtually*, unheard and uncited, and waving (for the present) the much more obvious consideration, that a large proportion, probably a majority of them were *parties* in the cause, and almost as much irritated against me as Dr Spens and his Committee were, for thwarting them in their favourite plan, and severely reprehending the means which they had employed to accomplish it; it appears to me very plain, that they had sacrificed much of the *right* to the *expedient*. They endeavoured to do good to the College at large, and to some individuals of it in particular, at my expence, and without my consent or knowledge. This I hold to be no better morality, than robbing *Peter* to pay *Paul;* or, as much nearer to the real case under consideration, robbing *Peter* in order to make a handsome present to *Paul;* to whom nothing was due.

Such unquestionably are the *peculiarities* of the *virtual decision* of the College against me, 5th February, 1805; and such, almost obvi-

ously, or at least by short and plain inference, is the import of the declaration, that Dr Spens, and his Committee of 1804, had acted in the most honourable manner; when this declaration, seemingly harmless in itself, or perhaps meritorious, is considered in its various relations to *them*, and to *their report;* to me, and to *my* conduct especially, in printing and distributing my *Review*, and my *Censorian Letter;* to *their request to the College*, and the *permission of the College to them*, to *withdraw their Report;* to *their actually withdrawing* it, reconsidering it, and giving it in again, *suppressing* or *retracting every word* of their most elaborate *declaration*, with respect to the purpose and extent of our act of 1754, which *declaration* of *theirs* I had publicly and severely reprehended, as in many respects *morally wrong* and *dishonourable*. And now some of my brethren obstinately assert, that I knew of their *virtual decision* against me from the first; and even insist on convicting me of falsehood, when I solemnly declare, that I neither knew nor suspected any thing of it, till Dr Duncan senior shewed it me in our minute-book, 4th November, 1806; just one year and nine months after that *virtual decision* was given by the College. In that assertion of some of my brethren is implied the important inference, that, knowing of the *virtual decision* against me, I acquiesced in it all that time; thereby tacitly admitting, that it was true and just with respect to me, supplying the want of evidence against me, and renouncing for ever all objections to it, on account of the want of all usual, legal, and judicial formalities in it; such as citing me, and hearing my defence, if I had chosen to make any.

To this implication, or inference, if the assertion which involves it were true, I could make no objection; but, as the assertion is absolutely false, there can be no such inference. The various considerations, which, in the preceding pages, I have so fully stated, must shew, that the inference is so extravagantly improbable, as to be almost, or quite, incredible; and, of course, that the assertion necessa-

rily involving it, is hardly entitled to belief. But, as some of my brethren profess to think *that* assertion, and the necessary inference from it, (namely, my acquiescence for a year and nine months in their *virtual decision* against me,) not only credible, but true; and as the assertion, and even the inference in question, however marvellous, are physically possible, and, therefore, in one sense, credible; it is worth while to consider them in another point of view, or another relation, which my brethren seem never once to have dreamed of: I mean, to shew how complete the *internal* and *moral* evidence is in favour of my solemn declaration and oath, by pointing out how much more than they were thinking of is implied in their assertion, and must be true, if it be true; nay, positively must be supposed, before their avowed supposition or assertion can be believed.

This consideration, tending to complete that internal moral evidence in my behalf, to which I have always referred with confidence, naturally precedes both the discussion of those particular facts and circumstances which I have to state in support of my general assertions, and also the examination of the pretended evidence which my accusers profess to bring in support of their charge against me. The insufficiency, the nothingness, of that pretended evidence, I undertake afterwards to shew.

My brethren seem totally to have overlooked, that their supposition of my having, for near two years, acquiesced in their *virtual decision* against me, though physically *possible*, and, therefore, strictly speaking, *credible*, is *morally impossible* and *incredible*, except on one very marvellous supposition, (necessarily implied in it,) which I believe none of my brethren will chuse to assert. This *necessarily implied supposition*, without which the other (my acquiescence) is absolutely incredible, is no less than this:—That, by a very extraordinary judgment of God, I was, for the time specified, bereft of every intellectual, moral, and active faculty of human nature, on *that one subject;* but

still permitted, which they all know was the case, to enjoy and exercise all those faculties, on every other subject, in my usual manner: That, by another miracle, almost as extraordinary as the former, I was completely restored to the use of my natural faculties, on that subject, in a moment, on seeing the record of it in our minute-book; but, at the same instant, was deprived of my senses on another point very nearly connected with it, and made to declare and swear, that, till that moment, I had not known or suspected that *virtual decision*, in which I had acquiesced, with fear and trembling, for a year and nine months.

If some of my brethren should take it into their heads to assert, that, for a year and nine months, I had constantly walked on all-fours, and had eaten grass like an ox, the things asserted, being physically possible, would be *credible*, and might be established or proved by competent precise testimony. But certainly such things could not be made credible by any force of human testimony, nor even by an express revelation from heaven, unless on the implied supposition, that, with respect to my choice of food, and my mode of walking, I was perfectly insane; for eating grass, and walking on all-fours, are absolutely inconsistent with the physical constitution of man, and the supposition of a tolerably sound state of his intellects. Any testimony that could be offered of such mode of walking and eating on my part, would not be one jot the more credible, that all the witnesses agreed in asserting or admitting, that, on all other points, except eating grass and walking on all-fours I was as much in my senses as ever I was. But eating grass, and walking on all-fours, are not more repugnant to the bodily nature of man, than acquiescing in such a *virtual decision*, as that of the Royal College against me, is to his intellectual and moral nature, in the ordinary state of his mental faculties.

I am sure, at least, that I, having the ordinary faculties of my na-

ture, such as they were before the 5th February, 1805, and have been since the 6th November, 1806, (the day of the discovery,) and such as, to the best of my knowledge and belief, they were pretty uniformly during the intermediate year and nine months, should just as soon have thought of walking on all-fours, and eating grass, as of acquiescing in the virtual decision of the Royal College. I should, and indeed *must* have considered such an acquiescence, and *must* have expected it to be regarded by others, as equivalent to a formal admission or declaration on my part, that my printed papers were a false and scandalous libel; that I was a liar and a knave; and that I had acted as such, to the great injury of my brethren on a very interesting occasion, on which I was conscious of having acted with the strictest probity and truth, with every possible precaution to guard against mistakes, and with the most explicit, candid, liberal offer to acknowledge and repair, as soon as it should be made known to me, any error, that I might accidentally have committed, and to vindicate the general tenor of my conduct, and to answer judicially for any thing which might be thought wilfully false, or injurious to any of my brethren individually, or to the Royal College as a body.

Their *virtual decision*, expressed in the plain inoffensive words, that Dr Spens and his Committee had acted in the most honourable manner, must necessarily, to those unacquainted with what had passed before among us, appear an unexceptionable testimony of the high approbation and esteem of their colleagues; probably true; but, even if it were false, quite innocent: such as might do good to some, and could do harm to none of our number. But if it had ever been intimated to me, who knew perfectly to what proceedings it related, and what a severe condemnation of myself was implied in it, it *must* have appeared to me a wonderful mass of falsehood, absurdity, inconsistency, and, withall, most foul injustice to myself; of falsehood which I could easily detect; of absurdity and inconsistency so gross

and glaring as scarce to need any detection ; and of injustice to myself, which I could easily repel, and make to recoil on the heads of those who had the baseness to employ it.

For this last, and not least interesting purpose, nothing more could be wanted but the easy expedient of analysing the proceedings of Dr Spens and his Committee, and specifying the several particulars of that conduct which the College decided to be most honourable, but which they did not choose, or did not dare, to adopt and sanction as their own act and deed, when they knew that I had reprobated it as morally wrong and dishonourable, and threatened, if the College should adopt it, to bring under the revision of the Court of Session.

Such an analysis, and specification of the particulars of that *most honourable conduct*, my brethren will find in my Protest against their admonition about secrecy ; which Protest they would not allow me to read, and which, therefore, I have now printed as a document necessary for the vindication of the general tenor of my conduct towards the College. The passage to which I allude, they will find from page 48. line 3. of that Protest, on to the end of it : and they may judge for themselves, whether they are such particulars as they can distinctly specify, and pronounce to be most honourable.

Yet some of my brethren would now have it believed, that I knew, and acquiesced in, that mass of falsehood, absurdity, inconsistency, and gross injustice, to myself. Such a supposition and assertion surely are not the more credible, and, as I should think, much the less so, that if I had ever acted in that most absurd and dishonourable manner, I must have done it without any rational or conceiveable motive, or reason ; without the possibility of any honour, or pleasure, or advantage, to myself ; nay, I must have done it in opposition to the strongest motives that can be conceived ;—with the certainty of bringing ruin and infamy on myself ; of being baffled in

the object which I had taken so much pains to accomplish, and of affording the most complete triumph to my very angry brethren, whose conduct I had severely reprehended as mere chicane and falsehood, employed to accomplish, and at the same time to cloak, a determined breach of faith.

Such absurd baseness and folly, to the best of my judgment, are not in human nature. If my brethren really believe me guilty of them, their faith must be great indeed: and I most earnestly wish, that henceforth, and for ever, their charity may be as great as their faith.

Either these strong considerations, of the plainest, and, as I should think, most conclusive internal and moral evidence, or my explicit and most candid offer, (page 3. and page 120. of my *Censorian Letter*, often quoted already,) that offer so strangely disregarded by my brethren, of themselves, might have been sufficient to preclude any reasonable belief or suspicion that I knew of the *virtual decision* of the College. *A fortiori*, both together, especially when taken along with the uniform tenor of my professions and conduct towards the College, both before and after the discovery of that *virtual decision*, ought to do so; and ought to supersede, by rendering unnecessary, the stating of any particular minute facts or circumstances in proof of what my sentiments were in that respect.

But, for the satisfaction of my brethren, I shall here state to them *two* very explicit testimonials of my sentiments and intentions on that subject: the one, in a letter from me to Dr Spens (29th January, 1805,) in answer to one which I had received from him that day;—the other in a letter from me to Dr Hamilton senior, dated Monday morning, 4th February, 1805.

The passages in these two letters, to which I here allude, are very short and precise: but as it is deemed uncandid to quote a part of a letter without the whole of the contents, or even a whole letter without the answer to it, or the one to which it was an answer, I print

here *verbatim* the whole of my correspondence with Dr Spens, and with Dr Hamilton senior, at that time, or at any time, about my Review and Censorian Letter. The originals of Dr Spens's and Dr Hamilton's letters to me are in my possession: the original of mine to Dr Spens is, or ought to be, in his possession. To it I refer, if there shall be any suspicion of inaccuracy in my copy of it. The *original* of my letter to Dr Hamilton senior is in my possession: for, not having time to get it copied, I begged of him to send it me back, which he did. It is authenticated by his doquet and subscription, 17th December, 1807.

No. I.

Copy of a Letter from Drs SPENS *and* HOPE *to Dr* GREGORY.

DEAR DOCTOR, *Edinburgh, 29th January,* 1805.

We have just now heard, that you have printed, and we conclude, from your having done so, that it is with a view to circulation, some observations upon the alterations of the bye laws of the College of Physicians, which were some time ago submitted to the consideration of the College.

It has been long known to you, that most of us, who saw little objection to the proposed alterations, except that they did not meet with the approbation of some of our friends in the College, considered it to be of more importance to maintain the unanimity of the College, than to carry through those changes, and that, on this account, the Committee, and some other members, had agreed that the measure should be dropped.

Now, it would be extremely unpleasant to us, both as individuals and members of the College, to have such matters made the subject of public talk and discussion, when no public good can attend that discussion, and certainly no benefit to the College as a body. It would be very unpleasant to us, that our private or confidential opinions should be published, either with the view of praise or animadversion, particularly by a person with whom we have been so long in such habits of friendship, and the more especially as with a view to prevent a division in the College, the prevailing opinion was, that the changes proposed were not to be persisted in.

This unanimity would be completely destroyed by any publication on the subject; and, if we recollect distinctly, it is contrary to our solemn obligation as Fellows, that such transactions should be disclosed.

But, independent of all reasoning on the subject, any publication would be so very disagreeable to us, that, we think, our long friendship warrants us earnestly to request, and entitles us confidently to expect, that, if such ever were intended, it may be suppressed.

We remain your's, very sincerely,

(Signed) TH. SPENS,
THO. CHAS. HOPE.

Dr Gregory.

No. II.

Copy of a Letter from Dr GREGORY *to Dr* SPENS.

DEAR SIR, *St Andrew's Square, Tuesday, 29th Jan.* 1805.

Your request *cannot* now be complied with. Many copies of my printed papers were distributed before I received your letter. The rest must follow. Along with this letter you will receive a copy of them for yourself, and one for your father. They will fully explain themselves; and you and your colleagues, with whom you have acted in this business, may consider them at your leisure. You will see that both of them have been revised by counsel. I have acted in the whole of this affair by and with the advice of ————

The purpose of my printed papers was *not* to get your proposal *dropped* at present, but to prevent any such proposal ever being attempted again, or any other proposal from being attempted in our College by such means; (secret party-work, &c.) The same proposal, or one the same in substance, made by you in 1796, was *dropped* then; evidently because it could not be carried. And what better have we been for such *dropping* of it?—But such an offer, as you make to me at present, would have prevented this explosion, if you had made it to me when I called on you four days after the meeting of our College in November, and experienced from you such a cold and forbidding reception. You would listen to no arguments or considerations that I could suggest to you against your proposal, and the *manner* in which it had been conducted. You only said, it was

a strong thing, with the preamble of the law staring you in the face. Your general answer was, that " the College must decide it;" which I understood to mean, that you were resolved to try a *vote* upon it, and thought yourself sure of success. When I hinted to you, that if you persevered, I should withdraw from the College; you received the intimation with such indifference, that I judged you were prepared for it, and did not care, provided you carried your point. As you never resumed the conversation with me, I judged, not only that you were bent on your purpose, but that you had renounced for ever all thoughts of friendship with me.

The reception I met with from Dr Hope, was not more pleasant or more friendly. He too told me, that " the College must determine it." So did Dr Duncan senior.

What passed in our College meeting in November, was much more than enough to determine me to withdraw from any concern in its business; and to tell my colleagues my reasons for doing so. But my regard for yourself and Dr Hope, two of my pupils and colleagues, for whom I had the greatest esteem and friendship, induced me to wait on you both personally, and endeavour to point out to you both how very far wrong you were going. With heartfelt grief and mortification I found myself completely baffled.

I then wrote and printed the *smaller* paper, *(the Review,)* which was to have been part of my farewell address to the College of Physicians; when, to my great astonishment, the College appointed me one of their censors; even in my absence: which I thought they could not have done. I understood the censors to be always chosen from the Council and electors; and I absented myself on purpose from the election meeting. I knew you could not make me one of your council in my absence. To that appointment you owe the *Censorian Letter.* I thought I could do the College an essential service

as their censor; to whose province, I conceive, every thing relating to morals and manners peculiarly belongs.

The hint to which you allude about your intention of *dropping* your scheme, I received both from Dr Hamilton senior, and Dr James Home. You will find it fully discussed in my Censorian Letter, (page 110 to 117.)

The consideration of secrecy and delicacy to my colleagues, you will find fully discussed in it, from page 121 to 125.

I am conscious of no wrong; and I wish my conduct to be scrutinized as rigorously and as publicly as possible. If unknowingly I have erred, I shall most cheerfully acknowledge my error when pointed out to me: and if, without intending it, I have injured any individual, I shall be happy to make him the most ample and honourable reparation. Yours still, with the remembrance of former friendship.

(Signed) J. Gregory.

No. III.

Copy of a Letter from Dr GREGORY *to Dr* J. HAMILTON *senior, 4th February,* 1805.

St Andrew's Square,
Monday morn. Feb. 4th, 1805.

DEAR SIR,

Though I never told you, I trust you understand perfectly my reasons for neither informing you of my intention of printing my "Review of the proceedings of our College," and my *Censorian Letter;* both which papers I sent you on Saturday sevennight; nor yet calling on you since you received them, to converse with you about them, and to learn your sentiments with respect to them.

I wished to keep perfectly clear of all suspicion, and all possibility of *party-work* in what I was doing; and therefore took care, that neither you, nor any of our brethren of the College of Physicians, should know any thing of those papers, or even of my intention of taking so strong a measure. I firmly believe, that till the day when you received your copies of them, (the last Saturday of January,) not one of you had the least suspicion of my having such a plan. The secret had been well kept by the printer, and I had never given the least hint of it to any other person, except Mr ——, the lawyer, (and astrologer,) whom I consulted with respect to both the papers, and whose advice I followed in writing the *Censorian Letter.* So, at this moment, you, and my brethren who think as I do, with respect to the conduct of the Committee appointed to revise our laws, are un-

der no obligation to me; nor do I wish you to support me one hair's breadth farther than you think right.

The purpose of this letter is *not* to ask you to support me in what you think wrong, or in any thing; but to tell you, that on Tuesday last, I received a letter from our President, Dr Spens, (before he had received my printed papers, but after he had heard of them,) in which letter he requested me to suppress that publication, and informed me, that, for the sake of unanimity, "the Committee, and some other members, had agreed that the measure should be dropped." The request to suppress my papers *could not* be complied with, as you know; for several copies of them had been distributed three days before.

Dr Spens will probably shew you, at the meeting of the Council to-day, *his*, or rather their letter: (for it was signed by Dr Hope, as well as by him, which, unluckily, I did not observe till I was reading it again after dispatching my answer to it, which answer was written immediately.)

If Dr Spens shews you that letter of his and Dr Hope to me, he will of course shew you my answer to it; which answer, instead of being addressed to him singly, ought to have been addressed to him and Dr Hope jointly. This was a very awkward mistake of mine; but it would have been still more awkward to write another letter to either of them, to explain and rectify such a mistake.

By the tenor of their letter to me, and my answer to it, they are as much at liberty as they were before they wrote it, either to drop their proposal, by withdrawing their Report, or to take the sense of the College by a vote upon it. For they say, "This unanimity" (that is, the unanimity in the College which they wished to preserve) "would be completely destroyed by any publication on the subject." This may fairly be understood to mean, that the suppres-

sing of my *printed papers* was to be the condition of their *dropping* their *measure.*

In the immediately preceding paragraph of their letter, they say, "The *prevailing* opinion was, that the changes proposed were not to be persisted in." This implies, that the Committee, and those of our colleagues who concurred with them in wishing to accomplish the proposed changes in our laws, were *not unanimous* in resolving to *drop that measure*, even for the sake of *unanimity.* Perhaps my printed papers will make them still more unwilling to drop their scheme, and resolute to *try a vote.*

But the strongest thing of all, in favour of the probability of their bringing the question to that issue, is an expression in the second paragraph of their letter to me.—"It has been long known to you, that *most* of us who *saw little objection to the proposed alterations*, except that they did not *meet with the approbation of some of our friends* in the College, considered it to be of *more importance* to maintain the *unanimity* of the College, than to *carry through those changes.*"

This almost expresses, for it much more than implies, that they were confident of a majority in their favour, by which they *could*, if they pleased, carry through their proposed changes; and that it was only for the sake of *unanimity* (which is now out of the question) that they did not mean to exert their power. But what I think worst of all, is the sentiment plainly expressed, that they "saw little objection," &c. which certainly means that they were *not conscious of doing wrong; very wrong* as I think: and that they thought those who opposed their measure did so from mere *caprice* and *obstinacy.* What else they can mean by our withholding our "approbation" from what is *true*, and *lawful*, and *right*, and *honourable*, and *expedient*, I cannot guess. If it had been in my power (which it really was not) to *suppress* my papers as they desired, *that* paragraph of their letter would have made me resolve *not* to do so. For I am confident, that,

if my papers had not been published, they would either at this time, or very soon, (most probably at this time,) have *tried a vote*, and carried their point by a *majority* in our College. Perhaps they will do so to-morrow.

I wish you would enquire at the Council to-day, and let me know as soon as you learn, whether the *Report* of the Committee is to be withdrawn, or the *measure* fairly *dropped. If so, I should think it indelicate, as well as useless, for me to appear at the meeting of the College to-morrow; and very proper, on my part, to give my brethren a fair opportunity to discuss, in my absence, as fully and fairly as they please, my Censorian conduct. When they shall have taken their resolution on that subject, and shall choose to make my conduct the subject of serious investigation at any subsequent meeting, I shall of course attend in my place, to vindicate what is right, and to acknowledge and repair what is wrong in my conduct, if any thing wrong shall be found in it.* But if our Committee and their friends are resolved to try *a vote* on the Report, I must attend the meeting of our College to-morrow, *to vote*, and if *outvoted*, as I must expect to be, then to *protest* against it, according to the advice which I have received from my Counsel learned in the law.

Yours most truly,

(Signed) J. Gregory.

To Dr J. Hamilton senior.

No. IV.

Copy of a Letter from Dr J. HAMILTON *senior, to Dr* GREGORY, *4th February,* 1805.

DEAR SIR,

Agreeably to your request, I return yours to me of this day's date, and acquaint you, that it was understood in the meeting of the Council of the College of Physicians this afternoon, that the farther consideration of the Report of the Committee for the revisal of the laws of the College would be postponed till the meeting in May next.

I am, dear Sir,

Yours very sincerely,

(Signed) J. HAMILTON.

Nicholson's Street,
Monday, 4th Feb. 1805.

Many particular passages in the first of those letters, the one from Dr Spens and Dr Hope to me, certainly deserve, and some of them absolutely require, a more explicit and ample commentary than I have bestowed upon them, either in my answer to Dr Spens, or in my letter to Dr Hamilton: but to these two letters of my own I refer as to the most satisfactory and authentic documents that I can produce, or can conceive, in proof of what my sentiments were, on some of the most interesting points, connected with the publishing of my *Review* and *Censorian Letter.*

I wish it to be observed, that Dr Spens and Dr Hope, in their letter to me, completely drop the mask, or flimsy pretext, that *doubts had been entertained respecting the purpose and extent of the act of the College, of date* 11*th April,* 1754, and the corresponding declaration, proposed in the report of the Committee of 1804, 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.* Not a word is said, not a hint is given, about any such doubts having been entertained, or such being the true purpose and extent of our act of 1754. The words employed by Dr Spens and Dr Hope, and repeatedly, as well as most explicitly, used in the course of their letter, are *alterations* and *changes.* This tallies perfectly with the tenor of their separate conversations with me a few days after the report of the Committee became known to us in the College in November 1804; but is absolutely inconsistent with the supposition of *bona fides* on their part, and on that of the Committee who gave in that wonderful report. Such altering or changing of our old law under pretence of explaining it, and removing *doubts* which never were nor could be entertained about the meaning

of it, is just what I called *falsifying* that law, and reprehended publicly and severely; and what I had the strongest possible reasons for believing would be reprobated, as mere chicane and *mala fides*, and annulled, without ceremony, in a court of justice, if the College had allowed it to become a subject of judicial investigation, by adopting and sanctioning it as their own act: but *this* neither the College at large, nor even the Committee itself, chose to try. Both the expressions in the letter at present under discussion, and the important fact, that all those parts of the *Report* to which I here allude were *finally* withdrawn, retracted, and suppressed, are proofs of that *mala fides* against which I had remonstrated so strongly; and consequently of *bona fides*, on my part, in those very strong remonstrances.

The inferences from their *mala fides*, and my *bona fides*, on that occasion, are very important. As it is very unusual, and quite unnecessary, to employ chicane and falsehood for any good and honourable purpose, there is a strong presumption, if not an irresistible inference, wherever they are employed, that it is for some bad purpose. On the other hand, when a person acts *bona fide*, confident not only that what he says is true, but that he can produce complete evidence of it, which was my case at the time when those letters were written, he has no occasion, and no temptation, to employ any kind of chicane or falsehood; which are not required for his purpose, and cannot promote it, but very probably may frustrate it, and bring infamy on himself. A person who is known to be acting *bona fide* in the first and most important part of any business, may fairly expect credit for equal *bona fides* in the rest of it; till such time at least as evidence of the contrary shall be produced. In law, and equity, the *presumption* is in his favour: and must certainly exempt him from the infamous supposition of being thought to plead guilty, and acknowledge himself a liar and a knave, when what he had asserted and offered to prove, far from being disproved, had not even been contradicted;

nay, by the *words*, and still more by the *actual conduct* of the opposite party, was *admitted*, and even *shewn* to be true.

The confident appeal of Dr Spens and Dr Hope to our former friendship, and their almost peremptory request to me, in the end of their letter, in consideration of that friendship, to suppress my printed papers, would have had little or no weight with me, even if it had been in my power to comply with it; which, however, it was not. Their avowal, that they *saw little objection to the proposed alterations, except that they did not meet with the approbation of some of their friends in the College*, and their *admonition* to me, *if we recollect distinctly, it is contrary to our solemn obligation, as Fellows, that such transactions should be disclosed;* implying that they thought they had a right to make *such alterations*, and even to make *such alterations* by *such extraordinary means* as they had employed; and that we, who disapproved of them, were bound to acquiesce in them, and to *connive* at them, and *keep them secret*, however morally wrong and dishonourable we might think them, would have induced me *not* to suppress my printed papers, but, on the contrary, to use my utmost endeavours to bring to issue those important general questions;—the right of a majority of this College to make such changes in our laws by such means, and to enforce the acquiescence, connivance, and secrecy of the minority of the College, with respect to such immoral and dishonourable proceedings.

As to that *kind* of friendship which Dr Spens and Dr Hope seem to have had in view,—friendship, which a man may put on and off like a cloak, just as it suits his purpose,—I understand so little of it, that I know not how to estimate its worth; but I should guess, that one good, warm, substantial cloak, is of more value than a whole troop of such cold and flimsy friends; and I remember well to have read in Cicero, *Quum conciliatrix amicitiæ virtutis opinio fuerit, difficile est amicitiam manere, si a virtute defeceris.* But, with respect to

those proceedings in 1804, which brought so effectually to the test of experiment the friendship of Dr Spens and Dr Hope for me, I beg it may be observed, that it was not I who renounced their friendship, but they who first, in the most significant and unequivocal manner, renounced mine. Their most deliberate attempt to subvert our act of 1754, which attempt they knew perfectly I could not fail highly to disapprove of, and still more the unworthy means which they employed for that purpose, and which they could not fail to know I should reprobate most heartily; the secrecy which, to the last possible moment, they had most carefully preserved; and, even then, the very significant precaution taken to prevent any debate about their plan, and the manner in which they had endeavoured to accomplish it, till the very hour when they might carry, and certainly expected to carry, their point by the arbitrary vote of a majority, in defiance of all that could be urged against it, might have given me a pretty just notion of the value of their friendship, and of the value which they set on mine. If my head had been as long as my beard, I should have understood that they renounced all regard to my friendship and good opinion, as completely as they did all regard to those principles of candid, liberal, and honourable conduct, which are generally held most sacred, and which alone can make it possible for any society of men to live together in peace and comfort, and with mutual esteem and confidence.

But not clearly perceiving at first, and being very unwilling to believe, all that might be implied in their proceedings, I made a strong but unavailing appeal to their friendship. I waited on them both personally, and endeavoured, by gentle and friendly remonstrances, to prevail on them to consider the impropriety of what they were doing, and the probable bad consequences of it to this College.

From both of them, separately, I experienced a most unfriendly and forbidding reception. One of them listened to me with the

most sullen obstinacy and indifference: the other received me with the most triumphant exultation, in a manner that might be called either sneering or laughing in my face; for it was something between the two, and withal connected with such unequivocal signs of impatience to have done with the conversation, that it was impossible for me to continue it. The former (Dr Spens), when I earnestly begged of him to consider the interpretation, that he proposed to give of our act of 1754, seemed to be somewhat ashamed of it: the other (Dr Hope,) when, as a last effort, I begged him to consider the manner in which the business had been conducted, seemed to be delighted with the success of the stratagem that they had employed; which I considered as one of the worst and meanest corporation tricks that ever I heard of. Both of them, however, seemed obstinately resolved upon their purpose, and confident of success; evidently not by force of argument and reason, but by the decision of the College, to which they both referred in their discourse; and by which I could not understand them to mean any thing else but a majority of votes.

If a person, whose face had become known to them only a few days before, by his taking his seat as a Fellow of the College at the preceding quarterly meeting of it, had waited on them, as I did, and endeavoured to remonstrate with them on the impropriety of their conduct, I do not think he could have experienced from them a more cold, forbidding, unfriendly reception, than I did. But even then I did not give up all hopes of their perceiving how very far wrong they had gone, and, of their own accord, returning to their former habits of friendship and confidence with me, and resuming that subject of discussion with me, which, after what had passed between us, it was impossible for me to resume with them.

It would have been easy for them to have done so, any day, or almost any hour, that they pleased, either in conversation, or by writing. They saw me often; and might have introduced the subject

to which I allude, without formality, and as if by accident. Once, and but once, Dr Spens did so. Meeting me at my own door, (on or about the 21st of January, 1805,) he asked me, whether I had received the copy of the *Report* that had been put in circulation? I told him, that I had received it a month ago; and that I had sent it next day to Dr Monro, as I had been desired to do. To this he made no reply; but walked off instantly, and seemed to be disconcerted.

I *suspected*, for I had no information, nor any certain means of knowledge, that he then understood that I was the author of a few very brief, but significant, marginal Notes, which he must have seen on the *Report*, if he looked into it after it returned from its travels. The *Notes* to which I allude, are only a very few large crosses, put on the margin, just to mark the passages which I regarded as the most notorious falsities. If that copy of the Report be extant, as it ought to be, I shall be able easily to recognise my own marks on it, and to distinguish between them, and such (if any) as may have been put on it by other members of the College. As Dr Spens did not, on that occasion, choose to continue the conversation with me, I judged that he was resolved to have no further discussion with me about his Report: and as neither Dr Hope nor he, except on that one occasion, in the course of more than two months and a half, ever spoke to me on the subject of the Report, and seemed to keep aloof from me, or, when we met, to behave with great reserve, I was forced, most reluctantly, to believe, that they were obstinately resolved to carry their favourite point by a majority of votes; and that they had deliberately renounced all thoughts of any further friendship with me.

In those circumstances, and just at the time when they were alarmed with the prospect of having their very strange conduct publicly discussed, and, evidently, in consequence of that alarm, they did me

the honour to remember something of our former friendship, and, in consideration of it, to expect and require of me to suppress my intended publication.

I think it unnecessary to tell them all that I thought, on that occasion, of them and their friendship: and for my purpose, at present, it is sufficient to remind them of the well-known apophthegm of a Greek philosopher, ὦ φιλοι, οὐδεις φιλος.

The second paragraph of the letter of Dr Spens and Dr Hope to me, (printed page 68 of this paper,) deserves peculiar attention, and requires, not only an ample commentary, but the most complete contradiction and refutation: for the assertion contained in it, immediately after my *Review* and *Censorian Letter* were distributed, was disseminated very widely and confidently, and of course was made the ground, or pretence, of much unjust censure and obloquy on me.

In that paragraph, they assert boldly this important proposition. "It has been long known to you, that *most of us*, who saw little objection to the proposed *alterations*, except that they did not meet with the approbation of some of our friends in the College, considered it to be of more importance to maintain the unanimity of the College, than to carry through those *changes*; and that, on this account, the Committee, and some other members, had agreed that the measure should be dropped."

It happened that something, very nearly the *opposite* of that assertion, was the truth. Far from knowing, or suspecting, what they were pleased to say had been long known to me, I at that time firmly believed, and thought I had known, just the contrary; namely, that they were resolved *not* to *drop* their favourite measure, but to carry it through, in defiance of argument and reason, and good faith, by an arbitrary vote of a majority of the College.

The mere simple fact, that such a measure was proposed, after what had passed in 1796, on occasion of a proposal the same in substance, implied, that they who proposed it had secured a majority in their favour, and precluded all reasonable hopes of their dropping it, which would have been a severe mortification to them. But the *manner* in which the proposal was introduced, in the form of a declaration of the meaning of our law, which declaration we all knew to be false, made the case infinitely stronger. The proposal, in that form, could not be dropped but by *retracting* the declaration; which would be *ipso facto* admitting that it was false. To this sad humiliation, it could not be expected that any set of men, who found themselves the majority of such a society as ours, would quietly submit. It was, on the contrary, to be expected, that they would eagerly avail themselves of the name and authority of the College to screen themselves from personal censure and reproach. But before I had duly weighed these almost obvious considerations, I learned by actual experiment, I mean by conversation with Dr Spens, Dr Duncan senior, and Dr Hope, separately, that such was their determination. All of them separately expressed the same firm purpose, very nearly in the same plain words:—"The College must decide it; the College must determine it; the College must decide upon it." It was this striking coincidence in their expressions, and strong avowal of their resolution, that made me think *they* would rather try any expedient than submit to the humiliation of retracting what they had so deliberately declared. This consideration induced me to direct my arguments (in my Censorian Letter) to those of our number, who, though they wished to accomplish the proposed change, had not at that time pledged themselves, beyond all possibility of redemption, by joining in that most unlucky declaration.

The subsequent conduct of Dr Spens and Dr Hope to me for near three months after, (as already stated, page 82.) and the intimation

which I received from Dr James Home, a month after the Report of the Committee became known to the College, " That though some other members of our College seemed to waver in their purpose about it, Dr Hope seemed inflexibly resolved upon it," (as stated in my *Censorian Letter*, page 9,) strongly confirmed that belief, which their preceding conduct to the College, and their explicit words to me, had produced.

It is so very extraordinary as to appear almost incredible, yet it is certainly true, that the *only* intimation to which Dr Spens and Dr Hope, in the paragraph quoted from their letter, *could* allude, as making it known to me that they had agreed to drop their measure for the sake of unanimity in the College, conveyed to me irresistibly just the opposite meaning ;—that they would urge it even at present, if they found they could carry it; and that, if they could not carry it easily at present, they would do so the first favourable opportunity. That very singular intimation, expressing a meaning diametrically opposite to what Dr Spens and Dr Hope would have had me understand by it, is stated, in the 111th page of my Censorian Letter, precisely in the words in which I received it from Dr Hamilton senior, and from Dr James Home, separately, about the middle of December, 1804. Dr Hamilton told me, that he believed the measure proposed by the Committee would be dropped, *if it appeared to be disagreeable to the College.* Dr Home told me, *that he understood the gentlemen of the Committee had had a meeting to consider of it, and would not urge it at present, if they found it was disagreeable to the College.* The conditional clause, IF it appeared, IF it was disagreeable to the College, and the additional little clause *at present* in Dr Home's intimation, and not in Dr Hamilton's, conveyed to me that meaning which I have just now stated. The expression, *disagreeable to the College*, on which I have bestowed a very ample commentary in my Censorian Letter, I could understand in no other sense, but

as meaning what would not be agreeable to the majority of the College; or not approved of, or agreed to, by a majority of the College. For the nature of the proposal, as well as the manner in which it had been introduced, plainly shewed, that, with its zealous partizans, all regard to what was agreeable to several individuals among us, and all *bona fide* regard to unanimity, were quite out of the question. My brethren may judge for themselves, whether I erred much, or at all, in construing in that manner the intimation which I had received, and in understanding, by the strict reserve and silence of Dr Spens and Dr Hope, who uniformly, and, as I thought, cautiously avoided the subject with me, that they did not choose to pledge or bind themselves by any promise to drop their proposal, but chose to reserve to themselves the power, and, what they thought, the right, of carrying it by a majority of votes in the College, either at our next quarterly meeting, or on any future occasion, which they might think more favourable.

I am certain, that the account which I gave of the intimation that I received both from Dr Hamilton and Dr Home, was perfectly accurate. It was put in writing, and afterwards printed in my Censorian Letter, very soon after I had those conversations with them; and when the words employed, as well as the sentiments conveyed by them, were yet fresh in my memory. My attention was fully roused to them, and, to say the truth, my indignation was excited by them, even as stated to me first by Dr Hamilton: and that indignation was rather increased than lessened, when, two or three days afterwards, I heard, from Dr Home, the same sentiments expressed almost in the same words; with the addition of the very significant little clause, *at present*. That clause, and indeed the whole of the intimation, especially the attempt, which I thought very uncandid, to represent as a mere question of what was *agreeable* or *disagreeable*, what I regarded as a serious question of moral right or

wrong, was made the subject of a very ample commentary, and severe reprehension, in my Censorian Letter (page 111 to 117). I could not suppose, that either Dr Home or Dr Hamilton meant to deceive me: nor indeed were their words in the least adapted to such a purpose: which, I am convinced, neither of them ever dreamed of. But the first time that Dr Home and I met, after he had seen and read my printed papers, which was at nine o'clock on Thursday morning, 31st January, 1805, he acknowledged to me, that I had been perfectly correct in stating the intimation which he had given me; and, at the same time, explained at once how there came to be such a striking coincidence between what Dr Hamilton had told me, and what he (Dr Home) had told me of the intention of the Committee, by mentioning that it was he who had given Dr Hamilton information of it. He also expressed very strongly his concern, that he had not asked permission of the Committee to tell me all that passed at that meeting: adding, that what he had told me was entirely of his own accord, without any authority from them. Our conversation began, by his hinting to me, that my Censorian Letter was too severe. As this hint was conveyed in colloquial and ludicrous terms, I think it unnecessary here to mention them. But if he shall require it of me, I can easily give them *verbatim*. In the mean time, I am confident, even from what passed in conversation between us, two or three months ago, in the same place, that he must remember those sentiments and expressions which I heard from him on the 31st of January, 1805.

After such a decisive specimen of their sentiments and principles of action as the Committee had given in their proceedings in 1804, from first to last, I should scarce have given implicit credit even to the most positive declaration on their part, that they should drop their proposal, and never again attempt such a change in our act of

1754, in any form or manner whatever; certainly *not*, unless their actions had corresponded with their professions.

But on occasion of that intimation which I received from Dr James Home, and the subsequent conduct of Dr Spens and his Committee in December 1804, I was not reduced to the necessity of either believing their words in opposition to their actions, or of judging of their sentiments and purpose from their actions in opposition to their words; for their actions, as well known to us all, and their words, as reported to me, and as I *bona fide* understood them, agreed or tallied perfectly, so as to preclude, in my mind, all possibility of doubt as to what they intended to do.

In a few days after I received that nugatory, but, as I thought, not ambiguous intimation from Dr James Home, I learned, without the least surprise, or any change of my sentiments with respect to the members of the Committee, that they had put their darling *Report* in circulation among the members of our College, according to a certain order which was pointed out to us, with a request that none of us should keep it longer than three days.

This proceeding seemed to me altogether inconsistent with, or contrary to, any intention on their part of dropping their favourite measure; and strongly expressive of their determined, and formerly avowed, resolution of taking the sense of the College upon it by a vote, if they found, on counting noses privately, that they could easily carry it by a majority. Unless this had been their object, such a *circulation* of their *Report* would have been absolutely unnecessary, and the consequence of it, if the trial should have proved unsuccessful, must have been very mortifying to themselves.

I have reason to think, that some of my brethren, who disapproved, as much as I did, of the intended falsification of our law of 1754, believed, or hoped, that the Committee would desist from that attempt: but I am certain, that this was not generally known or be-

lieved among us; for, about ten or twelve days before I began to distribute my printed papers, one of my brethren, at an accidental meeting behind the Register Office, speaking to me about College matters, asked me, "Do you know what *those lads* are doing now?" I told him, I did not; and had heard nothing of them for three or four weeks, since they put their Report in circulation. "Well," replied he, "if they persist in it, I can tell them *they will be left to their meditations;*" by which I understood him to be so much in earnest in his opposition to their plan, that he intended, if it should be carried, to withdraw from the College. My own resolution was pretty nearly the same; but I was determined, in the first place, to give them some sport, and to fight a good battle with them.

Another of my brethren, who thought as I did, and had repeatedly and freely told me what he thought of the proceedings of Dr Spens and his Committee, of his own accord began a conversation with me on that subject, on Saturday, 19th January, 1805, and *strongly* urged me, as he had often done in the course of two months before, to take certain measures to prevent the Committee from effecting their purpose (of subverting our act of 1754). Those measures he had first suggested to me one day towards the end (at least after the 22d) of November, 1804; and had urged them frequently afterwards, seeming to have great hopes that they might be successful; and I had always declined employing them, because I did not think they could succeed; being fully convinced, that the Committee had previously secured a majority of the College in their favour: but I had repeatedly told my colleague that I had a different plan, that I believed would stop them. I had told him likewise, that he should be the first to know it; but that I could not with propriety mention to any person the particulars of it till the time should come for putting it in execution: but I told him that I had taken the opinion of Counsel upon it; and that I should not expect him to support me

in it any farther than he should think right. Immediately after that conversation, the last but one I ever had with him on the subject, I gave him a copy of my *Review*, and of my *Censorian Letter ;* being the first copies of them that I gave out. Indeed I had not got back my *Censorian Letter*, read and approved by my Counsel, till late the evening before: and it is from remembering distinctly and collating these circumstances, that I am able to state so accurately the precise date of these conversations. The last conversation on the subject of my papers that I had with my colleague, to whom I here allude, was in the evening of the Monday following: at which time he told me, he had read almost, but, as I understood, not quite the whole of my papers. That last conversation was very short, but quite satisfactory to me. I suspect, however, that either what he found at the end of my Censorian Letter, or, more probably, what he heard in conversation from some of our colleagues, had made him change his mind. But at least I am as sure as I can be of any man's thoughts from the concurrence of his words and his actual conduct, that on Saturday the 26th, and even on Monday the 28th of January, 1805, he knew no more of any intention on the part of the Committee to drop their favourite measure than I did ; or than he himself had done in the end of November preceding.

Dr Spens and Dr Hope were almost, if not quite, as unfortunate in their next and last attempt to convince me that the Committee had agreed to drop that measure. Their letter, written for the express purpose of making me suppress my printed papers, on the faith that they had dropped it, was so oddly, or so cautiously worded, that it irresistibly conveyed to me a very different, or almost opposite meaning. Instead of telling me *they had agreed*, or that *all of those engaged in that plan had agreed* to drop it, which would naturally, or almost certainly, have been the expression employed if such had been the fact, Dr Spens and Dr Hope used the precise expression, " *most*

of us," &c.: implying, that some (the minority) of them had *not* agreed to drop it. The same meaning was almost as strongly conveyed to me by another expression in their letter, "the *prevailing* opinion was, that the *changes* proposed were not to be persisted in:" (see p. 68 and 75 of this paper.) That expression certainly implied, that there was among them a *different* opinion, the assertors of which had not renounced it.

When I had time to read again and again, and to study the letter in question, I discovered, what at first I had overlooked, in consequence of the great paleness of the ink which Dr Hope had used, that his name, as well as that of Dr Spens, was subscribed to it. From this I understood, that *they two*, whatever their opinion and purpose might have been before, were willing to drop, at least for a time, and till they should find a more favourable opportunity to accomplish it, their plan of subverting our enactment of 1754. But, as they took care, in the same letter, to tell me, that they *saw little objection* to such a change, &c. (as quoted page 68.) I understood, that even they thought their *proposed change right*; and that it was only for the sake of *unanimity* (as they were pleased to call it) in the College, that they agreed to drop it. Of real *unanimity*, or of any sentiments of mutual esteem and confidence, after what had passed among us, I could have no hopes: and therefore, necessarily understood, that Dr Spens, Dr Hope, and some others of our colleagues, would agree to drop their measure, for a time, if I would suppress my printed papers: but that *some others* of our number did not agree to such dropping of it, even on that condition; and would, whenever they pleased, and most probably at our next quarterly meeting (5th February, 1805,) insist on having it decided by a vote of the College. It then became necessary to consider what conduct was to be expected, on occasion of such a vote in the College, from Dr Spens, Dr Hope, and others, who had agreed to drop their proposal for the

sake of unanimity. On *that* supposition, unanimity would have been quite out of the question ; and open war declared among us : in such a state of warfare, Dr Spens, Dr Hope, and those who had agreed, for the sake of unanimity, to drop their proposal, *must* have had to choose whether they would vote *with* their former associates, according to their own avowed inclinations, and according to their notions of what they professed to think lawful and right, and *probably* also according to their *promise*, (however expressed, or by implication conveyed to their friends) or else, without any reason or motive whatever, to do violence to their own inclinations, and to their notions of what was right, to break their promise, or well understood engagement, to desert their friends in the hour of trial, to give the lie to them and their declaration ; nay, to give the lie to themselves, and to their own declaration ; for they certainly had concurred in the *Report* which the Committee had given in to the College, comprehending that declaration on falsification of our act of 1754.

In such fairly supposable, and most probable circumstances, I could not for a moment doubt, how Dr Spens, Dr Hope, &c. would act, even after their letter to me of 29th January, 1805. Of course, I *necessarily* understood their very cautious offer of dropping their favourite measure for the sake of unanimity, to be just as little to be relied on, and indeed to be almost as nugatory, as the intimation which six weeks before I had received from Dr Home, " that they would not urge it *at present, if they found it was disagreeable to the College.*"

Intimately connected with this point just now discussed, and not a mere matter of curiosity, but seriously interesting to me, was the enquiry, who those stubborn members of the Committee, or of the College at large, were, who would not agree to drop their favourite measure, even for the sake of unanimity ? In this enquiry I had much assistance from the very letter which I had received, subscri-

bed by Dr Spens and Dr Hope, but not by Dr Buchan, nor yet by Dr Duncan senior, nor by his son Dr Duncan junior, the other three members of the Committee. Dr Buchan, I knew, had gone to London, and thence, I believe, to Gibraltar, some weeks before. He was therefore out of the question as to subscribing the letter to me. There remained then only the two Drs Duncan, to whom my attention could be directed as the refractory members of the Committee. Dr Duncan senior had been long and intimately known to me; and I was well acquainted with his extraordinary perseverance in any plan in which he engaged. But in the strange business which he had concurred in bringing before the College, he was a proselyte; in consequence of some new light that he had received, acting and speaking keenly in direct opposition to the tenor of his words and actions on the same subject just eight years before. Such tergiversation and contradiction of his own strongly declared sentiments on the former occasion, had placed him in a most uncreditable and embarrassing situation; and by precluding all possibility of a decent retreat on his part, seemed to me to insure his most obstinate and violent perseverance in that measure in which he had unluckily engaged. As to Dr Duncan junior, I did not know enough of him from personal acquaintance or experience, to enable me to judge how he would act in the circumstances to which I allude; but I took it for granted, that he would not desert his father in his utmost need, and that he and his father perfectly understood one another. This opinion was much strengthened a few days after my printed papers were distributed, by my accidentally hearing of a strong surmise, that it was the son who had converted the father; he himself having been previously gained by Dr Spens. I do not vouch for the truth of that surmise, for I had no means of judging whether it was true or false: but I am sure I heard of it at that time, and afterwards; and I am sure it is much more credible than the account which Dr Duncan senior, (on the 25th of November, 1804,) gave me of his own most wonderful and

sudden conversion, just at the time that Dr Spens first proposed the strange interpretation of our old law. That astonishing conversion appeared to me then, and still appears to me, infinitely more miraculous than the conversion of St Paul. I am sure, at least, that much less than what St Paul met with would have converted me in a trice, if I had been as great an infidel and persecutor as ever he was; but I do not think, that even such an awful miracle as St Paul experienced could have converted me, or made me believe in the new interpretation of our old law, unless, by another simultaneous or previous miracle, my intellectual and moral faculties had been thoroughly perverted.

My brethren, I am well convinced, will all believe, without any elaborate evidence, or any assurance from me, that I had some little curiosity to know how my four colleagues, the members of the Committee remaining in Edinburgh, took my Review and Censorian Letter. They will, of course, believe, that I did not stop my ears when I chanced to hear any mention made of what any of them said with respect to those papers; and that I did not obstinately shut my eyes, when I found any mention of their words or behaviour in letters, whether directed to myself, or shewn to me by others to whom they had been addressed. Nor shall I contradict any of my brethren, who shall have so little charity as to suppose, or so little prudence as to assert, that I had the atrocious wickedness *sometimes* to put a few questions to *some* of the persons, who gave me such intelligence as I thought curious or important; and even to answer some of those letters, and make some little enquiry, by writing, of those persons who, I found, could give me information, but with whom I had no opportunity of any oral intercourse.

From a very strong hint given by Dr Duncan senior, in his last printed letter, (Page 2, line 13,) I understand that he thinks I obtained my information *in a manner not much to my honour.* In favour of that most candid and Christian-like conjecture, he may very

easily find much to say; much more even than he himself is aware of. His notion, and that of many of my colleagues, with respect to what is acting in the most honourable manner, having been shewn and declared by the virtual decision of the College, 5th February, 1805, it is plain, that if their notion of those matters be right, my information was obtained in a manner not much, or not at all, to my honour; for in my manner of obtaining it, there was no falsehood, no chicane, no breach of faith, employed either as the means or the end. Nay, the purest of motives, the sterling love of money, was absolutely out of the question, either on my part, or on that of the persons from whom I received my intelligence. I never made, or expected to make, one shilling by it: nor did it cost me one shilling, either as a bribe or a gratification; or in any way, except the common postage of a few letters, and the common payment of a few chairmen or porters, sent with letters to persons in Edinburgh. I am sure I may safely say, that all the intelligence which, in the course of three years, I received about the members of the Committee, did not cost me more than five or six shillings. Yet those various little articles of intelligence, properly selected, arranged, and collated, and fully confirmed, and well illustrated by some of his own printed papers, and by some avowed and recorded proceedings of the College, form what he is pleased to call a romance, (See his last letter, page 3, line 1,); which romance I believe to be as true in substance, though not quite so accurate in particulars, as the Edinburgh Almanack. Dr Duncan senior's last printed paper is well worth the other two, put together; indeed, it comprehends what was best in them:

"The force of nature could no farther go;
"To make a third, she joined the former two."

It is to me inestimable: for it fully explains and confirms the most marvellous, and, consequently, the least credible part of my *romance;* and therefore, I hope, will obtain some little credit to the less won-

derful parts of it; especially as they may all be established by very ample evidence.

With respect to Dr Duncan's proceeding, in printing and distributing the opinion and advice of his own lawyers, and chiefly of Mr Clerk, in order to shew how grossly I had misrepresented them, I have not the honour to understand it. If there be any joke or wit in it, it is much too refined for me. But I understand perfectly, that his new and complete edition of Mr Clerk's opinion, fully confirms, and makes stronger and worse, all that I had said, from the imperfect account which I had heard of it; the imperfection of which account, as well as of all the information that I had received, I had acknowledged most explicitly, requesting of all my colleagues, and especially of Dr Duncan, to supply the defects, and correct the errors of it; or, if they thought it absolutely false, to contradict it entirely. I also understand perfectly, that a year ago, when I was writing the Protest which contains that *romance*, I should, with much pleasure, have given him a handsome gratification, nay *logicè* a bribe, for a complete copy of the opinions of Mr Erskine and of Mr Clerk; and should, most joyfully, have inserted them *verbatim* in my Protest. I should even have added to them an express clause of *salvo jure* to Dr Duncan, to declare, at all times, and in all places, that he did not consider Mr Clerk's opinion as any reprimand or admonition.

When his opinion was asked on the following question—If any member of the College of Physicians were to furnish medicines to his own patients, either from a medicine-chest kept by himself, or from the shop of an apothecary, in whose integrity he had confidence, would he, or would he not, be guilty of a transgression of the above act of the College, although he made no charge for these medicines, but was paid only for his advice and attendance? The following answer and opinion was given by Mr Clerk.

"I think, that the act would be violated by the practice here mentioned. A physician's fee is an honorary, and may be less or more, according to the liberality or means of the patient; from which it seems to follow, that if he gives advice, attendance, and medicines, and receives money from his patient, it must be held, that not the whole, but something less than the whole, is the honorary; and the whole being paid for his services without distinction, some part of it is for the medicines. It is not conceivable, that the patient should not recompence him for his medicines in one way or another; and I am not aware of any case in which they could be said to have been given for nothing, unless it were where the physician takes no fees at all, even for attendance. To evade the act against theatrical entertainments, the players used to advertise music for so much, and the play gratis. But it was well understood, that the money was given for the play, without much regard to the orchestra; and now, nothing theatrical can be exhibited in places where liquors are sold; as in paying for such liquors, the audience is understood to pay for the exhibition. Though I highly respect the honourable profession of physic, yet I cannot shut my eyes to the exact similarity of the two cases. The physician who professes to give medicines gratis to those who employ him, is paid by his fees both for his attendance and his medicines.

(Signed) JOHN CLERK."

Edinburgh, 8th August, 1806.

As Dr Duncan senior professes not to believe or feel, that this opinion of Mr Clerk amounts to an admonition or reprimand, which I *bona fide* think it, nay, a very severe reprimand, and says, he does not suppose that any honest man of common sense will agree with me in that opinion, I shall not attempt to convert him to it. He has before him the very words of his own lawyer, one of the ablest

that ever this country produced. His words amply testify of his acute reasoning, his keen wit, his strong, clear, common sense, and his thorough contempt for the chicane and trick which he was expected to sanction. Though he highly respected the honourable profession of physic, he could not shut his eyes to the exact similarity of the two cases:—Dr D.'s proposal, that physicians should furnish medicines to their patients without making any charge for them, and the stale tricks of strolling players to evade the law against theatrical entertainments. If Dr D. will not believe this, neither will he believe though five hundred of his own patients should rise from the dead.

Before I quit that last printed letter of Dr Duncan senior, I must here take notice of two very gross pieces of disingenuity, on his part, which occur in the same paragraph of it, the 4th of the 2d page. The first of these most disingenuous misrepresentations is in common to him, and Dr Hope, and Dr Spens. It is conveyed by a strong *innuendo* in these words:

"Dr Gregory is *now obliged to admit*, that Dr Wright informed him, in 1805, of the College having declared their unanimous opinion, that Dr Spens acted from the purest motives; though he still *denies*, that he was ever informed of their having declared that Dr Spens had acted in the most honourable manner."

The *innuendo* in this passage is of the same import with the one in Dr Hope's motion, (seconded by Dr Spens,) expressed in these words:—"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 being informed, that the College had expressed their opinion, that the Committee had acted in an honourable manner."

In both these passages, the meaning not openly or fully expressed, but conveyed by irresistible insinuation, is the same; namely, that there was a time when I did not admit or acknowledge, that I had been informed by Dr Hamilton, and Dr Wright, on the 4th and 5th of February, 1805, that the College had returned thanks to Dr Spens and his Committee for their trouble in revising the laws, and had declared, that they had acted from the best (or purest) motives; that I had formerly been unwilling, perhaps even that I had absolutely refused, to admit those things, or had positively denied them; and that, at last, the acknowledgment or admission of them was in a manner extorted from me by my *being much pressed.*

All these insinuations, so irresistibly conveyed by the words of Dr Duncan and Dr Hope, are absolutely false, as well as malevolent and unjust. There never was a moment, from the 5th February, 1805, to the present hour, in which I was not perfectly willing to have declared my knowledge of the vote of thanks to Dr Spens and his Committee, and of the declaration that they had acted from the best (or purest) motives.

As to Dr Hope's insinuation, or assertion, that I was *much pressed,* (meaning, I presume, by him, in his much-laboured speech, 24th November, 1807,) when he *professed* or *pretended* to believe, on the force of my solemn declaration and oath before God, that I had been, and had declared myself to be, totally ignorant of the *whole proceedings* of the College, 5th February, 1805; it is not only *false,* but *absurd* and *impossible.*

My brethren cannot surely believe, or even *pretend,* that I was *much pressed* a year before, when at the meeting of the College, the first after the reading my *Queries,* and the consequent *discovery* of the *virtual decision* against me, in the form of a declaration that Dr Spens and

his Committee had acted in the most honourable manner, I remonstrated strongly against their condemning me to infamy (as far as depended on them) unheard, uncited, and not even informed of what was intended, or doing, or done against me; nor yet can they pretend to believe, that those strong remonstrances and declarations on my part related to the *whole* of the proceedings of the College, 5th February, 1805. They *could not* relate to the vote of thanks; an innocent piece of civility, or, at the utmost, of gratitude, and certainly implying no disapprobation or censure of my conduct. They *could not* relate to the declaration of the College, that Dr Spens and his Committee had acted from the best (or purest) motives; for I had never said or thought otherwise; and, if I had been present at that meeting of the College, I should have concurred in it most chearfully; understanding that their only motive was a desire to promote their own pecuniary interest, and also that of the College as a body; which motive I acknowledge to be a good one. It was only their actual conduct, proceeding from that motive, that I disapproved of. If I had heard, what I never could have suspected, that some of them expected great improvements in pharmacy, or in the practice of physic, from authorising our members to furnish medicines to their own patients, though I should have thought the means proposed quite preposterous, and likely to have the opposite effect, I should equally have acknowledged, that the motive, or end in view, was good. But if I had thought the motives of Dr Spens and his Committee, in giving in their unlucky Report, had been, either wholly or partly, a desire to excite dissension among us, to injure the College, to degrade it, and our profession, and ourselves individually, in public estimation, or even a desire to injure the surgeon-apothecaries, by encroaching on their province, I should have considered their motives as bad, or impure; and should have reprobated them, as well as the actions proceeding from them.

My brethren surely cannot suppose, that, in November 1806, I meant to remonstrate against, or treat as an unjust condemnation of myself, the proceeding of the Committee in asking, and of the College in giving them permission, to withdraw their Report, and reconsider it, and finally and totally retracting those parts of it which I had severely reprehended as wrong in many respects; for these proceedings *I could not help considering* as a complete though tacit acknowledgment, both on the part of the College and of the Committee, that what I had said of the Report was true. There remains, then, only one article or part of the proceedings of the College, 5th February, 1805, against which I could be supposed to remonstrate, or which I could, without absurdity, be supposed to regard as an unjust condemnation of myself, or even as any kind of censure of my conduct; namely, the declaration of the College, that Dr Spens and his Committee *had acted in the most honourable manner.*

The same considerations and mode of reasoning, *mutatis mutandis*, indeed with very little change, may fairly be applied to the passage in my letter of 2d November, 1807, to Dr Stewart, our president.

My brethren surely cannot believe or pretend, that I was *much pressed*, when sitting alone in my own library, I coolly and deliberately wrote that letter, and desired, that, if any person said he had given me *such intimation*, (meaning evidently such intimation as I had solemnly declared I never had received,) or if any person said he ever heard me express any knowledge or suspicion of *such a proceeding*, before it was announced to me in the strange manner which my colleagues saw in November 1806, it might be declared explicitly and publicly; intimating, that, in case of need, *I had a very different tale to tell*, and to establish, as far as a negative proposition could be established, by very competent evidence.

They cannot surely believe, or rationally profess to believe, that *the very different tale* which I had to tell was the disgracefully foolish, and, as I think, *absolutely incredible* assertion, that they have most obstinately, falsely, and unjustly imputed to me; namely, that I had no knowledge at all, of any part or article of the proceedings of the College on the 5th February, 1805; implying, that I had never enquired about them, or even accidentally heard of them; that I had become, on a sudden, perfectly indifferent about the result of that discussion concerning the *Report* of the Committee, in which discussion I had engaged with the greatest keenness; that I had not even looked into the new edition of our laws, to see whether the *declaration* of Dr Spens and his Committee, about the purpose and extent of our enactment of 1754, had been adopted, or *quietly retracted*, and *deliberately eaten up*, after my most public and severe reprehension of it; that I had not even had the curiosity to enquire which of the alternatives the members of the Committee, individually or collectively, had chosen of that dire dilemma, which, in my Censorian Letter (pages 24. 118—121.) I had *forced* upon them, or crammed down their throats;—namely, that their Report *must* be either *true* or *false*;—that, if it was true, or if they thought it true, they were bound in duty not to withdraw it, but to take the sense of the College upon it by a vote, with the certainty of either having it rejected ignominiously, or, if they should carry it by a majority, of having it immediately brought under the revision of the Court of Session; and that, if they thought it false, they ought immediately to withdraw it, and let it never more be heard of. On the supposition at present under consideration, my brethren must also suppose, or believe, that I had become on a sudden perfectly indifferent about my own fame and fortune, which I had publicly and most solemnly staked on the truth of my assertions, and the rectitude of my conduct, with respect to them;—that I had absolutely for-

feited all pretensions to probity and veracity, by swerving from my professions of candour, and failing in my explicit promise and engagement, to acknowledge and rectify, as soon as they should be pointed out to me, any errors that my brethren might think they found in my printed papers;—in short, that from the time when those papers were distributed, I had suddenly become a perfect driveller, and an ideot.

If any of my brethren *did* or *could* believe all these things of me, they *might* also believe that I was perfectly ignorant of the whole proceedings, and every part, clause, or article, of the proceedings of the College on the 5th February, 1805: but if not, not. Whether Dr Hope or Dr Spens believed all those things, or what opinion they entertained of me, and what conduct towards themselves individually, and to this College as a body, they expected from me, for the rest of my life, after they thought I had acted in that absurd manner, and had, for a year and nine months, unknowingly acquiesced in the most complete contradiction and condemnation of what I had deliberately asserted, with precise references to the most authentic and perfect evidence of what I had said, they best know; and they are heartily welcome to declare it publicly; and also to declare, which, in point of probity and veracity, I think they are bound to do, on what grounds or evidence, real or supposed, they had adopted such a belief, and such a strange opinion, with respect to me.

It *could not* be from the words of my solemn declaration and oath before God, as expressed in my letter to the President, 2d November, 1807, and quoted by Dr Hope in his motion, as part of the evidence on which he proposed to convict me of inconsistency, and consequently of falsehood, in what I had asserted; and, by obvious implication, to convict me of perjury also: for my words in that declaration and oath relate precisely and exclusively to that resolution

or declaration of the College, 5th February, 1805, *virtually deciding* (as Dr Duncan senior called it) that my *Censorian Letter* was a false and scandalous libel, to which proceeding I had previously alluded, in a manner that could not be misunderstood, when I mentioned that "*strange difference of opinion* [between my brethren and me] *with respect to the principles of moral conduct;* which difference, as I told them, I had discovered only about a year before (in November 1806,) and then, as they all knew, by mere accident.

I here, once for all, solemnly declare and swear before God, that it was to *that proceeding only*, or to that part, clause, or article, of the transactions or proceedings of the College, 5th February, 1805, not to the whole, nor even to any other important part of them, that I alluded in my former declaration and oath, with respect to any censure, contradiction, or condemnation, by the College, of my printed papers, or of myself, and that it was to *that proceeding only* that I alluded in my letter to the President, 2d November, 1807, when I mentioned the strange, and, I feared, irreconcileable difference between my brethren and me with respect to the principles of moral conduct.

I now deliberately assert, and maintain with confidence, that no person is entitled to *extend* the meaning of my declaration and oath beyond the limits which I have here specified; and that no person, consistently with *good sense* and *good faith*, can extend the meaning of my declaration and oath to any part of the proceedings of the College, 5th February, 1805, that is not either a contradiction of my assertions, (in my printed papers,) a condemnation of my conduct, or an assertion of a *strange*, perhaps *irreconcileable* difference of opinion between my brethren and me with respect to the principles of moral conduct.

The vote of thanks to Dr Spens and his friends for their great trouble in revising the laws, and the declaration of the College, that

they had acted from the purest (or best) motives, have none of those characters. There *could be no* difference of opinion as to the principles of moral conduct implied in either of those proceedings, any more than there could be in them a condemnation of my conduct, or a contradiction of my assertions. And as to the important, the essential, the decisive proceeding, of the Committee asking, and the College giving them permission to withdraw, to retract, that declaration, which I had so strongly reprehended, far from there being any possibility of difference between them and me with respect to the principles of moral conduct, there was, on the contrary, the most perfect and cordial agreement.

There remains, then, only that *one proceeding*, or *that part of the proceedings* of the College, 5th February, 1805, the declaration that Dr Spens and his associates had acted in the most honourable manner, to which my declaration and oath of ignorance *could rationally, honestly*, and *credibly*, be supposed by others, or intended by me to relate: and, no doubt, it is incumbent on me to explain, I mean to the best of my knowledge, information, and belief, how and why it came to pass, that I remained ignorant of a proceeding that related so nearly, and in a manner so interesting, to myself. This I can do with ease, and will do with great pleasure, as being necessary for my complete defence and vindication.

As to the *rest*, and the *general tenor* of the *proceedings* of the College on that most honourable day, far from being, or ever professing to be, or wishing to be thought, ignorant of them, I had taken what I thought the most sure and effectual measures to be informed of them without delay; nay, to be informed of them *beforehand*, at least to be so informed of such of them as had been agreed on by the Council on Monday, 4th February 1805, as what were to be proposed to the College at the quarterly meeting next day. I trusted to receiving from two of my colleagues, separately, neither

of whom (I believe) knew of my having applied to the other for that purpose, the most speedy, authentic, and minute intelligence, with respect to every thing relating either to the adopting, rejecting, or withdrawing the Report of the Committee, or to any animadversions on my conduct, for which I had, in the most explicit and strongest terms, declared myself willing to answer. I did accordingly receive, from my two colleagues separately, a great deal of information about those things; as nearly as I could judge in the *same words*, and certainly the same in substance, from them both. From both I learned, that it was understood that the *Report* (I mean that part of it which related to changing our law of 1754,) was to be finally and totally withdrawn. From both I heard of the vote of thanks to Dr Spens and his Committee, for the great trouble they had taken in revising our laws, and of the declaration on the part of the College, that they had acted from the *best* motives. From neither of them did I hear one word of any contradiction or condemnation of my assertions in my printed papers, or of my conduct towards the College, as either intended, or actually pronounced, or conveyed by any kind of implication. My information was ample; it was minute; it was authentic; it was strictly and literally true: I firmly believed it to be complete; I continued for a year and nine months to believe it complete; and for a year and a half I had regulated my conduct towards the College entirely on the faith of that information being complete. The admonition about secrecy, 5th August 1806, of which I got intelligence, three days after, was the first intimation I ever had, that the College, *as a body*, chose to attempt to convey, even by the most obscure implication, or by any kind of craft, the slightest censure on me, or contradiction of what I had stated on the authority of their own records, and of the Report of the Committee; both of which I had studied carefully, and from both of which I had made *ample* and *most faithful* ex-

tracts; which extracts, accompanied with a suitable commentary, they all knew that I had printed and distributed very freely; declaring myself ready to answer for the accuracy and fidelity of them.

As to the sentiments of some of my brethren *individually* towards me, in consequence of my Censorian admonition to them, I was well assured of them, and at any rate should have taken them all for granted; but *that* I could not think a sufficient reason for disturbing the peace of our little society, which, as a College, had given me no offence, and, *as I thought, had done me no wrong.*

I mean no kind of compliment or flattery to any of my brethren, but only the plainest truth, when I solemnly declare, that, unfavourably as I thought of some of them, I could not have believed any of them capable of such unexampled baseness and injustice, as that of their *virtual decision* against me. If I had ever thought of the possibility of such a proceeding,—a declaration directly contrary to the most complete and clearest evidence, and an implied condemnation of me, unheard, uncited, not allowed to vindicate myself, nor even to acknowledge any error, and repair any wrong, that I might unknowingly have committed, according to my explicit and candid offer, my brethren should never have had it in their power to do it. I should have attended in my place, (according to the tenor of my intimation to Dr Hamilton, printed here, page 76.) I should have argued, and voted; and, if outvoted, should have protested against such a proceeding. If my victorious brethren had chosen (which I am confident they would not have done,) to print and distribute the Declaration of the College, that Dr Spens and the Committee *had acted in the most honourable manner*, my protest, and the reasons of it, should soon have been printed; and should have followed their printed paper to the farthest ends of the earth. Nay, I firmly believe, that there was not at that time, and is not at this

hour, one member of our College who is not convinced that I should certainly have acted in that most stubborn and ungracious manner: and I firmly believe, that their conviction that I would have done so, and would have forced them to a rigorous discussion and a *proof*, the result of which they could not fail to know would have been fatal to them, was their only reason for not citing me, and regularly informing me of their intentions, but, on the contrary, taking a most ungenerous, a most unjust, advantage of my absence; the honourable reasons of which absence, even though they had not been specified, as in fact they were, in my letter to Dr Hamilton, must have been obvious to every person who had the understanding of a man, or the sentiments of a gentleman. None of my brethren can be supposed so nearly insane, as to have expected that I should placidly have acquiesced in such an unjust condemnation of myself. None of them could fail to know, that giving me the smallest hint of such a design would completely, and in a moment, and for ever, frustrate their truly benevolent and Christian purpose, and ultimate intention, of restoring peace to our College, by hushing up, as soon as possible, the subject of discord, without any further enquiry.

If, even so late as the 5th August 1806, I had known of that part of their proceedings, 5th February 1805, my brethren may be assured that I should never again have given them an opportunity to play me such another trick. The facts, well known to them all, and even recorded in our minutes, that I was absent from their meeting in August 1806, and that in November following I read to them certain *strong* queries with respect to their admonition about secrecy, implying an indirect censure on my conduct, ought to convince them, that, at the time when I read those queries, I knew nothing of their *virtual decision*, 5th February, 1805. They cannot, or will not, understand my honourable motives for absenting myself from the meetings of the College, 5th February 1805, and 5th August

1806; and plainly insinuate, that they wish to understand my conduct on those occasions to have proceeded from the most base and infamous of all possible motives: the dread of that enquiry into my conduct, which enquiry I had invited; the wish tacitly to plead guilty, and allow judgment to go against me by default in my absence, without even acknowledging my errors, and repairing the wrongs which I had committed, as I had publicly promised to do, as soon as any such errors or wrongs should be made known to me.

Yet, from my conduct in November 1806, they *must* have known, that those were *not* my motives for absenting myself from their meeting three months before; and that nothing could be farther from my thoughts, than the intention of acquiescing in any unjust condemnation of myself, even by the most obscure implication or innuendo. If they choose to act rationally and honestly, or even consistently, they *must* admit the same with respect to my similar conduct in February and May 1805; unless they can assign some plausible reasons for thinking that I was of a much more placid and timid spirit in spring 1805, than in autumn 1806: that in 1805 I was much less confident of the truth of my assertions and the rectitude of my conduct, and much more indifferent about my own fame and fortune, than I was in 1806. I was conscious of no change in my own sentiments and principles of action during that time, or at any time, from the hour when my first papers were printed to the present hour. I am sure I thought and acted towards the College as a body, and to some of my brethren individually, on those principles, and on that belief, which I have uniformly avowed: and that my *knowledge* of the other parts of the proceedings of the College, 5th February 1805, will be found just as consistent with my conduct, and as necessary to explain it, as my ignorance of the *virtual decision* against me—the declaration, that Dr Spens and his Committee had acted in the most honourable manner. That partial and imperfect knowledge (for the imperfection of which

I believe I can now fully account), that I had of the conduct of my brethren, affords a complete explanation of my own conduct. It is the key that fully explains the cypher; and, therefore, it must be the *true key*. But if my brethren shall choose to try any other key to it, or endeavour to explain my conduct, from first to last, on any other supposition, especially on the supposition, that I either knew of the *virtual decision* (the declaration that Dr Spens and his Committee had acted in the most honourable manner), or that I did *not* know of the other proceedings of the College, 5th February 1805, I undertake to shew, that such supposition is inconsistent with many things, which, independently of any *testimony*, they all know already as matters of fact.

Dr Hope is pleased to fancy, or at least to insinuate, that I was *much pressed* when I frankly *declared*, or as he most illiberally calls it, *acknowledged and confessed*, that I knew of the vote of thanks to Dr Spens and the Committee, and of the declaration of the College, that they had acted from the best (or purest) motives. I declared the truth with respect to that part, as I was, and at all times had been, ready and willing to declare the truth with respect to every part of what I knew, and of what I did not know, of the proceedings of the College, 5th February 1805. I did so the very moment when I first heard that any person *even pretended* to believe that I had disclaimed *all knowledge* of all the proceedings of the College on that day. The supposition of such a belief, or pretended belief, with respect to me, never had occurred, nor ever could have occurred to me. I never could have supposed that any person would have attempted, or pretended, to extend the meaning of my solemn declaration and oath beyond what I had expressly said; or would have substituted, as Dr Hope has done, for my precise expression, *that proceeding*, (previously explained to mean the condemnation of me, and a strange difference with respect to the principles of moral conduct)

the general, vague, comprehensive expression, *those proceedings*:—INNUENDO—*all the proceedings*, of the College on that occasion.

I felt no kind of *pressing*; but I thought I perceived strong symptoms of consummate disingenuity and malevolence on his part. I thought I saw clearly that he was attempting the common trick of uncandid disputants, which is generally, and therefore best expressed, by the metaphor of setting up a man of straw, in order to have the pleasure of knocking him down. The trick consists in misrepresenting what an opponent has said, and imputing to him what he never had said or thought: of course, something false, or foolish, or disgraceful, which could easily be refuted and exposed.

I endeavoured, as candour and probity required, to set him right, by declaring the truth; but he, and some others of my brethren, would not listen to me. With the most frantic eagerness, they would insist on finding an inconsistency between what I then said, and what I had said before. One point very strongly insisted on by some of them was, that, acknowledging the goodness (or purity) of the motives of Dr Spens and his Committee, was just the same as declaring that they had acted in the most honourable manner;—a proposition to which I never can assent. On the contrary, I reprobate most heartily the principle, too often adopted in the conduct of men, that the goodness of the end justifies the means.

Dr Hope turned up my letter (of 2d Nov. 1807) to the President, and, with much art and wonderful inveteracy, dwelt on my expressions—"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," &c. The pronoun IT, (in my discourse,) related to the expression, *that proceeding*, in the immediately preceding sentence. But I could not prevail on Dr Hope, or on any of my very angry brethren, to look at what went before, or attend to what *that proceeding* was, of which I solemnly declared and swore,

that I had no knowledge. With such men in such a temper, all attempts at reasoning would have been folly and absurdity.

The other glaring piece of disingenuity in Dr Duncan's printed letter (page 3. paragraph 4.) is this :—" Dr Gregory considered the vote of the College as a reproof to Dr Spens, BECAUSE, *as he publicly said in the College, he imagined the purest motives might mean the pure love of gain.*"

The proposition and argument thus boldly imputed to me by Dr Duncan, are false and absurd, and almost nonsense, as well as totally different from the proposition which I asserted, and from the argument or reason which I assigned for thinking the vote of thanks, and the declaration that they had acted from the purest motives, a *delicate gentle reproof* to Dr Spens and the Committee; not a declaration, that their actual conduct had been right.

I said publicly in the College, and I say still, that I neither knew nor suspected any other motive that they could have for their proceeding, but a desire to promote their own pecuniary interest, and also that of the College. I said also, and I say still, that I think that motive a very good and pure one; for which they cannot reasonably be blamed. But I never said nor thought that the vote of the College was a reproof to them, BECAUSE *that* desire of gain had been their *motive*. Such an assertion would have been *absurd*, as well as inconsistent with my opinion, and with the whole tenor of my discourse.

The wrong, on the part of the Committee, consisted, as I thought, not in their *motive*, but in their actual conduct.

I understood that the vote of the College (I mean those parts of it which I knew of) was a delicate reproof to those concerned; *because* thanking a person for what he offers, and not accepting his offer, generally implies that the person declining it does *not* approve it; just as thanking the offerer, and accepting his offer, shews that the acceptor

approves of it; and BECAUSE acknowledging the *goodness* of a person's *motives* stated apart from his actions, *generally*, and, to the best of my knowledge and belief, *universally*, is understood as an *excuse* for the action not being right or praise-worthy. But in the real case under discussion, the overt action was a *declaration*, which was not adopted by those who acknowledged the purity of the motives of those who gave it, and which was deliberately retracted by those who had given it.

That gross misrepresentation of my words and of my meaning, so confidently asserted by Dr Duncan, is, I trust, peculiar to him. I hope some of my brethren, all of whom must know the truth, will take the trouble to set him right. My argument on the point to which his misrepresentation relates, shall be fully established and illustrated in due time.

I now return to the consideration of the letters which I have printed, (page 68 to 77.)

My own two letters (to Dr Spens, and Dr Hamilton) require no commentary. I need only say, that it is *impossible* that either Dr Spens, (and of course Dr Hope,) or Dr Hamilton, after reading those explicit letters to them respectively, should have believed that I meant to acquiesce in such a condemnation of my conduct, as was implied in their declaration, that the Committee had acted in the most honourable manner. If, on the 4th and 5th of February, 1805, any other members of the Council, or of the College, had *professed* to believe that such was my reason for absenting myself from those meetings, which, however, I think *scarce possible* after they had read my Censorian Letter, (page 3. and 120.,) it must have been the fault of Dr Spens, Dr Hope, and Dr Hamilton, not my fault, if they were not immediately undeceived.

As to Dr Hamilton's short letter, (page 77.,) I have only to observe, that it contains no hint to me of the intended *virtual decision*

against me by a declaration, in contradiction to what I had said, that Dr Spens and his Committee had acted in the most honourable manner; that it contains not a hint, that it would be proper for me to attend the meeting of the College next day, either to acknowledge the errors, and repair the wrongs, if any, that I had committed, or else to vindicate my conduct, if I should think it right, and should find that any of my brethren wished to make it a subject of discussion, or of censure; and that, on the contrary, it contains precisely that information, which Dr Hamilton, from my letter to him that morning, knew perfectly, would induce me to absent myself from the meeting of the College. The purpose of this conduct on the part of Dr Hamilton cannot be mistaken, cannot be blamed. It could be nothing but an honest earnest desire to restore peace to our College, and, as the first step to that most desireable object, to prevent any further discussion about what was passed. For the same good reason, and benevolent Christian-like purpose, he suppressed my letter to himself: of which letter, I firmly believe, that none of my brethren knew one word, till they saw it in print three years after. I meant it to be communicated to the Council, and, if necessary, to the College; else the greater part of it, especially the passage printed in Italics (page 76.), could have been of no use. I *understood* that it had been communicated to the Council; and was much astonished when, in November 1806 (after the discovery of the virtual decision), Dr Hamilton told me that it had not been so.

From Dr Hamilton's character, and from the uniform tenor of his conduct towards me, both before and after that difficult and thorny business, I am convinced that he had no bad motive, or bad intention, when he acted in that manner: no malevolence to me, no wish to do me wrong; and that his only motive for acting in that manner was a benevolent and most laudable desire to restore, as soon as possible, peace and harmony in our College.

"Blessed are the peace-makers, for they shall be called the children of God," is a text of the highest authority, which some others of my brethren, as well as Dr Hamilton, must be supposed to know. They must also be supposed to know, that though a man may reasonably choose, on many occasions, whether he will endeavour to act as a peace-maker or not, yet, that when he chooses to act in that capacity, he has little or no choice with respect to some of the means that he must employ to accomplish his good purpose. He must know, and feel, that he is not to act as an idle tale-bearer between the contending parties; nor yet, as a witness in a court of justice, obliged to tell the truth, the whole truth, and nothing but the truth. He *may* think himself justified sometimes in telling what is not true, if he is convinced that it can do no harm, and judges that it will further his good purpose: and, at least, he *must* think himself entitled, and even obliged, to suppress some parts of the truth; especially all the words and actions of either party that might tend, if made known to the other party, to irritate them more against one another. To report such things from the one to the other, evidently would be, not to bring them peace, but a sword.

The peace-making plan in our College, in February, 1805, suggested, I believe, by Dr Stewart, plainly was, to avoid all discussions and explanations with me; not to give me an opportunity of either vindicating what I thought was right, or acknowledging and repairing what should appear to be wrong in my conduct, as I had publicly offered to do; but to sooth the feelings, and save, in some measure, the credit of Dr Spens and his Committee by a vote of thanks, and a declaration that they had acted from the purest motives, and in the most honourable manner; implying, by irresistible implication, that my printed papers were a false and scandalous libel, and that I, though not named in that declaration or *virtual decision*, was a liar and a knave.

To afford any chance or possibility of success to this peace-making plan, *one* of *two* things was obviously and indispensibly necessary; either that I should consent to it, or that it should be done without my knowing that part of it which was a condemnation of myself.

The former of these things, obtaining my consent to such a plan, was evidently *impossible.* None of my brethren could have made such a proposal to me, even by letter, without absurdity, approaching very near to insanity: none of them could have come to my house to make me such a proposal, face to face, without the absolute certainty of frustrating the peace-making plan in the College, and at the same time provoking me to a personal quarrel with himself.

There remained then only the other possible expedient to be tried; that of keeping me ignorant of those parts of the peace-making plan, in which it was certain, and evident without a trial, that I never would acquiesce.

Not Dr Hamilton only, in consequence of my most explicit letter to him, (see page 76.,) but Dr Wright equally, in consequence of some no less confidential and explicit conversations that I had with him, in his own house, a few days before, when I told him that I intended to absent myself from the meeting of the Council on the 4th, and from that of the College on the 5th of February, 1805, and begged of him to let me know what passed at them, that I might attend if my presence should be necessary, could well have testified that I did not mean, by absenting myself, to acquiesce in any contradiction of what I had asserted, or in any censure or condemnation of my conduct towards the College; in short, that I did not mean to allow judgement to go against me by default in my absence. Nay, Dr Stewart himself, who, as I was informed a few days after the *discovery* 4th November, 1806, was the author of the peace-making plan, including the declaration, that Dr Spens and his Committee had acted in the most honourable manner, and, without naming me, completely

contradicting what I had asserted in my printed papers, could well have testified, *if he had been so disposed*, that I certainly would not have acquiesced in such a plan, if I had had the smallest intimation or suspicion of it. For not only the general tenor of those papers, and especially my explicit offer, (page 3. and 120. of my Censorian Letter,) must have convinced him and all my brethren, that it was *impossible* for me to acquiesce in such a proceeding of the College, but a very animated, and not a very short conversation, which we had, in St Andrew's Square, a few days *after* my printed papers were distributed, *must* have convinced him that I thought I had done right, and that I would not retract one particle of what I had done or said; excepting only that frivolous matter, (the only one that he told me was disputed by Dr Spens, or any of my brethren,) with respect to my honest belief, but rash assertion, that we, who opposed Dr Spens's motion in 1796, were the majority of the College. On that point I was sensible that *I might have been mistaken;* though I saw no evidence that *I actually was so.* It was to be settled by proper evidence, whenever Dr Spens pleased. But as *no other point or assertion* of mine, in my printed papers, was mentioned to me by Dr Stewart at that time, or by him, or by any of my brethren, at any other time, for a year and nine months, as what they did or could dispute, and as I knew that the evidence of every thing of importance which I had asserted with respect to Dr Spens and his Committee, was complete and irrefragable, I understood, even from Dr Stewart's conversation, and from what he mentioned to me, on the authority of Dr Spens, with respect to that one frivolous point, that Dr Stewart, Dr Spens, and all concerned in the discussion, *admitted the truth* of every thing else which I had asserted, and *acquiesced in the justice*, though I firmly believed that they felt very keenly, and resented strongly, the severity of my reprehension. Such being my sentiments, it was *impossible* for me either to acquiesce in any general

contradiction of what I had said, and condemnation of myself, or even to suspect that my brethren would have thought of such an unjust, unheard of, dishonourable proceeding.

I have had occasion to *know*, even within these three or four months, that Dr Stewart remembered well the general tenor, and *most* if not all the important particulars of that conversation which we had a few days after my printed papers were distributed, and a few days before the meeting of the College on the 5th February, 1805 : and I leave it to himself now to say, whether my sentiments, very strongly expressed to him on that occasion, were not diametrically opposite to any thing like a disposition to plead guilty, or to acquiesce in any condemnation, or censure, or contradiction of what I had asserted. He may also say, whether he, publicly or privately, gave any intimation to any of my brethren, collectively or individually, of what he knew, from that conversation, to be my sentiments on that point. He may also say, whether, *at that time*, he gave me any information, or hint, of his intended motion, and peace-making plan, in the College ; and whether he invited me to acquiesce and concur in it, though a complete contradiction and condemnation of what I had most deliberately asserted.

I admit and declare, most frankly, without being *much pressed*, nay, without being pressed at all, that a long time (more than a year and nine months) after, namely, on Thursday, 6th November, 1806, just two days after the *discovery* of the *virtual decision*, Dr Stewart did very seriously invite, and even strongly press me, to acquiesce in that decision, as well as in the general admonition about secrecy ; and to desist from that discussion, which two days before I had entered on with the Royal College.

I have good reason to think, that Dr S. remembers well the general tenor and the result of that very extraordinary conversation ; which began in Prince's street, where we met accidentally ; and was

continued a long time, and ended in my library, whither he had accompanied me; as I declined carrying on such a discussion in an open and crowded street, at broad noon, in very cold weather. I leave it to Dr S. to give *his* account of it: for any account of it that I can give, would certainly be considered not merely as fiction, but as burlesque. The attempt to induce me, by any arguments or intreaties, to acquiesce in a complete and unjust condemnation of myself without evidence, and contrary to the clearest and most decisive evidence, was perfectly repugnant to any notion that I could form, either of human reason, or of moral conduct. I need scarce say, that the conversation ended in a very unsatisfactory manner; but it is proper to mention, that, on the part of Dr S. it was carried on with many strong expressions of friendship and good will to me, and with the most extraordinary emotion that I ever saw, or can well conceive. The reason of that violent and distressful emotion on his part, as well as of his wonderful attempt to prevail on me to acquiesce in the declaration, that Dr Spens and his Committee had acted in the most honourable manner, I did not know or suspect till two days afterwards; when, on my mentioning some of the particulars of that conversation, and the strange emotion, and still more strange attempt of Dr S., I was informed, that it was understood that he was the original author and contriver of that declaration, and of the other proceedings of the College connected with it. Then I understood *At at, hoc illud est, hinc illæ lachrymæ, hæc illa est misericordia.*

I am heartily sorry, that the same sentiments, real or pretended, of good will and friendship to me, and the same persuasion (if any such he had) that the *virtual decision* against me was honourable and right, did not induce him to give me notice of it, and to endeavour to prevail on me to acquiesce in it, either *before*, or *immediately after*

he proposed it to the Council and to the College. (4th and 5th February, 1805.)

Truth and justice being completely out of the question on either supposition, what I here state, as what I should have thought the better mode of proceeding, would have had the merit of being open, bold, and manly. It would have been telling me to be on my guard, and to defend myself as I best could; and would have borne the same relation or proportion to his actual conduct, that a fair duel does to stabbing a man by surprise in the dark.

While I state with confidence these very obvious, and, as I think, irrefragable considerations, I declare most solemnly that I acquit Dr Stewart of any *bad motive*, such as *malevolence* to me, for what he did on that occasion. As I had never injured him, but, on the contrary, had always endeavoured to do him every good office in my power, it is *impossible* that he should, at that time, have borne me any ill will. I am convinced he had no more ill will to me than he had to my walking-stick; and that the wrong (a very base and atrocious one in my opinion) which he did, and induced others to do me, proceeded from want of thought and want of that *force of mind*, without which, though there may be many good dispositions, there *can be no virtue;* which, on many occasions, (indeed, on all occasions when there is inducement to do wrong,) is as necessary to truth and justice, as it is to fortitude in adversity, to courage in danger, to firmness in temptation;—*Virtutis enim laus omnis in actione consistit.* I verily believe, that his only motive for acting as he did, was his eager and very laudable desire to restore peace to our College, and to soothe the feelings, and save as far as possible the credit of Dr Spens and his Committee; and that, if he could have accomplished these good purposes, it would have been all one to him whether I or my walking-stick should be made the sacrifice. But in

that mode of acting, though not in the motive that led to it, there was a great moral wrong, and foul injustice to me.

Every body must admit as self-evident, which I do most chearfully, that peace and good-will among brethren are very desireable at all times, and in all possible circumstances; and that it is honourable and right, on many occasions, to sacrifice much of what is agreeable and expedient to restore or to preserve peace. But I do not think it right, on any occasion, to endeavour to preserve, or to restore peace, at the expence of truth and justice; for, in the first place, I deem truth and justice more valuable even than peace; in other words, I would rather live in a state of open warfare with any or all of my brethren, than I would concur or acquiesce in, or even connive at, and keep secret, any deliberate falsehood or injustice which they might chuse to commit, though I myself were not the injured person; and, in the second place, I firmly believe, that without truth and justice peace cannot be preserved or restored. But let truth and justice be established among us, and peace will follow of course. Admonitions about secrecy, and peace-making projects, will be equally unnecessary. It will be impossible to divulge any thing said or done in this College that may tend to the prejudice or defamation of the same, or of any member thereof; for no such things will be said or done in it. We may safely trust to one simple and sure defence: *Hic murus aheneus esto, nil conscire sibi, nullâ pallescere culpâ.*

As to the expectation, which some of my brethren seem to have entertained, that I, for the sake of peace in this College, or for any other consideration, should acquiesce in a general contradiction of what I had asserted, and a general condemnation of myself, without any falsehood, or even any error, in what I had said, or any wrong in what I had done, being proved, or even asserted and pointed out to me, and when the evidence of what I had said appeared to me

complete and irrefragable, and when I was conscious of the rectitude of my own conduct, it appears to me so irrational, as well as immoral, that to argue against it is almost as absurd as to argue for it; or to endeavour, as Dr Stewart certainly did attempt, (6th November, 1806,) by reasoning and intreaties, to induce me to act in that strange unheard of manner. No man who felt in himself, or respected in others, the dignity of virtue, could ever have thought of such a plan; or could have expected it to succeed, if it had been suggested to him by others, who were incapable of perceiving the baseness of it.

Perhaps one short and simple illustration will serve my present purpose better than a long dissertation and discourse of reasoning.

I shall suppose that one of my brethren came to my house, and, after expressing to me, in strong and pathetic terms, and with many tears, his heart-felt sorrow for the bitter dissensions that prevailed in our College, and professing the greatest esteem and friendship for me personally, and his most earnest wish to restore peace among us, told me, that, after much consultation, he and his brethren had contrived a plan, which they were sure would be effectual for that purpose, and which he hoped I would cheerfully agree to, as much depended on me,—that they had luckily thought of a powerful pacific powder, a small dose of which, only ten grains of white arsenic, he had brought me, and would be happy to see me take immediately in a cup of tea; as he was sure it would, in a few hours, make me the most peaceable member of the College, and soon establish in it an universal Christian peace.

I should certainly have thought any of my brethren a little crack-brained, who should seriously have come to me with such a proposal. But, waving that consideration, I should have told my learned brother, that the prescription was excellent, and worthy of our Royal College, indeed, such as, in every respect, would have done ho-

nour to any College of Physicians in Europe; as the medicine recommended was simple, elegant, easily taken, and of infallible sovereign efficacy for the purpose intended:—but I should have begged to be excused from taking it; because my trade is to *give*, not to *take*, physic: and should have humbly suggested to my kind friend, and, through him, to the rest of my peace-making brethren, that it might answer fully as well, if such of them as were most passionately fond of peace, would each take a dose of their own powerful pacific powder. But what should we think of the conduct of any of those peace-loving members of our College, who, instead of inviting me to take such a dose of their pacific powder, and telling me fairly what it was, had given it me secretly, without my consent or knowledge?

The atrocity of either the one or the other of these supposed proceedings, must be glaring;—but the injustice of them, and the absurdity of supposing that I should agree to the former of them, and knowingly take a dose of arsenic, in order to restore peace to the College, are not more real, or greater, than the injustice of what was actually done to me by the *virtual decision* of the College (5th February, 1805), and the absurdity of attempting to prevail on me to acquiesce in it. I have heard and read of many instances of men who have died for their country or for their friends; but never of one who, conscious of his own probity and veracity, acquiesced in a *virtual decision*, implying that he was a liar and a knave.

I trusted entirely to the intelligence which I received from Dr Hamilton and from Dr Wright, with respect to the proceedings of the Council and of the College, as a body, at the quarterly meeting in February 1805. But I was very attentive to every article of information that I heard, even accidentally, with respect to the conduct and sentiments of my brethren individually, especially of the Members of the Committee

appointed in 1804 to revise our laws, after they had read my Censorian Letter. All that they have yet seen, or ever shall see, from me, of that intelligence, they must consider as only specimens of it, selected from many articles of information that I had received from various persons in very different situations, and who had very unequal means of knowledge. Some of them are now dead; and others of them are in such situations, and so connected, that it would be not only indelicate, but immoral, and a downright breach of faith on my part, to call upon them to authenticate the intelligence which they gave me.

For these, and some other reasons, I will not mention particularly what I heard of the impression which my *Review* and *Censorian* Letter made on Dr Hope; but shall only state in general, and in terms far different from those which I heard employed by two different persons separately, that he was very much hurt and distressed by them; which I am convinced neither he nor any of his intimate friends will dispute.

As to Dr Spens:—In less than three days after my papers were distributed, I heard, from unquestionable authority, that he too was excessively distressed at my reprehension of his conduct; and, most of all, hurt at my thinking he had renounced all thoughts of friendship with me; alluding evidently to the clause in my letter to him here printed, page 71. line 10. From this specimen, Dr Spens will know perfectly the person from whom I had that intelligence; whom it would be very indelicate for me to name. Within three days after that, I heard, from another person, a great deal more of his distress; including his very remarkable expression, "Call us all the fools and ideots that you please, but don't call us dishonest." By which expression (already known to my brethren from the best authority) I understood, that though he must have felt severely my reprehension of his plan, as very inexpedient or foolish, yet he

felt, still more painfully, the thoughts of having, in the too eager pursuit of a favourite object, violated former friendship, and even deviated from the straight path of probity and truth. I thought the sentiment did him honour.

As to Dr Duncan senior, I have never yet heard one word about his being hurt or distressed; but I soon heard (in stronger terms than I choose here to employ) a great deal about his being excessively angry at what I had said of him and his associates in my Censorian Letter; all which I should have believed, without any information, merely from my own skill in that branch of the black art, which is called physiognomy.

I heard also, that Dr Duncan junior was very angry, not that he was hurt or distressed, at my printed papers: but I heard very soon, that he had declared he could easily answer them; and that he seemed eager to do so. He is well entitled to contradict or to confirm that information as he shall please: but I heard of it in such a way that I had no doubt of its truth, and of course expected, even for some months, to have had the pleasure of seeing an answer from him to my Censorian Letter. Long afterwards, I chanced to hear that the same expectation of an answer to me from Dr Duncan junior had prevailed among some of the medical gentlemen at Glasgow; and, for my own part, I did not quite give up all hopes of seeing it, till the meeting of the College in November 1805, when I found that the long-expected answer to my Censorian Letter had dwindled down to a very harmless protest against the proceeding of the College, in *not* adopting the Report of the Committee of 1804.

That protest, however, of Dr Duncan junior, to which his father did not subscribe his name, but which he intimated to us that he in general approved of; and still more, if possible, the circular printed letter of Dr Duncan senior before the end of December 1805, con-

taining the proposal and query now printed, page xxix. line 13. were highly gratifying to me, as they shewed, beyond all possibility of dispute, that *they two*, at least, had not dropped their plan of subverting our law of 1754; that they still expected to carry it by a majority in the College; that they understood one another perfectly; and that I had rightly understood the nugatory intimation which I received from Dr Home in December 1804, and the almost as nugatory letter of Dr Spens and Dr Hope in January 1805.

In January 1806, I heard, from good authority, that Dr Monro senior had remonstrated strongly with Dr Duncan senior, on his conduct in introducing again into the College that proposal, even as modified in his printed letter and query; and that Dr Duncan told him he should not urge it, as he found it was not approved of by some members of the College, or words to that effect. That conversation (between Dr Monro and Dr Duncan) I was told passed in Dr Duncan's house; but whether Dr Monro went thither, on purpose to remonstrate with Dr Duncan on that proceeding, or had occasion to be there on other business, I do not know.

In less than three months after, I heard that some of my brethren, and, as I understood, Dr Duncan senior particularly, had been consulting, or were to consult lawyers, to know how they might accomplish that favourite plan, and also, how they might *play the devil with me.* These were the words employed by the gentleman from whom I had that information: but as he would not tell me from whom he heard it, and only assured me solemnly, that it was not from the person whom I immediately suspected to have been his informer; and as he seemed vexed at having said so much about it, I did not put down in writing any memorandum of that conversation, as I had done, and afterwards did, of some others relating to such matters; I therefore cannot specify exactly the time of it. The only assistance to my memory that I can find in writing, is a memorandum in my note-book of practice:

for the gentleman, from whom I had that intelligence, was my patient. That memorandum (about his case, not about the intelligence) is dated 3d March, 1806. The conversation to which I allude, (about our College matters,) may have passed a few days sooner, or several days later, than the 3d March. I find no other memorandum about that gentleman in my note-book after the 3d March till the 9th June: and I am certain, that I had my intelligence from him (I mean all that he would give me) long before that time: for before the end of June, and repeatedly from different persons before the meeting of the College in August 1806, I heard more of the consulting of lawyers; which strongly reminded me of what I had heard several months before.

By Dr Duncan's last printed paper, it appears, that the Honourable Henry Erskine's opinion is dated *second April*, 1806. Here is a curious anachronism. I think it very improbable, that I should have erred a whole month, or more, in my estimate of the time when I first heard of the consulting of lawyers how to proceed against me. If I am right in my estimate, as to the date of my first information, that curious secret must have transpired, as a surmise of what was intended or determined on, near a month before Mr Erskine's opinion was obtained: perhaps even before the memorial and queries were put into his hands. The date of Mr Clerk's most admirable opinion (8th August, 1806,) agrees perfectly with what I distinctly remember of the time when I first heard of it. As to the mistake, on the part of those from whom I had my intelligence, of supposing that several of my brethren had been consulting lawyers, when, as he now most solemnly declares, it was only the individual Dr Andrew Duncan senior, that did so (*ex mero motu*, as I understand), it is easily accounted for, without any impeachment of their veracity, by considering merely the title of his "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." Not a word is there said of Dr Duncan senior; but only of Dr Spens, and others, in whose behalf the great lawyers were consulted. Yet I must do both myself and Dr Duncan senior the justice to declare, that, partly in consequence of the information which I had received, partly on the strength of my own judgment, and my preconceived notion of Dr Duncan's character and sentiments, I firmly believed that he was the first mover and keenest agent in that business; but certainly, till I read his own declaration on that subject, I never suspected that the guineas to those great lawyers were paid out of his pocket, or that he had taken so strong a measure in behalf, and in the name of Dr Spens and other members of this College, without their knowledge and approbation.

In short, Dr Duncan, Dr Spens, and others, members of this College, are heartily welcome to criticise, as rigorously as they please, or as they can, the whole and every part of that information which I have stated as received by me, with respect to their sentiments, and their actual conduct, for two years; namely, from November 1804 to November 1806. They will find my information very imperfect; which I have always frankly acknowledged it to be: but they will find it correctly stated, to the best of my knowledge and belief; they will find it uniformly consistent with the whole tenor of my words and actions towards them individually, and towards the College as a body; they will find, that it fully accounts for, and explains my conduct to them; and they have already found so much of my information true, that they cannot even pretend to doubt that I had good reason to believe the whole of it true; or, in other words, to regard, as persons of sense, and veracity, and probity, and withal of competent means of knowledge, those who gave me that information. As to their names, they are nothing to my present purpose; and those whom it most concerns, may be assured,

not only that I will not mention them, but that I have taken every precaution in my power to prevent them from ever becoming known, even by accident. As to the imperfections of my information, Dr Duncan and others, members of this College, are heartily welcome to supply every defect, and correct every error, which they shall find in it, as Dr Duncan has already done in some very important particulars; or, if they shall think my information absolutely false, to contradict it altogether.

I must add to this, that the proceedings of Drs Duncan senior and junior, after my printed papers were distributed, I mean the protest of Dr Duncan junior, (Nov. 1805,) and the printed circular letter and query of Dr Duncan senior, (Dec. 1805,) and his memorial and queries to his lawyers in 1806, (even according to the very imperfect information which I obtained of them) were most highly gratifying to me, not only by showing, incontestably, that they had not relinquished their avowed purpose of subverting our act of 1754, and that I had rightly understood the nugatory information which I received, in December 1804, from Dr James Home, and the almost as nugatory letter of Dr Spens and Dr Hope, in January 1805; and that my censorian reprehension of the proceedings of the Committee, far from being too severe, had not been severe enough; but further, by showing that though they still wished and expected to accomplish their favourite purpose by some kind of low cunning or chicane; yet that they did not choose, that is, did not dare, to do it boldly and openly, by a direct and avowed repeal of that act, either wholly or in part, as was keenly urged by Dr Spens in 1796.

This unquestionably they had the *power* to do whenever they pleased, there being no law in this country that can hinder our Royal College to repeal any bye-law of its own making. Such a power in the College, which my brethren will observe I acknow-

ledged most explicitly and fairly in my Censorian Letter, (page 80. and 81.) they may choose to consider, and, I dare say, it would be considered in a court of justice, as equivalent to a *right* to repeal that act of our College in 1754. But though such a *power* and such a *right*, in the eye of the law, may be one and the same thing, I am sure that, in good morals, and still more, if possible, in the view of what is liberal and honourable in human conduct, there cannot be a *right* to do what is *wrong*. On this point my sentiments are expressed very strongly in my Censorian Letter; so strongly, that I am convinced they must have made some impression on my brethren; more especially as their attempt to subvert our old law by chicane and falsification, instead of openly repealing it, as had been attempted eight years before, plainly shewed, that they thought it better to avoid an open repeal of it: implying that they thought such a proceeding, though very easy and infallibly successful, would be reckoned illiberal and dishonourable. But as courts of justice cannot enforce the considerations of what is liberal and honourable, I should not have tried the question with them in the form of a lawsuit: nor indeed should I have contested the point with them any further than by voting and protesting against such a repeal of our law, and resigning my place as a fellow of the College: of course taking care, that the reasons of my protest and resignation should be as publicly and permanently known as my protest and my resignation would be. My brethren, I believe, understood perfectly that such would immediately have been the consequence of their openly repealing our enactment. But as I am well convinced, that, next to accomplishing that favourite purpose, getting fairly rid of me would have been the thing in the world most agreeable to a very respectable majority of them, I apprehended, for some time, as they had every thing to gain, and nothing to lose, by such a proceeding, that they would try it. No doubt it would have been a very strong thing,

with the Report of the Committee, their own favourite report, staring them in the face: yet not a jot stronger than that Report was, when Dr Spens's motion (of 1796) for repealing in part our enactment, remained undecided, and was still before the College.

That bold and decisive measure, so obviously in their power, cutting the knot which they could not loose, repealing the law when they found they would not be allowed, quietly, or without a law-suit, to falsify it, was the only evil which I dreaded from the displeasure of my very angry brethren at my Censorian Letter. Far from dreading, I wished them, but could not reasonably expect them, to try judicially the question, whether our obligation and duty of secrecy extended to things morally wrong, or even illiberal, or even extravagantly foolish, proposed or done deliberately in our College. The arguments and illustrations on this point, which I had stated in my Censorian Letter, (page 121. 125.,) seemed to me complete and unanswerable; and at any rate, such as it would be disgraceful, and almost ridiculous, for any of my brethren even to pretend to dispute.

Whatever my wishes might be, I could have no hopes, that any, the keenest, of them would venture to dispute the truth and accuracy of the important facts which I had stated, with precise references to their own records, and to the report of the Committee at that time before them: for any such attempt, on their part, would have been downright insanity; as they would instantly have been convicted of deliberate falsehood.

As little could I reasonably expect, that any of them should dispute the general principles which I had assumed, and strongly asserted, as to what is honourable and right in human conduct; namely, that candour, veracity, and good faith, are honourable; and the opposite of these, breach of faith, chicane, and falsehood, dishonourable: for to attempt to dispute these principles, I was sure,

would be regarded as completely renouncing all pretensions to probity, veracity, nay, even to the use of reason. If these two propositions, the *major* and the *minor* of my *syllogism*, were admitted, the conclusion of it, that the conduct of the Committee, in their declaration with respect to our act of 1754, was morally wrong and dishonourable, followed of course.

There remained then, as far as I could judge, no rational or feasible way by which my brethren might accomplish their purpose, and get the better of me, but boldly to cut the Gordian knot; and laugh at me for having forced them to do what was so easy, and, withal, so agreeable to themselves. The proceedings of Drs Duncan senior and junior, convinced me, to my great joy, that they did not choose to try that strong and decisive measure.

I must now consider the several articles of pretended evidence, which Dr Hope and Dr Spens profess to bring against me, in order to prove, contrary to my solemn declaration and oath, and contrary, as I maintain, to the uniform tenor of my words and actions, that I knew of that wonderful proceeding of the Royal College, 5th February 1805, the *virtual decision*, that my printed papers were a false and scandalous libel, the direct contradiction of what I had asserted, the complete condemnation of my conduct, the strange, and seemingly irreconcileable difference of opinion between my brethren and me, with respect to what is right or wrong in moral conduct, expressed in their declaration, that Dr Spens and his Committee of 1804, had acted in the most honourable manner: of which declaration I have uniformly asserted, that I neither knew nor suspected any thing, till the moment when Dr Duncan senior shewed me the record of it in our minute-book, at our quarterly meeting, 4th November, 1806.

The pretended evidence against me is of two kinds :—*First*, some pretended *inconsistencies* of my own words and actions, with that assertion of mine :—*Secondly*, some pretended *testimony* by witnesses, by which they profess to shew, that I had received, on the 4th and 5th of February, 1805, information of *that part of the proceedings*, *that declaration*, of the Royal College on that occasion. Of the other parts of their proceedings, at least, of all the important parts of them, at that time, I declare that I had information, and that I regulated my own conduct accordingly.

There can be no surer test or proof of falsehood than inconsistency. Whatever is inconsistent with itself, or with things known to be true, must be false. I am heartily willing to be tried, and to have the truth of my assertion (of my being ignorant of the *virtual decision* till the moment that Dr Duncan made it known to me) judged of by its perfect consistency with all my words and actions. But, in such a trial, my words must be taken precisely as I gave them. They must also be taken in context with, and as explained and having their meaning limited by, the rest of my discourse. No such liberties must be taken with them, as Dr Hope, with great art and malevolence, has attempted, by substituting a comprehensive and vague for a very limited and precise expression ; a plural for a singular noun ; *their proceedings*—INNUENDO—*all the proceedings*—of the Royal College on a certain day, instead of my precise words, *that proceeding*, fully shown, by the context of my discourse, to mean the *virtual decision*. (See page 111. and 112. of this Defence.) There must be no substituting, or tacitly assuming, or pretending to understand, an *antecedent* to my relative pronouns *it* and *that*, different from what I had expressed and intended. I protest peremptorily against all such tricks, and all proceedings founded on them, as deliberate falsehood, and determined knavery.

If my expressions had been obscure or ambiguous, so as either not to be perfectly intelligible, or to be intelligible in two or more ways, I should have been well entitled to give my own explanation of them: and my explanation, if consistent with the common grammatical meaning of my words, and with the general tenor of my words and actions, ought to have been admitted as the only true meaning of such supposed obscure or ambiguous expressions. But in my words, in my letter to the President, 2d November 1807, and in my *viva voce* declaration, 26th November 1806, there was no obscurity, no ambiguity; nor is there any the smallest inconsistency of them with my words or actions at any other time.

A most complete and glaring inconsistency there certainly is, of the supposition or assertion, that I had no knowledge of any part of the proceedings of the College, 5th February 1805, with my declaration, that I knew of the vote of thanks to Dr Spens and his Committee, for the trouble that they had taken in revising the laws, of the declaration, that they had acted from the best (or purest) motives; of their having asked and obtained permission to withdraw and reconsider their report; and of their having finally withdrawn and suppressed every part of it, which I had reprehended as morally wrong and dishonourable. If I had ever asserted, that I knew nothing at all of any of the proceedings of the College on that occasion, I should unquestionably have stood convicted of falsehood, in consequence of such inconsistency. But no such assertion was ever made, or thought of, by me. It is purely an arbitrary assumption; and at best, a false, but, more probably, a pretended interpretation of my words; which, taken in context with what went before in my discourse, do not bear, and certainly were never intended to convey, such a meaning. As this meaning, arbitrarily and falsely put upon my words by Dr Hope, is quite repugnant to the general tenor of my words and actions, and indeed to common sense, (I mean

to the supposition of my having any portion of common sense,) as well as directly contrary to my most solemn declaration, I cannot regard it as a *bona fide* mistake; but must consider it as wilful disingenuity on the part of Dr Hope and Dr Spens, trusting, that they should find a majority of their brethren eager, without evidence, or in opposition to all evidence, to adopt any supposition, and to concur in any vote, unfavourable to me. Men not absolutely destitute of candour, and not quite blinded by violent passion, would at least have considered the possibility, if not the probability, of their interpretation forcibly put upon my words being erroneous, to say no worse of it; and the improbability, amounting, I think, to a moral impossibility, that there should be any deception in the long train of facts and circumstances, of internal and moral evidence, quite inconsistent with that interpretation of my solemn assertion and oath.

The determined malevolence and disingenuity of their conduct, in that respect, will be best shewn, by considering minutely, and analyzing, those things, which they pretend to consider as inconsistent with my declaration of my neither knowing nor suspecting any thing of the *virtual decision*, till Dr Duncan senior shewed it me in our minute-book, 4th November, 1806.

The second of the resolutions moved by Dr Hope, and seconded by Dr Spens, 5th December, 1807, is in these words:—

"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 ex- "pected, 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 re- "serve, their sentiments 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 un-
" availing 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."

I say so still, with perfect truth, and with the fullest confidence, that there is no inconsistency of that declaration, and of my other solemn declaration, that I knew nothing of the *virtual decision* of 5th February, 1805, till Dr Duncan senior shewed it me on the 4th November, 1806.

I should have thought even the hint given in the former of the two paragraphs, quoted from my letter to the President, might have prevented any mistake, real or pretended, with respect to what my motives were for acting as I did on both those occasions, (5th February, 1805, and 5th August, 1806,) especially as my declarations, page 3 and page 120 of my Censorian Letter, and indeed the whole tenor of that Letter, and of my conduct after it was distributed, and, above all, my queries read to them 4th November, 1806, must have convinced my brethren, that I was at all times ready to answer for what I had done; to vindicate what I thought right in it, (probably the whole of it,) and to acknowledge and repair whatever might be found wrong in it. They must have seen, that I had no fear but the fear of acting wrong; they knew what complete precautions I had taken to be assured that I was acting right; and they could not rationally believe, or pretend to believe, that I would at once plead guilty, or acquiesce in any condemnation of myself, without even the form of a trial, or any evidence of error, or falsehood, or wrong on my part. The paragraph of my letter to Dr Hamilton, (4th February, 1805,) printed in italics, page 76 of this Defence, and my queries read to them 4th November, 1806, must convince them what

my resolution was on that point. But as Dr Hope and Dr Spens cannot, or will not understand what those liberal and honourable motives were, which induced me to absent myself from the meetings of the College in February 1805, and August 1806, to which motives I alluded with confidence in my letter to Dr Hamilton, and in that to Dr Stewart, I shall now state explicitly what they were. This, unless I had been forced to it by the proceedings of Dr Hope and Dr Spens, I should have thought it very indelicate, as well as altogether unnecessary, to do.

I expected, that, at the meeting of the College 5th February, 1805, two subjects would chiefly engage the attention of my brethren; the declaration of the Committee with respect to our enactment of 1754, and my public and severe reprehension of that declaration in my printed papers.

With respect to the former, my opinion was fixed, and my resolution was taken: and both my opinion and my resolution, never to be altered, were explicitly announced to my brethren in my Censorian Letter. The attempt to subvert our enactment, or absolve ourselves from the obligation of it, I considered as downright breach of faith. The means employed to accomplish that unworthy purpose I considered as mere chicane and falsehood. From these considerations, which were strongly confirmed by what I heard in conversation with Dr Spens, Dr Hope, and Dr Duncan senior, separately, I was well assured that the form of a debate in the College would, at best, be but a farce, or, more probably, an angry and disgraceful altercation: that argument and reason against that favourite plan would go for nothing, would be treated with contempt, and effectually answered with a sneer, and a triumphant vote of three to two, or two to one. As I was determined not to acquiesce in such a vote or proceeding of the College, I told my brethren most explicitly, in print, what I thought of it, and warned them fairly, that, if they persisted

in it, I should immediately bring them and their proceedings under the revision of the Court of Session. It was for them to judge whether they would retract their declaration, or persist in it with the certainty of that vexatious, and, as I believed it would be, to them most disgraceful consequence. Even in that stage of the business I should have thought it indelicate for me, without absolute necessity, to be present at their deliberations about it. My presence might have been regarded as a kind of insult, as well as a restraint on their freedom of debate. To have taken any share in their deliberations, when the point in question was, in substance, whether they or I were guilty of falsehood and knavery, would have been dishonourable both to myself and to the Royal College. I should as soon have thought of engaging, single handed, in a battle at fisty-cuffs, or at quarterstaff, with the same individuals, or perhaps with a much greater number of men, of the same character, and of the same disposition towards me.

But before even the meeting of the Council on the 4th of February, 1805, I learned, (as I have already stated,) that Dr Spens and Dr Hope were severely hurt and distressed, and that Dr Duncan senior and junior were excessively angry at my proceedings, and that Dr Duncan junior had expressed his readiness to answer my Censorian Letter.

If all, or any of the four, had thought themselves affronted by me, if they had thought themselves injured, if they had thought me mistaken, or if they had thought me lying in what I had said of them and their *Report*, the means of redress and reparation were obvious, and completely in their power. Nay, I had invited my brethren to try those means. But *this* none of them chose to do. I heard of no attempt, or proposal, on the part of any of them, either to point out to me any supposed *bona fide* mistake, or to convict me of wilful falsehood, in any thing unfavourable of them which I had asserted in

my printed papers. Every thing depended on the truth and accuracy of those passages, which I professed to give as faithful quotations from the records of the College, and from the report of the Committee appointed in 1804 to revise our laws. I heard of no assertion or suspicion that they were forgeries, or even unfair or inaccurate in any respect; and I knew that they were perfectly fair and accurate. But I heard very soon, and repeatedly, from different persons, that the Committee was to withdraw all that part of the Report which I had reprehended. This I, of necessity, considered as equivalent to admitting that what I had said of it was true, and that my severe reprehension of it was just. I could not, at that time, nor can I now, conceive any rational motive for retracting, in those circumstances of severe and public reprehension on the score of breach of faith, chicane, and falsehood, a deliberate and precise declaration, such as the Committee had given in with respect to the purpose and extent of our well-known law, and the doubts which it was pretended had been entertained about it, but the consciousness that the declaration was false. This too I conceived to be admitted, and almost avowed by Dr Spens and Dr Hope in their letter to me. I understood that they found themselves in such a miserable scrape, that they chose rather to submit to the sad humiliation of retracting what they had deliberately asserted, than to brave the certain consequences of persisting in it.

Ire, commilitones, illò necesse est, unde redire non est necesse, was the heroic address of a Roman tribune to a handful of men, whom, to save the rest of the army, he was leading to a desperate attack, in which they all perished. The leader of our chosen band, I think, might well have reversed the sentiment and the expression; and addressed his troops, *Redire, commilitones, inde necesse est, quò ire non fuit necesse.*

But though it was necessary that they should return thence, whither it was not necessary that they should ever have gone, it was not necessary that I should see them do so. My presence, I thought, would have made their humiliation doubly painful to them. It would have been very painful to myself, to see any gentlemen, but more especially to see two men, with whom I had long lived in intimacy and friendship, reduced to such a sad necessity. Nay, I do not scruple to say, that I thought it would have been dishonourable in me to have done so: it would have appeared as if I went to enjoy their mortification, and to insult and triumph over my vanquished and crest-fallen adversaries.

These obvious considerations, obvious, I mean, to every person who has the understanding of a man, and the sentiments of a gentleman, I solemnly declare, were my only motives for absenting myself from the meeting of the College on the 5th of February, 1805. They are the only rational motives that I can even now conceive for my acting in that manner. I still think them liberal and honourable motives; and I am sure they are perfectly consistent with the whole tenor of my words and actions both before and after that meeting of the College.

But it is plain, from the great stress that Dr Hope and Dr Spens have laid on that innocent paragraph of my letter, which, to enforce attention to it, they have printed in Italics, that they choose to understand, or to pretend to understand, something very different by it; and something inconsistent, either with my actual conduct, or with my solemn declaration, that I knew nothing of the *virtual decision* of the College against me.

We have here a fair opportunity to come to a right understanding with respect to what is liberal and honourable in human conduct: or, if we cannot perfectly agree about it, at least to ascertain wherein we differ, and on what precise points we ought to join issue. I

have stated explicitly what my motives were for acting as I did on that occasion. I am sure those were my motives, and that I still think them liberal and honourable. I can remember nothing of any other motives that I had for acting in that manner. Nay, so plain does the case appear to me, that I cannot even conceive any other liberal and honourable motives for acting in that manner. But as Dr Hope and Dr Spens, and probably, too, several more of my brethren, are pleased to fancy, that they know my thoughts much better than I do myself, and to maintain, that I knew of their *virtual decision* against me even at the time of it; and to suppose that they can, from my own words and actions, fairly demonstrate, that I did so, and even, by quoting and printing in Italics that paragraph of my letter to the President, insinuate very strongly, that they regard it, and wish it to be regarded by my brethren, as part of the evidence against me, I must desire them to explain their own *innuendo.* I am entitled to demand a clear explanation of it, that I may either, as truth and candour require, acknowledge it to be just, if it really is so; or, if I shall think it false and injurious to me, be enabled to refute it, and to justify myself against the accusation of having acted from motives which I disclaim, and which I regard as illiberal and dishonourable. It is impossible fairly to refute a hint or insinuation, or to justify one's self against a charge that is not clearly and fully expressed.

For the sake, therefore, of truth and justice, and as what will tend equally to vindicate their own conduct, and to convict me, if I have really been guilty of falsehood, or to clear me, and to convince them of the injustice which they have done me, I demand of my accusers, that they will explain precisely their own *innuendo*, by specifying what other motives, which they think, or can rationally pretend to think liberal and honourable, or can suppose, or pretend to suppose me to think so, they conceive, and wish my brethren to believe, that I had

for absenting myself from the meetings of the College in February 1805, and in August 1806.

It will, in the first place, be highly gratifying to myself, and to many others, to see how widely the notions of my brethren differ from my notion of what is liberal and honourable in human conduct. This may even be instructive; by showing, either that our strange difference about morals is absolutely irreconcileable, or else by showing in what respects either they or I have erred, and how our differences may be reconciled.

But, in the second place, such a precise explanation of their own *innuendo*, will bring at once to the decisive test of a simple and fair experiment, the truth of their *hypothesis*, as well as of my solemn declaration, with respect to what my motives were for acting as I did on those occasions.

The motives (different from those that I have avowed) which they may choose to assign for my conduct, must be such as they can decently suppose, and pretend to think that I too should suppose, liberal and honourable; they must also be such as not only will rationally account for my conduct in absenting myself from those two meetings, but be consistent with the general tenor of my words and actions, about the same time, in all other proceedings relating to the same business.

Consistency is *almost* as sure a test and proof of truth, as inconsistency is of falsehood. I have heard a kind of paradox maintained, that truth is nothing but consistency. This doctrine I shall not contend for: it may be true or false, for aught I know. But it is absolutely impossible that any supposition, or assertion, inconsistent with itself, and with known truths, should be true. In other words, every such assertion must be false.

The well known fact, that many false suppositions and assertions obtain belief for some time, implies, that their inconsistencies with

themselves, and with known truths, are not always obvious, or easily discovered. In some cases, they may never be discovered ; and, of course, such falsehoods will pass for truths. But if it really be possible, which I greatly doubt, it is barely possible, but infinitely improbable, that this should ever happen, when there is a great number, and a long train of well-known facts and circumstances, to which the false supposition bears such a relation, that it may be compared with them, and tried by its consistency with them, as a test of its truth.

Thus, in the real case at present under consideration, any supposition or assertion with respect to my motives for absenting myself from those two meetings of the College, must be tried by its consistency with the common notion, or what may rationally be supposed to be my notion of what is liberal and honourable ; and also by its consistency with my professions and offers in my Censorian Letter (page 3. and 120.), in my letters to Dr Spens, 29th January, and to Dr Hamilton, 4th February, and in my conversations *(viva voce)* with Dr Wright and Dr Stewart, about the same time; by its consistency with my subsequent conduct in continuing to distribute my printed papers without taking any notice of the *virtual decision;* in resenting so speedily, and so keenly, the admonition about secrecy, not only as morally wrong and dishonourable in itself, but as conveying, by implication, an unjust censure on my conduct; by its consistency with my astonishment and indignation (of which many of my brethren were eye-witnesses), when, after I had read my Queries at the meeting of the College, 4th November, 1806, Dr Duncan senior shewed me, in our minute-book, the record of the virtual decision ; and, lastly, with my inflexible perseverance in demanding an explanation of the admonition, and in reprobating the falsehood and injustice of the *virtual decision.* None of my brethren, surely, can be so weak as to believe, that a man, conscious of falsehood, or of any

guilt, should have braved them as I have done, ever since I knew, or even suspected, that they had attempted, though but by implication and craft, to censure any part of my conduct towards them.

If Dr Hope, Dr Spens, or any of my brethren, not clearly understanding that paragraph of my letter to Dr Stewart, in which I allude to my motives for acting in a certain manner being liberal and honourable, instead of putting on it a false and most unfavourable construction, and most irrationally, as well as uncandidly, making it a ground or pretence of a formal charge of falsehood against me, had desired me to explain it, as candour, and reason, and truth, and justice, plainly required of them to do, I should have explained it to them in the most complete and satisfactory manner, and should have saved them some trouble on the present occasion, and much shame and vexation for the rest of their lives. Even now, if they will fairly try my explanation of that paragraph, by the test of its consistency with itself, and with the whole train of my words and actions relating to the same business, they will soon be convinced that mine is the true explanation of it: and, if they will tell me explicitly what interpretation (different from mine,) they wish to put upon that paragraph of my letter, I engage to prove to them, by the same fair test, that their interpretation of it is false.

What their interpretation of it is they best know; and they are well entitled to give it in their own words: but presuming, as from the context of their discourse I *must* do, till they shall disavow it, and specify another interpretation of it, less irrational in itself, and unjust to me, that they wish to insinuate that I knew of the *virtual decision*, and acquiesced in it, afraid to carry on the discussion which I had begun with them, I maintain that it is absolutely inconsistent with every other part of my conduct in word or deed; nay, it is inconsistent with the tenor of that paragraph itself. Far from being liberal and honourable, such a motive would, in my opinion, be

completely infamous. It would have been so even if I had made no such declarations and offers as those stated in the 3d and in the 120th pages of my Censorian Letter;—but after making those explicit, and professedly candid offers, it would have been doubly infamous to have shrunk from the contest with my angry brethren, without acknowledging the errors, and repairing the wrongs, if any, that I had committed; nay, without even waiting till they should produce some evidence of my having been guilty of wilful falsehood and knavery.

If Dr Hope, Dr Spens, or any other of my colleagues, shall succeed in their attempt to assign liberal and honourable motives, different from those which I avow, for my conduct in absenting myself from the meetings of the College in February 1805, and in August 1806, I hope they will be encouraged to proceed in the same good work, and to assign some motives, if not liberal and honourable, at least rational and credible, for my conduct in seeming to acquiesce in their *virtual decision* for a year and nine months after, as they are pleased to insinuate, I knew of it; for pretending to be astonished and incensed at it, when Dr Duncan shewed me the record of it in our minute-book; and lastly, for solemnly declaring and swearing, that till that moment I had not known or suspected any thing of it, and could not even have thought it possible. If they shall be able to specify any conceivable or rational motives, consistent with their supposition, for my conduct in all those respects, and in all other matters connected with the same business, they ought to declare explicitly what they think my motives were. No matter, however illiberal and dishonourable such motives as they shall impute to me may be thought, if they are but intelligible and rational, their stating of them will tend to make their accusation of me more credible to men of sense and candour, than it is at present; and will give double weight to every article of evidence,

whether of direct testimony, or of argument and reasoning, founded on the supposition of inconsistency in my declarations and actions.

My brethren surely cannot fail to know, that in weighing moral evidence, nay, even in estimating the credibility of testimony, no man, who is not completely insane, can be believed to act, on any important occasion, without motives of some kind, good or bad, and at the same time to act in direct opposition to all the most obvious motives of duty, of honour, of interest, of pleasure, in short, of every consideration according to which he ought to have acted. For the reason already mentioned, (page 142,) it will be a matter of justice to me, for my accusers to specify what they suppose my motives to have been for acting in that absurd and disgraceful manner, in which they are pleased to pretend that they believe I acted on both those occasions; first, in acquiescing, for a year and nine months, in their *virtual decision*, (implying that I knew it;) secondly, in beginning, all of a sudden, after seeing the record of it in our minute-book, to remonstrate vehemently against it, and solemnly to declare and swear, that till Dr Duncan shewed me the record of it, I had neither known nor suspected it, and could not even have thought it *possible*. For my own part, I can conceive no rational or adequate motive for such foolish and disgraceful conduct; even waving all thoughts of what might be deemed liberal and honourable. If my accusers, or any others of my very angry brethren, will state explicitly what they conceive my motives to have been, either they or I will soon be convicted of consummate folly, as well as knavery.

The similarity of the two occasions (in February 1805, and August 1806) was so great and obvious, that I need hardly set about proving, that the same conduct on my part, which I thought rational, liberal, and honourable, on the former, must, for the same reasons, have appeared equally so to me on the latter occasion. On

both I was unwilling, and should have thought it dishonourable, to engage in an unavailing personal altercation with my brethren, whose favourite project I had thwarted, and whose stratagem employed to accomplish it I had severely reprehended; and, still worse, to attend the meeting of the College, to witness, and appear to enjoy, the humiliation of my *quondam* friends, who had been reduced to the sad necessity of retracting their own declaration, or, what is commonly called, eating up their own words. On both occasions, I was ready and willing to vindicate, as true, and honourable, and right, the general tenor of my words and actions; but withal heartily disposed to acknowledge any error, and repair any wrong, that I might unknowingly have committed. Even on the former occasion, but much more on the latter, I thought it probable that some violent measures against me would be proposed by my very angry brethren; I wished them to discuss the subject, and take their resolution with perfect freedom, and was ready to join issue with them in a court of justice. On the former occasion, (February 1805), the information, which I had obtained from several different persons, made me believe, that no attempt would be made either to repeal or to falsify our act of 1754: but on the latter, (August 1806,) from what I *knew* of the sentiments of Drs Duncan senior and junior, (by the protest of the former, and the printed query of the latter,) and from what I *had heard* of the consulting of lawyers, I confidently expected that some attempt would be made, either to repeal or to subvert and falsify our old law. The repealing of it I knew I could not prevent; the falsifying of it I thought I could prevent: but I wished the College to try either the one or the other plan; having taken my resolution, being well prepared for either of them, and thinking it much better that the question should be speedily brought to issue, than that it should remain a source of discord among us.

My queries, read to the College, 4th November, 1806, must con-

vince the most angry and least candid of my brethren, that it was no part of my plan, at that time, to acquiesce in any proceeding of theirs which I should think wrong, or in any censure or condemnation of myself: just as the whole tenor of my conduct, especially my continuing to distribute my printed papers in 1805, must have convinced them that I knew nothing of their *virtual decision.*

If they will take the trouble to compare the *words* of most of my queries, for example of the last of them, (*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?) with the *words* of the *virtual decision,* (that Dr Spens and his Committee *had acted in the most honourable manner*) they must be convinced, that at the time when I read that *query* I knew nothing of the *decision;* for if I had known it, I should have made that query, and many of my other queries, much stronger, and infinitely more severe, than they are, by merely substituting the word *honourable* for *dishonourable;* and referring to the proceedings of the Committee of 1804, and to the *virtual* decision, 5th February 1805, as the best explanation of what my brethren thought honourable. Trivial as this observation may appear to them, they will find, if they attend to it, that it affords a proof and example, that truth is always consistent with itself, even to the most minute particular, and most remote and unexpected consequence. Not so falsehood.

In all my speculations about what my angry brethren might determine to do with respect to me, on those occasions when I absented myself from their meetings, I presumed with confidence, as a matter of course, and, as I should have thought, of moral necessity, that, if they chose to make my conduct the subject of animadversion, they would have informed me of their intention; would have told me precisely of what wrongs I was accused; would have cited

me to answer for my conduct, and acknowledge any errors, and repair any wrongs that I might unknowingly have committed, and vindicate, if I could, other parts, or the general tenor, of what I had done, according to the offer which I had made them: I should have demanded a copy in writing of any charge that might have been preferred against me; and should have insisted on giving them my Defence in print, as I have done on the present occasion, just to prevent such mistakes and misrepresentations as are always to be expected in *viva voce* discussions, especially when these are *secret*, and when a set of men, under the influence of violent passion, *choose to act as witnesses and judges in their own cause.*

I never once dreamed of the possibility of such a summary proceeding, as that of the Royal College on the 5th February 1805; a condemnation of myself, unheard, uncited; not even informed of what was intended, or doing, or done against me; and a decision contrary to truth, contrary to evidence, and withal, involving those glaring inconsistencies and absurdities, which, in the former part of this paper, I have fully considered. If I had thought such a proceeding *possible*, my brethren may be assured that they should never have been allowed to accomplish it.

Another article, very strongly, and most absurdly, insisted on by my very angry brethren, as a proof of inconsistency, and consequently of falsehood, on my part, is my avowing that I was informed of the vote of thanks to Dr Spens and his Committee, and of the declaration, *that they had acted from the best (or purest) motives;* but still asserting, that I did not know of the declaration, *that they had acted in the most honourable manner.* It was at first maintained, with the greatest violence, that the vote of thanks, and the declaration, that they had acted from the purest motives, were just the same with, or equivalent to, saying, that they had acted in the most honourable manner. It was to me a most agreeable surprise, to hear

that most illiberal and immoral principle of action openly avowed by some of my brethren: for, though it is too often tacitly assumed in the actual conduct of men, as it certainly had been by our Committee of 1804, it is very seldom acknowledged or expressed in words. To the best of my remembrance and belief, I never heard any person avow it, as his principle of action, till about three years before, when, to my great astonishment and indignation, I heard Dr Hope, at the door of his own house, declare triumphantly, "If it is only the manner you object to, we sha'nt differ about that." But that was said in an unguarded moment of great exultation in the supposed success of a stratagem that he had employed. In November, 1807, the same immoral principle was asserted so boldly, in such plain terms, and with such appearance of contempt for the more common principle of morals, which I asserted, that I thought it worth while to study the subject with some attention; and, on the 19th of December, came to the meeting of the College, pretty well prepared upon it, and actually provided with a copy of the interlocutor of one of the Lords of Session (Lord Meadowbank), on that point of morals, which had become a subject of discussion in a cause of some interest, at that time pending in the Court. The plaintiff sought redress for what he thought great injustice and oppression. The important facts being proved or admitted, the defendant attempted to excuse or justify his conduct, by shewing that he had acted from good motives. The Judge, with clear strong good sense, at once set aside that plea, and decided that reparation must be made to the injured person. Finding some of my brethren, at that meeting of our College (19th December, 1807,) still harping on the same string, I produced the printed (Session) Paper, and read to them the argument of the Lawyer, and the decision of the Judge:—with what effect on their minds, or whether they understood what I read to them or not, I really do not know.

As to the first point,—that returning thanks, for any thing done or offered, implies approbation of that thing, or an acknowledgment, that the person concerned was acting in the most honourable manner, it appears to me too extravagant and absurd to require any elaborate refutation. A few plain illustrations may well suffice.

If a man offers me a pinch of snuff, or a glass of brandy, I, of course, thank him for his offer, whether I accept it or not. If I accept his offers, it may reasonably be inferred, that I approve of taking snuff, and drinking brandy; or, at least, that I like snuff and brandy. But, if I decline his friendly offers, that inference would be absurd; and it might more reasonably be inferred, that I disapproved of drinking brandy and taking snuff; or, at least, that I did not like brandy and snuff.

If a fair lady should make me the same offer that Potiphar's wife did to Joseph, I should, of course, decline the offer: but not wishing to give needless offence, *notumque furens quid fœmina possit*, I should, at the same time, return her my warmest thanks for the very great honour she did me. I do not think I should incur any church censure for that harmless expression of courtesy and gratitude; and I am sure, that no man in his senses could infer from my conduct that I approved of such levity and indiscretion in the fair lady, or that I thought she was acting in the most honourable manner: no, not even though I should also acknowlege that she acted from the purest (or best) motive, that could be supposed for her conduct.

If a person, whose general conduct towards me had been friendly, should offer me a share in an adventure of stock-jobbing, or of smuggling, which adventure he thought likely to be very profitable, I should certainly decline his offer; but should as certainly thank him for it: not thinking it even possible that any person should thereby understand that I approved of smuggling and stock-jobbing, or that I thought that men who engaged in such transactions acted in the

most honourable manner: no, not even though I should at the same time acknowledge that they acted from the purest motive, the pure love of gain; the same pure motive that prompts the exertions of the honest merchant, the banker, the manufacturer, the farmer, the attorney, the lawyer, and perhaps of some physicians; that is, admitting that most of us are just as willing to give advice and attendance to our patients, as Dr Duncan senior is to give medicines to his, without being paid for them.

In short, I hold it to be plain and clear, that returning thanks for any thing offered, is, at the utmost, only an expression of gratitude; but much more commonly of mere courtesy, like the compliment of the bow, or of the hat: that accepting an offer with thanks implies some kind of approbation, or at least liking of it; and that returning thanks for an offer, and at the same time declining it, generally implies some kind of disapprobation or dislike of the thing offered. But, in February 1805, the thing offered by the Committee, was not accepted by the Royal College, which expressed its warmest thanks to the persons who offered it.

As to the more important, because more dangerous principle, boldly asserted by some of my brethren, that acknowledging the purity or goodness of a person's *motives*, implies that his actual conduct has been honourable and right, and is the same with acknowledging it to be so, it appears to me not only immoral and disgraceful, but really absurd and incredible, even when considered as a general doctrine, or rule of conduct; but still more shocking when it is brought to the fair test of particular examples.

One of the most obvious general inferences from it is, that all actions proceeding from the same motive must be honourable and right, if that motive is acknowledged to be good. The love of pleasure, the love of power, the sterling love of money, the love of fame, the love of life, the desire to preserve a fair character, to excel in any

art or profession, to serve our country, or our friends, to provide for our families, and many other common motives for the actions of men,. are unquestionably good motives: and numberless actions proceeding from them, must be acknowledged to be not only innocent, but meritorious and laudable. But no man of common sense and common honesty can seriously maintain, that all actions proceeding from those motives are honourable and right: for example, those of the profligate rake, the gamester, the drunkard, the unprincipled statesman whether *in* or *out*, the smuggler, the cheat, the thief, the miser, the coward, the murderer. A very atrocious crime, and one peculiarly shocking to human nature of which it violates the first and tenderest band, is always committed from the best and purest motive,—I allude to child-murder. It is impossible to believe, that a mother should have any malevolence to her helpless offspring, or any other motive for the horrid murder that she commits, but a laudable desire to preserve a good character.

At this time a certain unworthy member of our Faculty, and, I believe, one of our countrymen, but happily not a member of this College, is travelling for improvement, at the expence of his country, in the neighbourhood of Botany Bay, for the trifling peccadillo of assisting a woman to get rid of her burden a few months too soon. I will not mention his name; because, though it is an uncommon one, there happens to be, in this neighbourhood, another medical practitioner of the same name, who, for aught I know to the contrary, may be a very good man, and might be hurt by the mention of his name, which was borne by another person. I have never heard that any bad motive was imputed to him, or considered as any part of his crime; nor indeed is it easy to conceive that he should have any malice prepense against the *fœtus in utero;* and I take it for granted, that his only motives were, a laudable desire to save the poor woman's character, and the pure love of money, a

desire to earn his fee; both of which motives are unquestionably good.

Within these few years, (at least, much within the limits of my memory,) a midwife was hanged at Durham for a similar piece of practice. I believe, however, her patient (not the *fœtus*, but the mother) died in consequence of it. But, bad as they are in many respects, the English cannot surely be such barbarians as to hang medical practitioners because their patients die under their hands. Such a savage law would thin our ranks sadly in one campaign; and in five years would make physicians as scarce in England as bottle conjurors. I presume, therefore, the midwife had the misfortune to be hanged, for doing a bad action from a very good motive.

A horrible story, which, for the honour of human nature, I hope is not true, is told of a great Italian painter,—Michael Angelo, I believe. Eager to excel in his art, and especially to paint a crucifix that should surpass every thing that had been seen before, he prevailed on a man to allow himself to be tied to a cross; and after some time, and after painting part of his picture, at last stabbed him in the side, and finished the picture by painting him as he hung on the cross, struggling in the agonies of death. In this case, the motive was not only innocent, but laudable; yet the action was an atrocious crime.

Within these hundred years, a prince of the blood in France, (I believe one of the family of Condé,) who was thoroughly profligate and mischievous, but an excellent marksman, observing a man on the top of a high chimney of the castle of Chantilly, deliberately took aim at him with a single ball, and brought him down dead. This was merely to show his skill as a marksman, not from any malevolence to the poor man, (a chimney-sweeper, I suppose, or a mason,) whose name and face probably he did not know. Though the motive was pure and good, the same that might have prompted him to

shoot a crow or a hawk, if he had seen them on the same chimney top, his action was thought so atrocious, that when he went to court to obtain the king's pardon, as he had done for some similar pranks before, "That," said the king, (Louis XV. prompted, I presume, by Cardinal Fleury,) "I cannot refuse to a prince of my blood; but I give his pardon before-hand to any man who shall kill you." The prince, it is said, took the hint, and committed no more murders from pure and good motives. I believe his title was the prince or count of Charolaix: But perhaps I mistake it, or spell it wrong; for I do not remember to have seen it in print, and have stated the story from the imperfect memory that I retain of it, from having heard it once in conversation at Paris in 1774.

Rousseau, in his Confessions, tells an infamous story of himself; the baseness of which consisted in his contriving to escape detection and punishment for a theft that he had committed, by artfully and successfully imputing it to an innocent servant maid. The action was completely base; but the motive was pure and good: only a natural and reasonable desire to preserve his own character, and to escape punishment.

Self-preservation is justly deemed the first law of nature; and the wisest of men, long ago, decided, not *virtually*, but expressly, that a living dog is better than a dead lion. Such considerations are unquestionably pure and good motives: nor can any man reasonably be punished, or even blamed, for wishing to preserve his own life, and to sleep in a whole skin. But, on many occasions, when men act from those purest motives, far from being thought to act in the most honourable manner, they are considered as acting in the most infamous manner. They are despised as cowards: and if they are of a military profession, they are severely, perhaps capitally punished; *pour encourager les autres.*

In the notion of any action being honourable and right, or of a person acting in an honourable manner, there is always implied, and tacitly assumed, the belief, that the motives according to which the person acted were good or pure. However innocent, or apparently good, the action may in itself appear, if it be known, or supposed to proceed from a bad motive; for example, from hatred, revenge, or any kind of malevolence, it is thought bad, and the person who did it must be blamed; and in some cases might justly be punished.

To feed the hungry, seems at least an innocent, if not a good and laudable action: yet if a person, above all, if a physician, give food to a hungry man, believing that it will injure his health, or perhaps kill him, and wishing it to have that effect, which a physician in some cases may foresee with a degree of probability, approaching very near to certainty, the action, far from being honourable and right, would be morally wrong; nay, criminal: and if human laws were perfect, or nearly so, would be punishable.

To give every man his own, will, in general, be deemed honourable and upright conduct: but this favourable opinion of it proceeds on the supposition, that it is done from the pure sense of justice, and from no bad motive, and with no bad purpose. But to give a man his own sword, which had been taken from him by fraud or force, would be morally wrong and dishonourable, if it were done with the wish and expectation, that the person receiving his sword would employ it to kill himself, or any other person whose conduct towards him did not justify such a proceeding.

When a man builds and endows a church, from an honest wish to promote religion and virtue among his fellow-citizens; or builds and endows an hospital, from an honest wish to relieve the poor and unhappy, what he does is honourable and praise-worthy: not so, if he

did it from mere vanity, or out of spite to his nearest relations, who expected to inherit his wealth, and whom he wished to disappoint.

It must be acknowledged to be honourable and right in a physician to do all in his power to relieve or cure his patients: but this favourable estimate of our conduct is founded on the tacitly-assumed supposition, that we act from pure and good motives, either the sterling love of guineas, or, at the worst, if we do not take, or cannot get any guineas, from benevolence to our patients, and to those to whom they are dear.

But, little more than an hundred years ago, a memorable instance occurred in London, of a great physician (Dr Radcliffe) exerting himself to the utmost, and with complete success, for the relief of his patient, from a very different motive, to the great entertainment of the wicked Londoners. The story I never saw in print till within these few days, that I found it mentioned in a newly published book (Dr Watkin's Characteristic Anecdotes, &c.—See page 337 and 338 of it:) but it is told by him so feebly and imperfectly, that, for the honour of our noble faculty, I must give a better and more complete edition. I believe my edition of it to be true; and I am almost certain, that it was the only edition of it admitted among the boys at Westminster school at and soon after the time when the adventure occurred. I state it as I heard it in 1767 from the late Dr David Gregory, dean of Christ Church, Oxford, who had been a boy at Westminster school sixty years before, when Dr Radcliffe's most honourable conduct was the subject of much admiration and mirth.

The doctor hearing one day by chance, that Lady Holt, the wife of Sir John Holt, the worthy Chief Justice of the King's Bench, was very dangerously ill, without being called, instantly went to the Chief Justice's house, and with his usual insufferable insolence drove away the other physicians who had the care of her, took possession

of the patient, sent for his own favourite apothecary, (a man who had made a large fortune under his patronage,) gave him his instructions, visited Lady Holt frequently, (a thing very unusual with him,) watched her, and almost nursed her, with the most affectionate care, as if she had been his only child, and at last happily brought her through, beyond all expectation: for her life had been despaired of before he took charge of her. The Chief Justice was astonished to find Radcliffe, whom he had not sent for, domineering in his house, and still more to see what extraordinary care he took of his patient: but did not venture to interfere, supposing that Dr Radcliffe had been called in either by Lady Holt, or by some of her relations. When the patient was declared out of danger, the Chief Justice offered Radcliffe a great fee. "No, no, my Lord," said the doctor, "I'll have none of your money: I am even with you now, by God." The secret, Radcliffe's only motive for what he did, was, that the Chief Justice had incurred his displeasure; which was by no means a difficult problem: but he could not contrive to get his revenge of the worthy Judge, till he heard that his wife was supposed to be dying. Lady Holt was reckoned the greatest shrew in London; and was known to be the torment of her husband's life, who heartily wished her at the devil. She had the credit of having given him at least moderate correction, for having decided, in the King's Bench, as Judge Buller did two generations after him, that by the common law of England a man was entitled to give his wife such correction: of which decision, a good-natured friend of the family, who heard it, had taken care to give her information before her husband returned home from Westminster Hall. Radcliffe, knowing well how the land lay, was happy to be able to keep her alive, both for the joke's sake, and as the most complete revenge that he could take of the Chief Justice.

I do not know what kind of action the worthy Judge would have had against the wicked doctor, for taking such a diabolical revenge of him: but I am sure I should like much to hear such a case argued by the honourable Henry Erskine, and John Clerk, Esq. who respects so highly the honourable profession of physic: and I am convinced a special jury of henpecked husbands would give the plaintiff exemplary damages. Nor do I know what professed casuists would decide with respect to the merit or demerit of Dr Radcliffe on that occasion: but I shrewdly suspect that he would not be one inch nearer the kingdom of heaven, for all the pains he took, even without a fee, to save the life of his patient.

I firmly believe, that every man of common sense and common honesty understands and admits as a principle in morals, which can admit of no dispute and no exception, that whatever a person does from a bad motive, is essentially wrong and dishonourable. I believe also, that this is so strongly felt, and so fully implied in our approbation of human conduct, that it is unnecessary to express it in words; and that in fact we never, or almost never, express in words, yet always understand, that a person's motives were good, when we approve of his actions as honourable and right. But I do not believe, nor do I think any man of common sense and common honesty, ever can believe, that the goodness of the motives, though essentially necessary, is all that is necessary to characterise the actual conduct of men as honourable and meritorious: which seemed to me to be the doctrine of some of my brethren when this question in morals was first broached in our College. As several of them seemed to agree in that opinion, and asserted it with extraordinary confidence, I judged that it was not a new or sudden thought with them, but deliberately considered, and long before adopted as their own principle and rule of action: implying, that they and I

differ as much, and as irreconcileably, about the fundamental principles of morals, as we do about what is honourable and liberal in human conduct.

I hold most firmly, that the means employed, as well as the end in view, must be good; else the action cannot be deemed honourable, or the person who did it praise-worthy. I hold that, very generally, in estimating the merit of human actions, it is just as necessary to consider *some* of the motives according to which the persons did *not* act, as those according to which they *did* act. I mean especially, that it is necessary to attend to those motives or considerations which the persons, the merit of whose actual conduct is to be judged of, had *disregarded* or *violated*, when they *ought* to have respected them, and to have acted according to them.

Thus, while I admit that the desire of gain is a pure and good motive, and that numberless actions proceeding from it are perfectly honourable and right; for example, the professional labours of a great lawyer, well known in this city within these thirty years, who declared it to be his opinion, that there could not be a more complete Hell than being obliged to write Scotch Law papers to all eternity, without being paid for it; implying strongly, that he wrote such papers only for the sake of the guineas that they brought him: I maintain that there are many other motives, of higher authority, such as justice, truth, good faith, benevolence, public spirit, according to which a person ought to regulate his conduct on many occasions; and that whenever he disregards, or violates these considerations or motives, he acts dishonourably and wrong, even though his only motive for doing so was the pure love of gain. The same doctrine, *mutatis mutandis*, I hold to be true with respect to numberless actions proceeding from the pure love of pleasure, of power, nay even of life. Not only any violation of the rights of others, such as injustice or oppression, but the neglect or violation of any duty, or

doing any thing which of itself is deemed wrong or base, even though from those pure and good motives, is wrong and dishonourable. The goodness of the motive, especially if it be a very strong one, such as men of ordinary force of mind cannot resist; for example, urgent hunger, or thirst, or the abhorrence of pain, (as in the case of torture,) or the fear of death, is often pleaded, sometimes with great effect, as a kind of *excuse* for the action being wrong, or in *mitigation* of the punishment due to a bad action: but it is only in very peculiar circumstances, which may easily be specified, and on an obvious general principle, which every man of sense and candour will at once acknowledge to be just and undeniable, that the goodness of a person's motives can reasonably be stated for the purpose, or with the effect, of establishing, that the actual violation of any duty is positively honourable and right.

I pretend to no skill in casuistry; and I have the most perfect contempt for the whole science; regarding it as a vile dishonest craft, and firmly believing, that, in all the important, as well as in all the ordinary concerns of real life, few or no difficult cases of conscience occur: probably none but what may be well and easily settled, on the plainest principles of common sense and common honesty; and certainly none in which a *bonâ fide* mistake, or error in judgment, can imply any guilt, or turpitude, on the part of a person who does what he believes to be right; or, in other words, when his only motive for his actual conduct is his notion of *duty*, as contradistinguished from all motives or considerations of interest, of pleasure, of improvement, of knowledge, of benevolence; nay, even of honour; if any persons shall choose to suppose, what I cannot admit, that there may be a kind of honour inconsistent with duty, and that does not result from doing, or at least faithfully endeavouring to do, what is right.

On those obvious principles, I do not scruple to say, that the *only* cases in which the goodness of a person's motives can reasonably or honestly be stated as fully justifying an action apparently wrong in itself, as being the violation of a known duty, are those in which the discharge of one duty requires that another should be violated: but even in such cases, which we must acknowledge to be real, common sense, and common honesty, will always enable a person easily to judge which of the inconsistent duties is of the highest authority and importance, and therefore ought to be preferred.

For example; veracity is a high and important duty, which it is morally wrong and dishonourable to violate for any considerations of interest, of pleasure, &c. But there are other duties still higher and more important than veracity; in consideration of which, even truth ought to be violated. An ambassador has been very properly defined, by one who was perfectly in the secret, being himself a worthy member of the *Corps Diplomatique*, "An animal sent abroad to "tell lies for the good of his country;" *(Animal peregre missum ad mentiendum reipublicæ causâ.)* A man, I humbly conceive, may, on most occasions, choose whether he will go or not as an ambassador, when such an honourable appointment is offered to him: but if he accept the appointment, and go as an ambassador, it becomes, *ipso facto*, his superior and indispensable duty to tell lies, like other ambassadors, and other statesmen. If he fail in that most important duty, he must be regarded as little better than a traitor to his king and country. But if his own reason and conscience could not prevent, the example and conversation of the other ambassadors and the statesmen with whom he has to deal, would soon remove, all such weak and foolish scruples, and teach him the supreme duty of a rigid economy of truth. Αλωπεκιζειν προς ἑτεραν ἀλωπεκα, was the antient attic maxim, of great and general use; which maxim is sometimes ex-

pressed in English by the proverb of " Fighting the Devil at his own weapons:" implying, that among ambassadors, statesmen, politicians, *et hoc genus omne*, lying is just as fair and honourable as the use of powder and ball, and fixed bayonets, is in christian armies.

I have heard, from a worthy member of the Corps Diplomatique, that, on a very interesting occasion, when there was no war between England and France, the English government, having received certain information that the French were fitting out a strong squadron at Toulon, directed their ambassador at Paris to remonstrate with the French minister on that subject, and obtain an explanation of the purpose of such an armament. The ambassador (a Lord Waldegrave, I believe,) accordingly waited on the French prime minister, the virtuous, the amiable, the pacific Cardinal Fleuri, from whom he experienced the most polite and friendly reception, and received a positive assurance that the fleet was not to go out of port. The ambassador, on his return from Versailles to Paris, stepped out of his carriage at the gate of the garden of the Thuilleries, meaning to walk through that garden to his hotel; but in the garden he met one of his countrymen, who had come post from Toulon, on purpose to tell him that he had actually seen the fleet sail. The ambassador instantly drove back to Versailles, waited again on the Cardinal, told him that he had just received certain intelligence that the fleet had sailed four days before, which he was sure the Cardinal must have known; and expostulated, somewhat sharply, with his eminence for having assured him that it was not to leave the harbour. The old fox, at that time, I believe near ninety years of age, heard him out with the most polite attention, and when he had done, replied, very coolly, *Monsieur l'Ambassadeur, c'etoit par ordre du Conseil:* which, being interpreted, means, I presume, " Lying is the trade and the duty of statesmen and ambassadors; and you must be a mere novice

in the trade, and a very silly novice, not likely to grow much wiser, if you believe any thing that they say, when it is their duty, or their interest, to deceive you."

Even physicians, in their humble sphere of action, often find it their supreme professional duty to deviate from truth. They must do so, or at least they ought to do so, whenever they think, that telling a patient his dangerous or hopeless situation would kill him, or do him harm, or render miserable the short remnant of his life; and when they think, that giving a patient better hopes of his recovery than they themselves entertain of it, would contribute to his recovery, or alleviate his sufferings. In such circumstances, to tell a sick person the truth that might kill him, or even deprive him of his best chance of recovery; nay, to tell a dying person the truth, the knowledge of which would hasten his death, or, what is worse, render the hour of death, and the latter part of his life, horrible to him, or even to refuse to tell him those innocent lies, which, without injuring any other person, may contribute to his recovery, or to his comfort, would be a much greater moral wrong than the violation of truth. A man, who has any scruples about discharging that well-known part of the duty, ought never to undertake the office of a physician; nor indeed would he often be invited or permitted to undertake that office. He would be shunned as an inhuman monster, and a pest of society. But I am not yet convinced by the example of a very respectable number of my brethren, nor even by the high authority of this Royal College, in their memorable *virtual decision*, 5th February, 1805, that a deliberate violation of truth is honourable and right in physicians in other cases, in which the motive for such violation is not the wish to discharge a more important duty, or one of higher, perhaps supreme authority, but only the expectation of some pecuniary advantage to themselves individually or collectively; although this motive is undoubtedly pure and good.

If any of my brethren, who have chosen to adopt a system of morals almost incomprehensible to me, and, I firmly believe, repugnant to the common sense and common honesty of mankind, shall choose to state to themselves cases, whether real or easily conceivable, of the supposed violation of any acknowledged duty different from veracity, and even of higher authority, they will soon perceive, and ought to acknowledge, that the goodness of the motives, prompting to such violations of duty, cannot justify the actual conduct, unless those motives be the consideration of some other duty of still higher importance and authority. It is unquestionably the duty of every good man, especially if he profess and call himself a Christian, to do to others, as he would that they should do to him. But if those who are engaged to serve their country as soldiers, should take it into their heads to act according to that Christian principle in the day of battle, and to throw down their arms and run away, as they would wish their enemies to do to them, their actual conduct would be morally wrong and dishonourable. In such circumstances, it would be a superior duty, on their part, to do just the contrary. A good man, and a good Christian too, may find it his duty, however painful he may feel it, to sink or burn a great ship of war, with a thousand innocent men on board; or, in many other ways, to destroy hundreds or thousands of men, none of whom had ever done him any harm. If such actions were done, not from duty, but from other motives, however pure, or honourable, or good, such as, interest, pleasure, &c. they would be atrocious and infamous: and a man, without any great danger of incurring the censure of being too fond of paradoxes, might be tempted to say, *Bonus animus in mala re dimidium est mali;* which old maxim, I believe, is often true, in more senses than one. Even in the common intercourse of civil life, in times of peace, a man may find it his duty to act in a manner directly opposite to the great Christian precept of morality; as in

giving his testimony, and thereby, perhaps, bringing to the gallows a criminal, against whom he is cited as a witness. Nay, it may be the duty of a good Christian, to prosecute, to conviction, such a criminal. Yet, certainly, if he were in the same circumstances with the criminal, he would not wish any body either to prosecute him, or to bear fatal testimony against him.

On a very memorable occasion, well known, and highly interesting to us all, the actual conduct of the persons concerned was considered as morally wrong, and was severely punished accordingly; although the motives prompting to it were unquestionably innocent, and even laudable. The case is the more important in this discussion, indeed perfectly decisive as to that general principle of morals, which some of my brethren seem very unwilling to understand, and still more unwilling to admit, that, from the circumstances of it, and the situation of the parties, the judge could neither act unjustly, nor err in his judgment, nor be deceived as to the facts, nor fail to know the real motives of the parties who did the wrong. I allude to the transgression of our first parents—their disobedience in eating of the fruit of the tree of knowledge; whose mortal taste brought death into the world, and all our woe, with loss of Eden. Whether we are to consider the scripture history of that transgression as literally true, (which, I presume, is the safer mode of proceeding,) or whether we are to regard it only as a kind of parable, or allegory, (which some persons choose to do,) is of no moment at present. The transgression consisted entirely in disobedience. The motive to it, on the part of Eve, was the pure love of knowledge; the desire, artfully suggested to her by the devil, that their eyes should be opened; and that they might be as gods, knowing good and evil. On the part of Adam there was undoubtedly the same good desire, and probably too a perfectly innocent and laudable wish to gratify his wife, who was certainly young; and probably too very

handsome. To pretend that either of those motives was bad, would be impious, as well as absurd. They are principles of action, good in themselves, and implanted in us by the Supreme Being for the best and noblest purposes—the happiness and the improvement of our race. Yet the action, the transgression, the disobedience, proceeding from those good motives, appeared to unerring wisdom and justice very bad; as we may surely judge from the severity, and the long continuance of the punishment, previously threatened, and instantly awarded for it.

I can hardly believe that any individual of competent judgment, and still less that any society of men, should be so ignorant, or so regardless of the common principles of moral conduct, as either to think, or profess to think differently from me, with respect to the particular instances which I have stated, in order to illustrate those principles; and to shew, first, That the goodness of a person's motives is essentially necessary; secondly, That it is not of itself sufficient to characterise his actual conduct as honourable and right. But I firmly believe, that many of my brethren have never yet attended, and that at present they are very unwilling to attend to some of the most obvious consequences, necessarily implied in those two generally acknowledged principles.

One of these consequences, resulting evidently from the uniform belief of mankind, that no action is good, unless it proceed from a good motive, is that as it is quite unnecessary, it is very unusual, and in many cases would appear absolutely ridiculous, to express that a person's motives were good or pure, when it is evident, and acknowledged, that his actual conduct was honourable and right. When the great and good services of meritorious individuals are recorded in history, or in inscriptions on monuments, or on medals, or are gratefully acknowledged by their sovereigns, or by their countrymen, it is at least very unusual, but, as I suspect, altogether unexampled, to state expressly, that their motives had been pure and

good. If such a clause had been inserted in any of the numberless addresses, or votes of thanks, to Lord Nelson while he was alive, or in any of the monumental inscriptions written for him since his death, I should have thought it not only useless, but absurd and ludicrous.

Another consequence of the same principles, almost as obvious as the former, and intimately connected with it, is, that mentioning expressly, that a person's motives were pure and good, implies, that there was something in them ambiguous or doubtful, or that different opinions had been entertained about them; which made it necessary to declare, in that formal and unusual manner, that his motives, as well as his actual conduct, had been good.

Another obvious consequence, as I think, necessarily resulting from those acknowledged principles, and at least familiarly known to us all as a matter of fact, to which I have already had occasion more than once to allude with confidence, is this. Mentioning a person's motives, and praising them highly, separately from his actual conduct, is generally, if not universally, done, and consequently is always understood, as an excuse for the action not having been right. Very generally, I mean with respect to every deliberate action that is wrong, the goodness of the motive is the only excuse for it that can be admitted, or indeed conceived: and in many cases it will have great weight. Being expressed in the form of compliment or praise, with no direct expression of blame, it is the most delicate of all possible censures on the person's actual conduct. Still, however, it is, in most cases, if not in all, understood to be a kind of gentle censure; at the same time, that it is an excuse, more or less satisfactory, for what had been done amiss.

I will not venture to assert that this meaning is absolutely universal; and that the goodness of a person's motives never is, or can be stated and praised, separately from the consideration of his actual

conduct, without implying some kind of gentle censure of it, or at least tacitly admitting that there was something in it not altogether right, which might be excused or forgiven in consideration of the goodness of the motives that prompted to it. But I can say, with confidence, that, after a long life, and much reading and conversation on such subjects, and, I think I may safely assert, more accurate study of the relation of motive and action, than ever was bestowed on it by any person before me, I cannot recollect even one such instance, either in our own language, or in any other language with which I am acquainted. I judge, therefore, that the meaning generally conveyed by the common expression, that a person meant well, or that his motives were good, when these are considered apart from his action, does not depend on any peculiarity of idiom in the English language, but proceeds from some general and obvious principles of human nature, or laws of human thought with respect to moral conduct; analogous to those uniform laws of human thought, which have given occasion to the principles of universal grammar that are common to all languages: which laws of human thought may themselves be ascertained and illustrated by induction from those principles of grammar. If any of my brethren know of instances of a different kind, I mean examples in which a person's motives, considered separately from his actions, were praised as good or pure, not as a kind of excuse for his actions being somehow wrong, but as implying that his actions were perfectly honourable and right; I heartily wish they would specify those instances, that we may all have a fair opportunity of judging of them. It will be much for their credit, and highly gratifying to me, that such examples should be made generally known.

In the mean time, I am convinced they will find no difficulty in applying my vulgar notions and principles of moral conduct to at least one real case, which is deeply interesting to themselves, and is at present in some measure before them: I mean my conduct in

printing and distributing my *Review* of their proceedings, and my *Censorian Letter* in 1805.

If I were to declare most solemnly, and they were to admit explicitly and frankly, that my only motive for acting as I did on that occasion, was my earnest wish to promote the honour and welfare of the Royal College of Physicians, and to prevent a certain proceeding, which I knew that some of my brethren were eager to accomplish, but which, as well as the means employed by them to accomplish it, I considered as morally wrong in themselves, and disgraceful, and, in their consequences, likely to be ruinous to this College;—Would such a declaration on my part, and such an admission on theirs, necessarily imply, or be equivalent to asserting, that my actual conduct was honourable and right? I am convinced it would not be so: and I am sure that I should have regarded such an admission or declaration, (on the part of my brethren,) that my motives had been pure and good, as conveying, by irresistible implication, a delicate censure on me for having done something wrong, though from a good motive. I am convinced all my brethren would have thought so too; and would have perceived clearly, as I should have done, that it was still competent to enquire whether the means which I had employed to accomplish my good purpose were honourable and right. If it could have been shewn that the account which I gave of their proceedings was wilfully false, and that the various passages which I professed to give, either as literal quotations, or as faithful abridgements from their records, and from the report of their Committee, were downright forgeries, my conduct would have been absolutely infamous. Nay, supposing all that I had said of them and their proceedings to be accurately true, still, if the article of our promissory engagement, with respect to secrecy, *bona fide* extended to things morally wrong and dishonourable, done deliberately and obstinately, my actual conduct would have

been very wrong. It would have been a breach of faith towards my brethren. But if our obligation, with respect to secrecy, did not extend to such things, and was not by those who imposed it, and by ourselves when we subscribed it, intended, or understood to extend to such things, and if my quotations and abridgments from their records, and from the report of their Committee of 1804 were found to be faithful and accurate, *on which points I have always been ready to join issue with my brethren,* then I conceive that what I did was honourable and right.

Next, let my brethren try whether they can apply the same principles to the proceedings of that unlucky Committee which have excited such bitter dissension among us. I admit, explicitly and frankly, what the Royal College has declared most deliberately and solemnly, that they acted from the purest motives; no matter at present whether these motives were only a desire to promote their own pecuniary interest individually, and that of the College as a body, or partly this laudable desire, and partly another laudable desire to improve the practice of pharmacy, and of course ultimately the practice of physic too, by allowing the members of this College to furnish medicines to their own patients:—still, waving all thoughts of the unfitness or absurdity of the means by which they expected to improve the practice of pharmacy and of physic, and to promote their own pecuniary interest and that of the College, the admission that their motives were good and pure, would not imply, or be equivalent to asserting, that their actual conduct was honourable and right. It would still, just as certainly as in judging of my conduct, be competent, and very reasonable to enquire, whether the declaration of the Committee, that doubts had been entertained about the purpose and extent of our act of 1754, was true or false; and whether their declaration, that the restrictions therein mentioned extended and applied only to such persons as kept or might set up public apo-

thecaries or druggists shops, for the common sale of medicines by retail, implying, that our members were to be allowed to keep private shops, and to furnish medicines to their own patients, was the true *bona fide* meaning, or a gross falsification of our old law: it would be reasonable and necessary to enquire, whether that proposed mode of practising pharmacy, even privately, was not a violation of the laws of our country, and of the rights of another corporation, as well as of that obligation which we all knew was the indispensible condition of our being allowed to become, or to continue, members of this College: it would be reasonable to enquire, whether an attempt had been openly made in our College seven or eight years before to get that law repealed, precisely to that extent, and for that purpose, which were intended by the proposed interpretation of it, and what kind of reception that attempt had met with: nor would it be amiss, or foreign to the point in discussion, to enquire, whether the Committee, so eagerly desirous to establish that strange interpretation, or to accomplish that great change of our law, had, from the first, explicitly declared their purpose, or had concealed it as long as possible from many of their brethren, especially from those, who, they knew, would most strongly disapprove and oppose it; and when at last they could conceal it no longer, whether they took measures to prevent any debate about it till the third and last reading of the Report, when, in the ordinary course of business, it might be decided and adopted at once, by an arbitrary vote, in defiance of those rational and honourable considerations which had been keenly and repeatedly urged eight years before against a similar proposal. If these questions should be answered in the manner most unfavourable to the Committee, which, to my certain knowledge, they all must be, I maintain, with confidence, that, pure and good as the motives of the Committee were, yet, according to the universally re-

ceived notions of what is honourable and right in human conduct, their actual proceedings were not honourable, but just the reverse.

To me it appears very plain, even from the words of the memorable *virtual decision*, that the Royal College of physicians did not at that time (5th February, 1805,) consider the declaration, that the Committee had acted from the purest motives, as implying, or being equivalent to asserting, that they had acted in the most honourable manner: for this important declaration was explicitly stated by itself, in a separate article, immediately subjoined to the former; implying, that the former article, the declaration that they had acted from the purest motives, was insufficient, and that the latter article was absolutely necessary, to express that full meaning, and complete approbation of their actual conduct, as well as of their motives, which the Royal College wished to convey, and to record in their minute book. I cannot believe that the latter article was subjoined to the former, in that deliberate proceeding of the College, by mere mistake or inadvertency: nor yet can I believe, that it was intended as mere pleonasm and tautology; as it would have been to say, that the Committee had acted most honourably, and in the most honourable manner.

I am sure, that, with respect to myself, the difference of the import of the two articles of the *virtual decision* is so great, that only the latter can be understood as any contradiction of what I had said of the Committee and their proceedings, as any condemnation of my conduct, or as deciding that my printed papers were a false and scandalous libel. I am sure that I should most cheerfully have concurred in the declaration, that the Committee had acted from the best (or purest) motives: for this was *bonâ fide* my opinion; which opinion I remember distinctly to have expressed to two of my brethren, who separately informed me (4th and 5th February, 1805,) of that article of the Declaration of the Royal College. I have never

changed, nor do I think I ever can change, that opinion; being convinced that the motives of the Committee were pure and good; though I thought then, and still think, there were other motives, of much higher authority, according to which they ought to have acted.

I am sure also, that neither at the time of the *virtual decision*, nor at any time since, should I have concurred, or acquiesced even for a day, in the latter article of the declaration of the Royal College, that the Committee had acted in the most honourable manner: for I think it contrary to truth, and to the clearest and most complete evidence; grossly unjust with respect to myself; dishonourable on the part of the Royal College; and in its consequences likely to be highly injurious to the College as a body, and to the individuals immediately concerned in it.

Very probably none of my brethren, either at the time of that *virtual decision*, or since, have thought it worth their while to analyse minutely the expressions of it, and the whole train of thought connected with it, as I have done in the preceding pages: nor was it necessary for any of them to take that trouble, which to those unused to such discussions would be laborious and difficult, or perhaps impossible; just as to many persons it would be to resolve an argument into the form of a regular syllogism, or to analyse a proposition into its subject, predicate, and copula. But I am convinced, that every man of common honesty and common sense, (including competent knowledge of the English language,) must understand the general tenour and import of that train of thought, and feel the truth of that result and inference to which it leads.

I firmly believe that Dr Wright did so, in February 1805, when he informed me of some parts of the proceedings of the College with respect to the Committee, in which he naturally expected that I would acquiesce, and to which at least he was sure that I could

have no strong objections; but withheld from me the knowledge of that article, the Declaration that the Committee had acted in the most honourable manner; in which article he could not fail to know, that I would never acquiesce; and the slightest mention or hint of which would instantly have induced me to engage in that discussion, for which he and all my brethren knew that I was perfectly ready and well disposed, and which all of them earnestly wished to prevent; not only for the sake of peace in our College, but as well knowing what the result of it would be, both with respect to the Committee, and also with respect to those who declared that they had acted in the most honourable manner. Nay, I think the notion to which I allude, and which I attribute to Dr Wright, is in a manner avowed by himself. When he was asked, at the meeting of the College, 19th December, 1807, why he did not inform me of the Declaration of the College, (February 1805,) that Dr. Spens, and his Committee, had acted in the most honourable manner, when he informed me of some other parts of their proceedings on that occasion? he said he found I was not in a proper frame of mind to be told it. This very remarkable expression may be understood to mean, that he found me under the influence of very violent passion. But this, I well know, was not the case. I was perfectly calm; and firm in my purpose; which was well known to Dr Wright, and which my brethren may see fully expressed in my long letter (of 4th February, 1805,) to Dr Hamilton: but if I had been in a violent passion, and incapable of judging or acting rationally, this would have been a decisive reason for not informing me of any part of the proceedings of the Council, or of the College, especially any part of them which expressed or implied the same meaning with that explicit Declaration, which he avowed that he did not mention to me, because I was not in a proper frame of mind to be informed of it: and it could have been no reason at all for his not afterwards

informing me of it, in the course of a year and nine months; unless he supposed, what is incredible and impossible, that I continued in that violent passion all that time. But if by my not being in a proper frame of mind to be informed of that Declaration of the Royal College, (that the Committee had acted in the most honourable manner,) he meant that he knew that I would not acquiesce in it, but, on the contrary, would instantly make it the subject of violent and public discussion, his own conduct, in carefully concealing it from me, both at the time when it was given by the College, and ever afterwards, was perfectly rational, and consistent with itself, and with his avowed wish and purpose to preserve, or to restore peace in our College.

I should, without scruple, apply the same mode of reasoning to the similar conduct of Dr Hamilton, on the same interesting occasion, in February 1805, if I were sure that, at the time of our conversation about the intended proceedings of the College, on the 5th of February, (which conversation took place just before the meeting of the College, and when, as I understood, he was on his way to it,) he knew of that important, and, with respect to me, most unfavourable and unjust Declaration by the College, that the Committee had acted in the most honourable manner. But many circumstances, besides the *negative* one, that I have not the least remembrance of his having given me even the slightest hint of any such intended declaration, and the more important *positive* circumstances that I remember well, that the whole tenour of his discourse conveyed to me a totally different meaning, and that I regulated my conduct accordingly, concur to make me *doubt* whether he knew of that intended article in the Declaration of the College; and even to make me think it *more probable* that he *did not*, than that he *did* know of it, at the time of our conversation; the *only conversation* (to the best of my remembrance and belief,) that we had on the subject of my

printed papers, or of the proceedings of the College with respect to the Committee, till *after the discovery*, in November 1806. That Dr Hamilton afterwards (how soon I know not,) came to know of that article, and that it was the source of some very painful feelings and reflections to himself, which he never explained to me, I can have no doubt. The circumstances to which I here allude, are already pretty well known to most of my brethren: and they shall be stated explicitly in their proper place.

It is now almost time that I should say why I have taken the trouble to give my brethren such a long and unmerciful schooling, on one of the plainest and most familiar principles of morals; which schooling will, to persons not in the secret, appear at least unnecessary, if not improper, and even insulting to those to whom it is addressed; as it is hardly credible that any individual in his sound senses, and still less credible that a whole society of men of liberal education, should either deliberately and openly assert, or tacitly assume, and act upon, the principle which I have reprobated so strongly, and which I have taken so much pains to refute:—I mean the knavish doctrine, that the goodness of a person's motives decides the rectitude of his actual conduct, and of course that acknowledging that men had acted from the purest motives, was equivalent to declaring, that they had acted in the most honourable manner.

Let it be observed, that in Dr Hope's motion, seconded by Dr Spens, (the accusation preferred against me,) my admission, that I had been informed of the declaration on the part of the College, that the Committee had acted from the purest motives, while yet I solemnly declared, that I neither knew nor suspected any thing of the other article,—(that they had acted in the most honourable manner)—and that I could not even have thought it possible;—make a conspicuous figure, as part of the pretended evidence against me, on the principle, certainly, of my accusers being pleased to regard that

admission, and that declaration of mine, as notoriously inconsistent, implying, of course, that I had been guilty of falsehood, when I asserted them both. To this implication and inference I could not object, if I admitted *their* principle of morals.

Let it be remembered, that when, in consequence of what I declared to have been told me, and declared to have been my judgment of the import of it, or of the obvious inference from it, this matter first became a subject of discussion in our College, some of my brethren expressed, in very significant terms, their contempt for my notion of that point in morals, which they seemed to regard, or affected to regard, as a mere quibble; and that they asserted their own doctrine, in contradiction to mine, with the most wonderful and overbearing arrogance; not in the least to my mortification; for I was much entertained and gratified with it, well knowing what would come of it; that it could never hurt me, and could not fail to recoil upon themselves.

Let it be remembered, also, that some weeks after that first discusssion, I found some of them still adhering to their former doctrine; and that when I produced and read to them the argument of a lawyer on *their* side of the question in morals, and the clear rational decision of the judge against it, these things seemed to make no impression on them. From any thing that they said or did, I could not have discovered that my brethren, for whose edification I read those paragraphs from the law paper, even understood them: but, as they were very simple and perspicuous, I think all who heard them must have understood them. I am sure, however, that none of my brethren on that occasion, (19th December, 1807,) expressed or insinuated any thing like retracting, or altering, or softening their own doctrine, or giving up the unfavourable inference from it with respect to me.

Next let it be considered, that I am not only entitled, but obliged in my own defence, to regard them as still maintaining that knavish doctrine, which they asserted so strongly and repeatedly, and which they have not yet disavowed; and which, if I cannot refute it, would go to convict me of falsehood and knavery. Their own conduct, not any wish of mine to insult them, has led me necessarily to reprobate, in the strongest terms, their avowed moral, or, as I think it, most immoral, principle of acting and of judging of the merit or demerit of the actions of others.

Indignis si male dicitur male dictum id esse dico:
Verum si dignis dicitur bene dictum'st meo quidem animo.

But to all these considerations, which, of themselves, might well be decisive, I must add one still stronger, which has made me think it absolutely necessary to discuss and refute completely the immoral principle openly asserted by some, and tacitly assumed by others of my brethren; and at the same time to state and illustrate fully (for it can need no other proof or confirmation) that plain and obvious principle of moral conduct, to which I at first referred with confidence in few and general words; regarding it as so plain a point in common sense and common honesty, that it could admit of no dispute.

In the end of January I chanced to hear, through one of those channels of information, which I am not at liberty, and have no inclination, to disclose, that one or more of my very angry brethren, in speaking of the explanation which I gave of my own sentiments and conduct, with respect to what I understood to be the import of the declaration of the College, that the Committee had acted from the purest motives, had declared, that *it was all a metaphysical subtlety of my own.*

The sentiment expressed, would at any time have roused my attention; but the time when I heard of it, as having been asserted a day or two before, made it peculiarly interesting to me. It was just five weeks and five days after all my brethren must have been convinced, by Dr Wright's spontaneous declaration, and by his explicit and satisfactory answers to most of my questions, that the expected or pretended testimony against me proved completely in my favour. This I could have told them with confidence, from the first; I mean, waving all thoughts of wilful falsehood on the part of any of my brethren, and considering merely the chance of inadvertency or imperfect and confused memory in those, only three, Dr Hamilton, Dr Wright, and Dr Stewart, with whom, separately, I had had conversations about College matters, or about my own printed papers, between the 29th of January, and the 5th of February, 1805. I remember perfectly what I had been told, at that time, of the proceedings of the College; I was sure that I understood it in the *common* (that is the *proper*) meaning of such expressions; I was sure that I had uniformly regulated my conduct according to it, in a very interesting business; so that it was *impossible* that I should have *forgotten* what I was told, and clearly understood; I was sure that it was in consequence of a proceeding of the Royal College, (August 1806,) which I understood to be of a very different import, and to be the first attempt on the part of the College to convey, even by implication and craft, any kind of censure on me or on my printed papers, that I thought it necessary to change my plan of conduct towards my brethren, and come to a full explanation with them; I was sure that in November 1806, after I had read my queries, when Dr Duncan senior declared, with great vehemence, that my printed papers were a false and scandalous libel, and that the College had already decided that point, I did not know, and could not guess what he alluded to, and that I said so to him repeatedly: I am sure

that when he shewed me in our minute book, the record of the proceedings of the College, 5th February, 1805, I recognised at once the two articles, the vote of thanks to the Committee for the great trouble that they had taken in revising our laws, and the declaration that they had acted from the purest motives, as in substance, and almost in words, what I had been told, a year and nine months before, by Dr Hamilton and Dr Wright. The only difference between the record, and my own distinct memory of the information which I had received of those articles, was, that I remembered, or thought I remembered, that I had been told, that the College had declared that they had acted from the *best* motives, whereas the record bore that they had acted from the *purest* motives. The difference between the two expressions, *best* and *purest*, as applied to motives, if there be any difference between them in point of meaning, is quite immaterial: and, confident as I was of the distinctness and accuracy of my own memory of the expression *best* motives, I should, without hesitation, have given it up in favour of the greater accuracy, or perfect certainty, of our record. Besides, the little variation, and the substitution of *best* for *purest*, might have proceeded from inadvertency in Dr Hamilton and Dr Wright.—But connected with those two innocent articles, and altogether new and astonishing to me, I found in our record the other article, the Declaration that the Committee had acted in the most honourable manner. I need not tell my brethren, that this excited not only my astonishment, but my keenest indignation. They saw what kind of impression it made upon me. I am convinced it would have had the same effect, and would have excited in me at least equal astonishment and indignation, if it had been told me on the 4th or 5th of February 1805, by Dr Hamilton or Dr Wright. I never could have understood it in any other way but as a direct falsehood in itself, and as a complete contradiction of what I had publicly and strongly asserted in my printed papers; implying,

that I had been guilty of the most deliberate malevolent falsehood, and determined knavery, towards some of my own brethren. I must leave it to others to judge, whether I over-rate very much, or at all, my own understanding and my skill in logic, when I assume, with confidence, that, young and simple as I was in February 1805, I knew that every proposition must be either true or false; and that of two contradictory propositions, one must be true and the other false; and that I was capable of applying easily, and at once, these familiar principles of logic to the case in question,—the complete contradiction, on the part of the College, of all that I had said unfavourably of the conduct of the Committee. I am sure, that if any of my brethren had professed not to understand it in that unfavourable sense with respect to me, or not to see that evident implication in, and inference from it, I should have distrusted their sincerity; and that if any of them had shewn, by their actual conduct, that they did not understand it in that sense, or perceive that plain inference from it, I should have regarded them as very wonderful and incorrigible blockheads. But none of them, as far as I know, have even pretended, that their declaration had *not* that meaning, or did not irresistibly convey, by implication, that severe censure on me. I should think, that even the mode of reasoning employed in my Censorian Letter, must have convinced the most angry and least candid of my brethren, that I was familiarly acquainted with those fundamental principles of logic to which I here allude, and which, if common sense had not been sufficient for that purpose, as I think it certainly would have been, must, in a moment, have made me perceive what a condemnation of my own conduct was implied in the declaration of the College, that the Committee had acted in the most honourable manner.

Even Dr Stewart himself, whom I regard as the original author and contriver of that declaration, has never yet, as far as I can learn,

disavowed that meaning of it, or attempted in any manner to soften it, or to give it a meaning less unfavourable to me. He has indeed done me the honour to express great esteem and regard for me, and a very tender interest, which he is pleased to take, in my welfare, here and hereafter: which sentiments, combined with such conduct on his part, I have not the honour to understand. They seem to me to be perfectly incongruous, or a kind of practical bull: just as it would be to express the greatest friendship for a man, and at the same time to insist on convicting him of horse-stealing, and high-way robbery, and murder, which he had never committed. In such circumstances, I should think, that either the professions of friendship for the man, or the declaration that he had been guilty of such offences, must be false.

These obvious and undeniable considerations amply account for my brethren, collectively and individually, not wishing me to know of their declaration, or *virtual decision*, against me. Indeed, they make it impossible that they should not have wished to keep me ignorant of it; and almost, if not quite, incredible that any of them should have come to my house to tell me of it: and certainly they make it absolutely incredible, that I, knowing it, should have acquiesced in it even for a day; or failed to remonstrate against it in the strongest terms. But the very same considerations must make my brethren, for their own sakes, and as their only possible excuse, or screen, for a very extraordinary act of injustice to me, very eager to maintain, and, if possible, to sanction and establish by a vote of the College, that I knew of it, and acquiesced in it. If this could be established, then certainly, on the well-known principle, *volenti non fit injuria*, their strange proceeding might seem to be in some measure justified; and I, at least, after acquiescing in it for a year and nine months, could not rationally complain of it, or remonstrate against it, as a wrong done to me.

By that time (the end of January last) they must have had full leisure, and opportunity, to know how little either part of their pretended evidence against me was likely to avail them. As to the expected testimony against me, they must have seen that it went completely against themselves, and in my favour. As to the more formidable part of their pretended evidence against me, the supposed inconsistency of my declarations on different occasions, my brethren, even in half the time that had elapsed, after they saw those pretended inconsistencies of mine stated fully in print, (which it was my first care that they should be as soon as possible in Dr Hope's own words,) might have discovered, that there was no real inconsistency in my thoughts, or words, or actions, as relating either to the vote of thanks, or to my absenting myself from the meetings of the College in February 1805, and in August 1806, for (what I thought) the most liberal and honourable reasons. They certainly might have discovered, and ought to have discovered, that their malevolent inference, with respect to me, from my avowing that I knew of the vote of thanks, was altogether unwarrantable; forasmuch as returning thanks for an offer which is declined, does not generally, if ever, imply approbation of the thing offered, or of the conduct of the persons who offered it; and very often implies just the contrary. They might have seen, and probably did see, that it was uncandid and unjust, as well as unreasonable, to impute to me by insinuation, dishonourable motives for absenting myself from those two meetings of the College, without specifying precisely what they conceived those motives to be: and they must have seen, that it would be absurd, as well as unjust, to impute to me on those occasions, motives which I disclaimed as dishonourable, and which were absolutely inconsistent with other parts, and indeed with the general tenour of my conduct in relation to the same business. Above all, they ought to have perceived, and I think must have perceived, as soon as they

saw in print Dr Hope's own state of the pretended inconsistency of what I had said on different occasions, that he had stated it with great disingenuity, by substituting in one place the general expression, *their proceedings*, for my precise and very limited expression, *that proceeding*; and by arbitrarily and unjustly attempting to extend my declaration of my having been ignorant of *that proceeding* of the College, to all their proceedings on that day, (5th February 1805); thereby unjustly imputing to me a most disgraceful meaning; disgraceful to me, both in point of understanding and morals, which meaning I had never intended or thought of; which my words, whether uttered *viva voce*, (November 1806,) or written, (in my letter of 2d of November 1807 to Dr Stewart,) do not express according to their proper logical and grammatical meaning. The context of my words on both those occasions, as well as the whole tenour of my words and actions in relation to the same subject, must have shewn my brethren, when they took time to think of them, that my solemn declaration, that I neither knew nor suspected any thing of *that proceeding*, could relate only to *that proceeding* which I characterised, first, as an unjust condemnation of myself, unheard, uncited, &c.; secondly, as a proof and example of there being a great, and, perhaps, an irreconcileable difference of opinion between my brethren and me, with respect to the principles of moral conduct.

Supposing, what I thought highly probable, if not certain, that all those points were to be given up by my brethren, I could conceive no article of evidence, real or pretended, in support of the very formidable charge of inconsistency on my part, so fully detailed in Dr Hope's string of Resolutions, to remain, or to be rationally tenable by my accusers, or by any of my very angry brethren, except that most immoral doctrine (as I think it) so arrogantly maintained by some of them, that the goodness of a person's motives implies or decides the goodness of his actual conduct; and that, of course, as

I was informed that the College had declared that Dr Spens and his Committee had acted from the purest motives, I must be understood to have known that the College had decided, that they had acted in the most honourable manner; and, by plain inference, that I was guilty of falsehood, when I solemnly declared, that I neither knew nor suspected any thing of such a decision, and could not even have thought it possible, till the moment when Dr Duncan senior shewed me the record of it in our minute book.

Such was the general train of thought, and the ultimate inference, suggested to me, when I was told, in the end of January, that some of my brethren had been expressing their contempt for my distinction between the goodness of a person's motives and the rectitude of his actual conduct; and had spoken of it as a *metaphysical subtlety of my own.* The reproach of being too metaphysical, and of being fond of useless refinement and subtelty in reasoning, I well know is a very easy and popular topic of declamation and censure; of which censure, in the course of the last thirty years, I have had a pretty good share; and confidently expect, if I shall live but a few years, to have a great deal more; which will not in the least discompose my philosophy. That reproach, of metaphysical subtlety, is the common weapon, offensive and defensive, of men who cannot, or will not, attend steadily and candidly to their own thoughts; and who, of course, on many points of the most interesting of all subjects, I mean human nature, can neither think justly, nor reason accurately themselves, nor yet understand, and improve by, the just observations and candid accurate reasonings of others. Such men seem often to think, that they find a tolerable excuse for their own ignorance, stupidity, laziness, and disingenuity, by reproaching their opponents with useless subtlety and refinement, and dealing too much in metaphysics: very frequently, I believe, without knowing what

is properly meant, nay sometimes without knowing what they themselves mean by that obnoxious word.

The meaning of it, as it is used in the conversation and writings of men of science in modern times, certainly is not to be discovered, as that of most Greek words, especially compound words, easily may be, by its etymology, derivation, and composition. The use of the expression, as first employed by Aristotle, may have been purely accidental; and not intended to express the kind of subjects of which he treats in some of his books, or any peculiarity in the mode of reasoning, and the manner in which he treats them; but merely to distinguish those books which he wrote, and perhaps wished to be studied, after some others, both the subjects of which, and the mode of reasoning employed in them, entitled physics, (or of natural science,) appear to us very nearly, if not exactly, the same with those in the books which come after them, entitled, perhaps on this account only, metaphysics. The similarity, in both those respects, is so great, that whole pages might be selected from the physics and the metaphysics of Aristotle; which pages, if they were arranged promiscuously, a modern reader might peruse ten times over, without being able to discover which of them were Aristotle's physics, and which his metaphysics: and, very probably, such a reader would not think himself much wiser or better for either the one or the other.

But, in modern science, the meaning of the words physics and metaphysics, is almost as well fixed and ascertained by general use, as the meaning of the words *red* and *blue*, *bread* and *water*, is in common language. By metaphysics is meant the science of human thought, as distinguished from physics; by which, in its most general acceptation, is meant the boundless science of material beings, whether living or inanimate.

To some persons both sciences, to others only one of them, or only certain parts or branches of one of them, are pleasing and inte-

resting; just as mathematics, divinity, music, or the game of chess, are to others. Some knowledge of physics, I mean of the properties and relations of things material, is absolutely necessary for our welfare and comfort, nay, even for our existence in this world; and is gradually, and almost instinctively, acquired by all mankind; chiefly in childhood. Nay, I presume that some such knowledge, however imperfect, according to the nature of their faculties, is acquired by other animals. Some knowledge of metaphysics, I mean of the principles of human thought, is just as necessary for our intercourse with one another, and for our living in society, as some knowledge of things material is to our safety and subsistence individually: and accordingly, by the wise institution of the Supreme Being, all mankind who are not calamitously deficient in the ordinary faculties of their nature, or what is usually called common sense, acquire gradually, even in childhood, much useful knowledge of human thought, or of metaphysics. Without some such knowledge, nay a good deal of knowledge, of one of the finest, but withal one of the most abstruse and difficult parts of metaphysics, I mean the principles of language, or universal grammar, children could never learn to speak. From the physical structure of their organs of speech, and their natural, or what is often called *instinctive*, tendency to imitation, which in them is generally strong and often irresistible, they might easily learn to prate like parrots; or perhaps still more distinctly. But however well they might articulate, they could not converse, or make the proper use of speech. They could neither understand what others said to them, nor yet communicate their thoughts to others. Their situation would be just the counterpart of that of many persons who are dumb, entirely in consequence of their being deaf; which, I believe, is the case with most dumb persons. Some of these, no doubt, are ideots, as well as deaf; but

many of them are persons of sense, and observation, and competent knowledge of various subjects, metaphysical as well as physical, as they often shew by their actual conduct; nay, even by their signs, which are a kind of visible language. Children, if unable to acquire that most needful metaphysical knowledge, though hearing and articulating perfectly, would be a kind of ideots. But "*The inspiration of the Almighty giveth them understanding.*"

This inspiration is the understanding of many of the most familiar and most interesting, because most useful, facts in metaphysics, on which the structure and the use of language depend; and it is perfectly distinct from any kind of physical knowledge. The child, when learning to speak, knows nothing even of those physical facts which are most intimately connected with, or essential to what he is doing: he knows nothing of the nature of sound, the manner in which it is produced, the velocity with which it is propagated, the elasticity, and the vibrations of the air; nor even of the anatomical structure of his own organs of speech, of voice, or of breathing, all which he employs in speaking. I do not believe that any such physical knowledge, however perfect, would assist the child in learning to speak; any more than I believe that a grown person can become a great orator by making chemical experiments, or a good logician by studying the motion of a pendulum, and the refraction of light.

That kind and that degree of knowledge of metaphysics, or of human thought, which are necessary for our existence in Society, and most evidently for the structure and the use of language, are very limited and imperfect; but, strictly speaking, not erroneous: nor do they preclude us from acquiring more complete and accurate knowledge of the same things, and reducing our knowledge of them into the form of science and system, by collecting, comparing, and properly arranging, many particular facts and observations, and from these

deducing, by just reasoning, some general facts, or principles, or laws of human thought, to which numberless particular facts may be referred, or by which they may be explained. Further than this, I believe we cannot go in metaphysical science, and ought never to attempt to go. Above all, we ought to remember, that, from the nature and subject of the science, there can be in it *no discoveries ;* such as have given splendour and dignity, as well as daily increasing usefulness, to physical science. Whatever is good and valid in mataphysical science, however general and important, nay, however abstruse and difficult, and far beyond the power of ordinary men to have investigated and explained, as, for example, the principles of logic, of grammar, of criticism, of jurisprudence, of political economy, nay, even of morals, is admitted by every person who can be made to understand it, either as expressed in general terms, or as explained by proper illustrations. Sometimes such abstract metaphysical principles are not admitted, and ought not to be so, without the most deliberate consideration, and strict attention to many of their relations and consequences : but very often the evidence of them, when they are clearly and fairly stated, is complete and irresistible. They are at once perceived and acknowledged to be true: for example, the axioms of logic must be so, else they could not reasonably be admitted as axioms. Nay more, many of the most profound metaphysical truths, which have been investigated with the greatest care and pains by men who find pleasure in such investigations, and all just, but less profound, metaphysical observations and disquisitions, are generally recognised as somehow familiar to us, as well as true. We think, not altogether without reason, that we have a kind of reminiscence, or that we have had some previous knowledge of them ; and, at least, the evidence of them is in ourselves. We have no occasion to make experiments to ascertain whether they be true or

false; we need only attend steadily and candidly to our own thoughts; which some of us can, and others of us cannot, and many of us will not do. But we have no such reminiscence of the laws of motion, of general gravitation, of the properties of light, the composition and decomposition of air and of water, the circulation of the blood, nor even of the anatomical structure of our own eyes, or of any part of our bodies, when we first are taught these things; the knowledge of which, and of numberless other physical truths, must be originally obtained, not by the immediate inspiration of the Almighty, or by the spontaneous, perhaps instinctive, suggestions of our natural faculties, but by the tedious and laborious process of attentive observation, accurate experiment, and strict cautious reasoning by induction from the particular facts that we have ascertained by such observation and experiment.

Physical knowledge, acquired in that manner, has the charm of novelty, the splendour of discovery, and many other recommendations, besides its immediate and more general usefulness, which are not to be found in metaphysical science. Both branches of science, in many ages and nations, have been little known, or wholly neglected and despised: in all they have been very imperfect; in some they have been not only imperfect, but in many respects fallacious, as being corrupted by various gross, and even extravagant errors, proceeding from inaccurate observation, bad reasoning, the adopting of hypotheses or conjectures, and, with respect to metaphysical science, the unfortunate persuasion, that in it, as well as in physical science, discoveries might be made. Many other causes, less general than these, and less important in their influence, no doubt must, at different times, have contributed largely to corrupt science, and retard its progress; as the history of our own science, I mean medicine, amply testifies. And it is certain, at least as a matter of fact, whatever the causes of it may have been, that, till modern and very recent times,

even in the most civilized nations of Europe, almost every branch of science, physical as well as metaphysical (the former, I believe, fully as much as the latter,) remained in a very imperfect, corrupted, and useless state; and was often, very justly, regarded with contempt and reproach by men of strong, though uncultivated sense.

The cultivation of some branches of physical science on just principles, and of course its sure improvement, had certainly begun before the time of *Bacon;* but it was confined to a few individuals. It is chiefly since the time of *Bacon*, and evidently in consequence of his precepts, and just in proportion as they have been more generally followed, that many branches of science, and first and chiefly of physical science, have been greatly and rapidly improved, and applied to numberless uses: and now, far from being regarded with indifference, contempt, and reproach, by those who have not time or opportunity to study them, or talents to learn them, they are regarded even by the busy, the gay, the thoughtless, the sordid, the great, and the vulgar, with respect and admiration; which sentiments are, in some measure, extended to the men who possess, and who cultivate those branches of science.

Metaphysical science did not so soon begin, but certainly it has at last begun, to profit by the philosophy of *Bacon.* Till our own time, very generally, and to this hour with some of its votaries, many branches of it have been corrupted by various gross and extravagant errors. Such errors, in the more familiar branches of metaphysics, such as sensation, perception, memory, imagination, voluntary actions, the relation of these to their motives, and even our notions of moral right or wrong, of which mankind in general are capable of judging, appear to them absurd, ridiculous, and disgraceful.

This I believe to be the nature, the origin, and the force of the reproach of metaphysics. Yet, with all these disadvantages, metaphysical science has charms sufficient to engage the attention of many

persons, to afford them amusement, and, as they think, instruction; and even to contribute to the improvement of their mental faculties. I must own, that I am one of these incorrigible heretics; and that, while physic has been the business, metaphysics have been the amusement of a great part of my life. I here state, with due humility, the mere fact that such has been the case; without attempting to vindicate my choice and taste, or presuming to insinuate, that metaphysics are nearly as good an amusement as the noble recreations of fox-hunting, or horse racing, or drinking port, or playing at whist, or playing on the fiddle. I shall be perfectly satisfied, if those who have taken umbrage at my metaphysics, will only acknowledge, that they are as good an amusement, and as profitable a study, as lounging in a coffee-house, reading old newspapers, taking snuff, and smoking tobacco.

In the mean time, I must beg my very unmetaphysical brethren to observe, that my metaphysics are of a very humble kind; containing no paradoxes, no discoveries; and admitting of nothing repugnant to the common sense and common honesty of mankind. I should wish them also to consider, that though many gross errors in some branches of metaphysics are only absurd, and foolish, and perhaps ridiculous, as for example, those resulting from the unlucky hypothesis of Ideas, or images of things in the mind, as explaining sensation, perception, memory, and imagination; yet some errors, in other branches of metaphysics, may lead to very serious evils. Errors in the principles of jurisprudence may produce injustice, oppression, and cruelty: errors in the principles of government, or of political economy, may produce infinite misery, civil wars, bloody revolutions, or the ruin of whole nations. Errors in that branch of metaphysics which is commonly called Ethics, or Morals, may lead to profligacy or knavery; nay, in some cases, may be so very near akin to knavery, that it would require much more metaphysical skill than most men

possess, or are capable of acquiring, to distinguish between the one and the other; or to say precisely where the metaphysical errors end, and where the actual knavery begins.

It evidently is not every metaphysical error, with respect to morals, that can be regarded as amounting to knavery; or even leading to knavery in actual conduct. For example, with respect to the very point at present in question, my brethren, who hold a different opinion, must think mine erroneous, at least, if not even foolish: I mean the belief, that, though a person's motives are pure and good, his actual conduct may be wrong and dishonourable: but they cannot even pretend to think my doctrine knavish, or leading to knavery, unless they shall choose to maintain an absurdity never yet heard of, even among metaphysicians, that, in all cases, to render human conduct honourable and right, it is essentially necessary that while the motives of it, or the end in view, are good, the means employed to accomplish that end, or the actions performed, should be bad.

But the case will be very different with respect to the doctrine which some of my brethren have asserted with such confidence, if my metaphysical notion, as to that point of morals, be right. On this supposition, their doctrine, that all actions are honourable and right, if they proceed from good motives, must be not only erroneous, but knavish; as it would, if adopted in practice, lead every day to the employing of bad, sometimes probably of criminal, means, whenever these could be used to accomplish a good end.

If metaphysics be a reproach, and if dealing in metaphysical subtleties, repugnant to the common sense and common honesty of mankind, be an offence, my accusers, and some others of my very angry brethren, must now look to themselves. *Qui alterum incusat probri eum ipsum se intueri oportet.* None of my brethren can fail to perceive the drift of this discussion:—to convince the least reasoning or metaphysical among them, that their own doctrine, so ar-

rogantly asserted, and so necessary for their purpose in their charge against me, is just as metaphysical as mine. Indeed it is inconceivable, that of the two contradictory propositions, one of which must be true and the other false, with respect to that familiar principle in morals, the one should be metaphysical and the other not. But it is very reasonable to enquire which of them is true, and which false; which of them is a subtlety, a novelty, a discovery in metaphysics, and which is the natural and common belief of mankind. On these points I am perfectly willing to join issue with them, either in a court of justice, (which, after what I read to them from a printed law paper, on the 19th of December, I presume they will not choose to try,) or at the bar of the public; where they and I must equally be judged by men of sense, and probity, and science, and withal perfectly impartial in our disputes.

In the mean time they will please to observe, that I am so confident not only of the validity, but of the plain obvious common sense of that doctrine with respect to morals, which I have asserted in opposition to theirs, and also of the justness of my inferences from it, as to the import of a declaration that men had acted from the best (or purest) motives, that I should have understood that clause of the resolution of the College, 5th February 1805, as an admission that the Committee had done wrong, and as a kind of excuse for their doing so; even though their actual conduct had not previously been severely reprehended as wrong and dishonourable: nay, though I had known nothing whatever of their actual conduct, the motives of which were so highly praised.

But, in the real case, I had no time or opportunity to judge and reason purely on that principle: for at the same time that I heard of that praise of their motives, and indeed before I heard of it, I was told that they were to desist from that attempt which I thought wrong, and to withdraw that declaration which I reprobated as false.

Either this information, by itself, or the declaration of the goodness of their motives, singly, would have been with me decisive; but both concurring, were, if po-sible, still more decisive, in convincing me that the Royal College did not mean to justify the actual conduct, any more than to adopt the *report* of that unlucky Committee. Indeed I should have thought that the former necessarily implied the latter proceeding; and if I had been told of the declaration, that they had acted in the most honourable manner, I should have thought it absurdly incongruous with the withdrawing of the Report, as well as false in itself, and unjust with respect to me.

On any ordinary occasion, I should have despised such a censure as that of metaphysical subtlety, regarding it as the feeble resource of men who had nothing better to say for themselves, and no argument to urge against my declarations and reasonings. I should have thought it unworthy of any discussion or answer. But on the present occasion, and in the very peculiar circumstances in which that kind of censure has been expressed, when I can conceive nothing else, either in point of argument, or evidence, that my brethren can rationally urge against me, and when I consider with what arrogance some of them repeatedly asserted their own immoral doctrine in contradiction to mine, which some of them have since been pleased to reprobate as a metaphysical subtelty of my own, I must consider it as a very serious matter. I strongly suspect, that they wish and intend to make it supply the place of argument and evidence, and become the ground, or pretence, of a decision against me; on this principle, that they proceeded *bona fide*, on the generally acknowledged rules by which we are accustomed to judge of what is honourable and right, or dishonourable and wrong; that their expression, of which I avow that I was informed, namely, that the Committee had acted from the best or purest motives, according to the common meaning of these words, clearly expressed the most perfect approbation

of their actual conduct, and, by necessary, but very obvious implication, a complete contradiction of what I had asserted, and the most severe condemnation of my conduct, as having written and published a false and scandalous libel; that I ought to have understood, and must have understood their declaration in that sense, and that I falsely denied having understood it, and endeavoured, by a kind of quibbling and metaphysical subtlety, but with perfect *mala fides*, to explain away the common and obvious meaning of their words as I acknowledge them to have been reported to me.

This, I think, is a clear and fair state of the argument which my brethren may have to urge against me, on the principle, that *their metaphysical subtlety*, and, as I conceive, most immoral doctrine, is just in itself, and is commonly understood and admitted by mankind. The argument would be plausible; it would be a screen for themselves, and a kind of excuse for some of the worst parts, if not for the whole of their own conduct. Nay, it would have very great weight against me, especially if adopted and sanctioned by a vote of the Royal College of physicians, unless I could answer and refute it completely. Such a vote is easy; and, I dare say, many of my brethren are perfectly ready to concur in it. In this country, as far as I know, there is no law, or custom, to oblige a Royal College of physicians to study or to understand metaphysics: and, in general, no such knowledge is expected of them. There is certainly no law to punish them for ignorance of that science; nor any penalty annexed to the trifling peccadillo of their holding very erroneous opinions in it; nor any means of hindering them from asserting explicitly their own opinions in metaphysics, right or wrong, and recording them in their minute book, and publishing them privately in quarto pamphlets, and distributing them in circular letters, or in hand bills. I do not even see clearly how a Royal College of physicians can be punished for acting according to its own avowed prin-

ciples of morals, however erroneous these may be thought, or may really be. There can be no doubt, that, in many cases, the individual members of the College, if they acted according to some erroneous metaphysical principles, with respect to morals, for example, according to that very principle which several of my brethren have asserted so arrogantly, and which I reprobate so obstinately, might be punished severely, perhaps even capitally; but this can hardly be done to a Royal College as a body. At least, I do not remember to have heard of any Royal College, or indeed any body corporate, ever being hanged. To refute their metaphysical doctrines in morals, so as to make the Royal College retract them as erroneous, would be evidently impossible; and such an attempt would be evidence of insanity in the person who made it: for he that is convinced against his will, is of the same opinion still. It would be very difficult to convict them individually or collectively of disingenuity, or direct falsehood in asserting that erroneous metaphysical doctrine in morals, by any kind of testimony, or of circumstantial evidence; and absolutely impossible to convict them of that little peccadillo, on the strong principle of inconsistency of their professed belief and their actual conduct; for they can prove, in the most satisfactory manner, and illustrate, by some splendid examples, that the general tenor of their actions, especially when I was concerned, had corresponded perfectly to the metaphysical doctrine which they so confidently asserted. The Report of the Committee of 1804, the memorable *virtual decision*, 5th February, 1805, the admonition about secrecy, 6th August, 1806, the answers, or no answers to my queries, and the vote of censure on me in November 1806, the resolution of the College in November 1807, declaring its *adherence* to its resolution of February 1805, &c. &c. all are decisive examples of its *bona fides* in that metaphysical doctrine which some of its members have explicitly avowed, and of its readiness, on proper occasions, to make it the rule of its ac-

tual conduct. It is surely no great stretch of imagination, and it can be no injustice to the Royal College to suppose, that, on the present occasion, it will probably act on the same metaphysical principle which several of its members individually have strongly asserted, which none of them have, as yet, either explicitly disavowed, or quietly endeavoured to retract, to modify, or to explain away, and on which it has acted on so many former occasions. Nay, it would be downright weakness and inconsistency in the Royal College not to do so; and virtually acknowledging, that, on former occasions, it had done wrong, and proceeded on the assumption of a false and dangerous principle in morals: which, I believe, few, if any, of my brethren are at present in the humour to admit.

Nothing now seems wanting to establish, as the orthodox principle of metaphysico-medico-morality, that the goodness of a person's motives, absolutely decides the goodness of his actual conduct, but that the Royal College shall explicitly assert *that* doctrine, and act according to it on the present occasion; by deciding in their own favour, and against me, the question at present before them. That doctrine is the *major* of a terrible syllogism. The *minor* of it, a plain matter of fact, I admit; namely, that I was explicitly informed that the College had declared, that the Committee of 1804 had acted from the purest (or best) motives. The conclusion, which my brethren will have the pleasure of proclaiming to the world, and recording in their minute book, must be, that I was guilty of falsehood, when I solemnly asserted, that I knew nothing of the College having declared that the Committee had acted in the most honourable manner.

The Royal College, if it pleases, may pronounce such a decision on such principles: it may do so, unrestrained and unpunished by law, and regardless of those principles of truth and probity which are generally acknowledged by mankind, and by wise and good

men, have always been held sacred. The College may do so triumphantly; but soon *flebit, et insignis tota cantabitur urbe.* I certainly shall not acquiesce in such a decision: and as the only means of self defence, that are in my power, shall take care that my vulgar principle of moral conduct, and my reasons for thinking it valid and honourable, be generally known, as well as my reasons for reprobating the very different principle asserted in words, and adopted and illustrated in actual conduct, by some of my brethren. Then it will be easy for those who take any interest in such matters, or in our disputes, to judge whether I, or my angry brethren, have erred in point of metaphysics, have uncandidly endeavoured to avail ourselves of metaphysical subtleties, have adopted false and dangerous principles in morals, have done violence to the common sense of mankind, and have deviated from the straight path of probity and truth.

If any of my brethren, collectively or undividually, shall think this discussion too severe, or unjust, with respect to them, as I trust it would be, if applied to many of them, nothing can be easier, or more honourable, than for them to vindicate themselves, by declaring, that they admit *my* principle, and do not hold, and never held, the very different principle of moral conduct, which I have reprobated so harshly. To men who shall do this, my remarks and arguments can never be applied. But, after what has passed among us *vivâ voce*, as well as in print, in Dr Hope's motion and charge against me, by which it appears that a peculiar metaphysical, and, as I think, very immoral principle, which I reprobate, has been tacitly assumed by some, and openly asserted by others of my brethren, I think it is just and necessary, and I hope my brethren will think it reasonable, that that principle shall either be avowed by them, or disavowed explicitly; that we may all know what sort of moral conduct our brethren expect and require of us, and what conduct we must expect of them.

If Dr Hope, Dr Spens, or any of them, think they perceive any other inconsistencies in what I have said at different times, or of my words and actions on different occasions, in relation to the proceedings of the college, I earnestly wish them to be produced in evidence against me. This seems to be due to the cause of truth and justice: for either I shall be able, or I shall not be able, completely to reconcile those supposed inconsistences of my words and actions, and fully to account for all that I have said and done, on the principle of my having that information, those sentiments towards my brethren, those intentions, and those motives for my conduct at different times, which I have explicitly declared. If I cannot fairly reconcile and account for all such seeming inconsistencies, I must, *ipso facto*, stand convicted of falsehood and knavery: and I shall deserve that condemnation; which, I have no doubt, it is the most eager wish of many of my very angry brethren, as well as of my accusers, to pronouuce on me. But if I shall be able, of which I am perfectly confident, fairly to reconcile and account for, on those principles, every seeming inconsistency of my words and actions, I presume even the least metaphysical, or least acute of my brethren, will perceive the important inference in my favour, which my success in that undertaking will establish. My solemn declaration, supported by that long train of words and actions at different times, far beyond the power of human genius to have contrived, and to have made uniform and consistent with one another; and all those words, and actions, and circumstances, explained by my declaration of my own thoughts, will form altogether such a mass of internal and moral evidence, as can hardly be shaken by any force of testimony, if such should be offered against me. But this, I am sure, cannot be done, without deliberate falsehood; and such falsehood, if it shall be attempted, I am almost confident may be detected. No ordinary direct testimony, however positive, can be decisive in such a case: of which one im-

portant circumstance, indeed by far the most interesting point, is a question with respect to *my thoughts*:—what I knew, or believed, or understood, of their proceedings, at a particular time. These things some of my brethren are pleased to fancy that they know more of than I do myself; and even undertake to prove what my thoughts were, which is certainly an uncommon, and, I should think, a very bold and difficult undertaking; especially when they have such a mass of contrary evidence to encounter. For against that evidence, as well as against my solemn declarations, any testimony that they can produce must be weighed; and if it, or any part of it, be found inconsistent with things independently of my declarations known as matters of fact, that testimony must be suspected, and scrutinized rigorously; and if it cannot be reconciled, or made consistent with those known facts, must be disregarded and set aside, as proceeding on the most favourable supposition from confused or inaccurate memory, but very possibly proceeding from a worse principle. Such inconsistency of any testimony offered against me, with those certain matters of fact, would be evidence of falsity, either unintended mistake, or wilful falsehood, in the persons giving such testimony, just as certainly as similar inconsistency, on my part, with the same facts, would be evidence of falsehood in me.

It would be reasonable and necessary, if any such witnesses should appear against me, to enquire whether they had any interest, or other motive, to induce them to corrupt the truth, either by suppressing and concealing any part of what was true, or by asserting what was not true: for *veritas vel mendacio corrumpitur vel silentio.* It would be proper to enquire, whether they were in any measure, directly or indirectly, parties in the cause, either in the present or in any former stage of it, and on which side they were parties. It would be proper to ask, whether they had any particular reasons for attending strictly to the precise words, as well as to the general im-

port of the information which they gave me, and what those reasons were:—whether they had any, and, if any, what kind of assistance to their memory, when they thought they remembered the exact words of certain conversations, or perhaps of only one conversation, which had passed long before, and, in the ordinary course of human conduct, might in all probability have been entirely forgotten.—Above all, it would be just and necessary, that all such witnesses, offering any testimony against me, should appear in court, in *propria persona,* and engage, or swear, to tell the truth, the whole truth, and nothing but the truth: for telling only a part of the truth, suppressing the rest of it, in many cases may be as bad, as malevolent, as unjust, as either *mendacium* or *silentium.* And lastly, it would be as just, and perhaps almost as necessary, to put many questions to those witnesses; such questions, I mean with respect to things preceding, concomitant, or succeeding those conversations, and relating to the same subject, as, by renewing former associations and trains of thought, might tend either to assist their recollection, and prevent them from falling into error and inconsistency, if they were acting *bona fide,* or, if they were acting *mala fide,* might enable me to detect their falsehood. Their answering, or their refusing to answer, such questions, would almost equally serve my purpose, in that respect.

I need not tell my brethren, that these hints do not relate to Dr Hamilton or to Dr Wright; for it is impossible that they should be applied to them. If any persons of our College, or not of our College, shall understand my hints, to those persons they relate, and are not unnecessary. From some pretty broad hints which I have heard, I think it possible that I shall yet be obliged to enter on certain discussions, which appear to me altogether needless, as well as indelicate and improper. I acknowledge that they would be painful to me; but I am not in the least afraid of them; and I am well pre-

pared for them. If those on whom it depends shall, after this warning, force me to such discussions, they must take the sure consequences of their own conduct; which they will find reason to repent bitterly as long as they live.

Before I proceed to offer any remarks on the pretended testimony which my accusers profess to bring against me, I must observe, that they have committed a strange error in metaphysics, and have, without suspecting it, fallen into a wonderful incongruity of thought, when they insisted on convicting me of falsehood, on the same subject, and at the same time, by those two different kinds of evidence, which are very artfully detailed, and placed in the strongest light, by Dr Hope, in that string of resolutions which are at present under the consideration of the College. First, they continue to maintain, with the greatest obstinacy and disingenuity, that I had declared that I had no knowledge at all of any of the proceedings of the College on the 5th of February 1805, which I never thought of declaring; which I disclaimed as soon as I heard that a sentiment so dishonourable, as well as false and absurd, was imputed to me; and with respect to which, I endeavoured immediately to set them right. This, if they would have listened to me with candour and sense, I was sure I could easily have done, by telling them precisely what degree and kind of information I had received, about the proceedings of the College on that occasion. But, instead of admitting the fair and explicit account that I gave them, of the information which I had received, of what I understood by it, and of what I meant by my solemn declaration, that, till the moment when Dr Duncan senior, shewed me the record of it in our minute book, in November 1806, I neither knew nor suspected any thing of that proceeding, which I characterised first as an unjust condemnation of myself, afterwards as a proof of a strange difference of opinion between my brethren and me, with respect to the principles of moral conduct;

they, with astonishing eagerness and violence, maintained that there was an inconsistency of what I then told them, and what I had solemnly declared a twelve-month before. After mature consideration for some weeks, they deliberately persisted in their arbitrary and false interpretation of my expressions, thereby imputing to me a meaning which I never meant, which my words, in fair construction, did not convey, which I disclaimed as soon as I heard of it, and which was altogether repugnant to the general tenour of my words and actions, with respect to the same business. That meaning, of their own contriving and asserting, is evidently inconsistent with what I told them, of my having received information of some parts of the proceedings of the College on the 5th of February 1805: and now, on the evidence of that pretended inconsistency on my part, they still endeavour to convict me of falsehood. In all that train of proceedings on their part I can perceive no inconsistency, or incongruity of thought; on the contrary, I see in it the most uniform and consistent malevolence and disingenuity. But when, in the same paper, containing their charge against me, and the sum and substance of the evidence by which they expect to support it, I find them eagerly availing themselves of a hint which I gave them, of who the persons were from whom I had received those articles of information which I most candidly mentioned, and even going to them privately, to take *ex parte* evidence against me, I perceive, and, if they are not wonderfully blinded by passion, I think they too must perceive, a strange incongruity of thought, and inconsistency of conduct, on their part. Their actual conduct in that most honourable proceeding, shewed, that they believed that I had told them truly that I had received some information from those very men to whom they knew that I alluded, and that I meant to refer to them, in case of need, to state the particulars of the information which they had given me. Unless my accusers think me

quite insane, in which case, instead of endeavouring to convict me of falsehood, they ought to put me in a strait waistcoat, they cannot believe that I, for no conceivable reason or motive, deliberately meant to declare, in the most solemn manner, what two respectable members of this College must have known, and could easily prove, and probably would instantly declare, to be false; and that I should afterwards, also without any reason or purpose, refer them, or allude, to witnesses, whose evidence, I must have known, would go directly against myself. If they believed, or found on trial, that I had actually received information of a most interesting kind from those persons to whom I alluded, then surely, whatever my accusers might have *previously* chosen, or affected, to believe to be the import of my solemn declaration, they could no longer believe that I had ever meant to say, that I had received no information at all from those persons; nor could they rationally even pretend to believe, on the authority of their own false interpretation of my words, or on any other principle, that I had *no knowledge* of any part of the proceedings of the College, on the memorable 5th February 1805. That belief, real or pretended, on their part, being no longer tenable, it followed necessarily, in good sense and good faith, that the very serious charge of inconsistency, and the attempt to convict me of falsehood on this principle, should instantly be given up, as it was founded entirely on that real or pretended belief on the part of my brethren. But, far from giving it up, they have persevered in it with the greatest obstinacy, and seem to lay the greatest stress upon it, after adopting the contrary belief; namely, that I had, and declared that I had information of some of those proceedings. That charge of inconsistency on my part, makes at least as great a figure in Dr Hope's string of resolutions, as the pretended testimony against me. This I regard as another, and very needless, example, that nothing but truth is consistent with itself; or, in

other words, that falsehood may generally be detected by its inconsistency.

My accusers, and all my brethren, if they had chosen to enquire, I presume, might have learned from those gentlemen who gave me the information to which I have often alluded, for what important and honourable purposes I had begged of them separately to inform me, what was intended or done in the College, (at that meeting, 5th February 1805, from which, for reasons already fully explained, I chose to absent myself,) with respect to the report of the Committee, and my own conduct. But my own long letter to Dr Hamilton is the best document on that point; and to it I refer with confidence. If my brethren believe my motives and purpose, on that occasion, to have been what I have expressed in that letter, they must see that it is incredible, and morally impossible, that I should have acquiesced even for a day in their virtual decision, if I had known of it; or that I should not have enquired strictly about it, if I had suspected it, or thought it possible. If they do not believe that such were my honest motives, and firm purpose, on that occasion, I wish they would say what other motives or purpose they suppose I had for acting as I did at that time, and taking so much pains to be informed of their proceedings, without attending their meeting, and taking a part in them.

Do they think it was with the purpose of acquiescing in a strong general condemnation of my own conduct, without any thing wrong in it being proved, or even asserted, without my being accused, without my acknowledging and repairing, or being required or permitted to acknowledge and repair, any wrong that I might unintentionally have done?—The whole tenour of my words and actions, before, and at, and after, that time, must shew that I had no such purpose; but just the contrary.

Do they suppose my anxious enquiries, about what was to be done, proceeded from an idle and silly curiosity to know, before hand, that dreadful calamity, which, but the next day, was to overwhelm me for ever, and to which, as to the fixed decrees of fate, I was obliged to submit, without a struggle, or a hope of averting it?—My brethren may be assured, that I should just as soon have thought of giving half-a-crown to a gipsey to tell me my fortune, or to an astrologer to cast my horoscope. I have neither time nor inclination to discuss this point with my brethren, metaphysically; and I cannot do it laconically, in one or two words, but I will do it attically; having luckily stumbled on an ancient Greek epigram, which, in four short lines, clearly expresses my opinion of that abstruse and difficult point in metaphysics:

Ει μεν ην μαθειν ἁ δει παθειν,
Και μη παθειν, καλον ην το μαθειν·
Ει δε δει παθειν ἁ δ'ην μαθειν,
Τι δει μαθειν; χρη γαρ παθειν.

As it is conceivable that some of my brethren may have forgotten the Greek, as much as they have the Logic and Ethics, which they learned at College, I shall give them their choice of the only two versions of that epigram which I have seen. The first of these expresses purely the important philosophical sentiment of the original: The second has the very peculiar merit of expressing the same portion of sound metaphysical doctrine, in the same number of short lines with the original, and almost in the same number of words, with the still more extraordinary merit of ringing as many ridiculous changes on two rhymes; unhappily not double rhymes, in English, as they are in Greek.

"Could I, with a prophet's eye,
All approaching ills descry,

And, with more than prophet's skill,
Charm away each dreaded ill,
Wise and happy should I be,
All approaching ills to see:
But what avails to see them all,
When, seen or not, they will befall?"

"If woe to know could save from woe,
Then all our woe 'twere wise to know;
But if our woe must come we know,
Why seek to know what must be woe?"

Now for the consideration of the pretended testimony, which my accusers profess to bring against me: and first of Dr Hamilton's; because his is first stated in Dr Hope's fifth resolution. In it, Dr Hope has gravely stated, "That Dr James Hamilton senior, one of "the Fellows, has declared, that, on the morning of the 5th of Fe- "bruary, 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."

First, as to the very important chronology of this very important testimony: if its apparent time were to be decided by my Lord Mayor, and the court of Aldermen, and the whole common Council and Livery of London, it would, without one dissenting voice, be declared to have been the morning: for a day consists of before dinner and after dinner; before dinner is the morning, and after dinner is the evening, in good citizen time: and certainly that conversation, between Dr Hamilton senior and me, passed before dinner, on the 5th February, 1805. But if that interesting point of chronology were to be settled by the Astronomer Royal, and the Board of Longitude, or even by the most excellent barber of Bagdad, of whom we read in the "Arabian Nights' Entertainments," and who,

we all know, could brandish an astrolabe as well as a razor ; I rather think it would be decided, that our important conference took place, in the afternoon of that memorable day, a few minutes before three o'clock, sidereal time. My reason for saying so, with confidence, is, that I remember distinctly Dr Hamilton telling me, that he was just going to the meeting of the College, and my telling him, just as he was going away, that I should remain at home till the meeting of the College was over, and that, if they wanted me, they might send for me. That, I believe, was the conclusion of our conversation : at least, I remember nothing that he said in reply, or I in addition to it ; but I remember well that I staid at home, till the meeting was over, and Dr Wright came and told me all that he thought proper to tell me of what had passed at it. As he had called on me also in the afternoon of the preceding day, to tell me what he thought fit I should know of the proceedings of the Council, one of the days just before dinner, and the other of them soon after dinner, between six and seven o'clock, I cannot now say from distinct memory which was which ; nor do I think it a point of any consequence.

But it is by no means a matter of indifference, that it was not in the morning of that day ; but in the afternoon, just before the meeting of the College, and when he was actually on his way to it, that Dr Hamilton called upon me to give me that intimation which Dr Hope has stated, and a great deal more, which Dr Hope has not stated : I presume, because Dr Hamilton did not think it necessary or proper to tell him any more of it. Dr H. could not have forgotten the long explicit letter which he had received from me but the day before ; and which he had answered, though very briefly and cautiously : but still in such a manner as he knew would make me think it improper, as well as unnecessary, for me to appear at the meeting of the College. He must have known the reasons and purpose of the

pointed enquiries which I made about what was to be done at the meeting: he must have known, that, if I understood there was to be any attempt to adopt and sanction the report of the Committee, or any proposal to enquire into my conduct with a view to censure it, I should certainly attend in my place, and engage in a very keen and unpleasant warfare with my brethren, to prevent the former (apprehended) proceeding; and, with respect to the latter, to make it the subject of the most rigorous investigation; so that I might fully vindicate what was right in my proceedings, and honestly acknowledge and repair any wrong that I had done, if it should appear that I had done any; which I did not think was the case.

The prospect of such a serious discussion could not have been to Dr Hamilton a matter of indifference. He must either have earnestly wished it to take place, or at least as earnestly have wished to prevent it. For the sake of truth and justice, for the sake of the Royal College as a body, for the sake of the members of the Committee individually, whose proceedings I had reprehended so severely, he must have been honestly and laudably anxious, either to promote or to prevent such a discussion. Even for my sake, nay, for his own, he must have been so. For he himself was much implicated in the business; not merely by what he had said to me repeatedly and most frankly in private conversation, but by his certainly having been the first, and, to the best of my remembrance and belief, his having been the only member of the College, who expressed his disapprobation of the proceeding of the Committee, publicly, at the meeting of the College in November 1804, when the proposed falsification of our old law first became generally known to us: on which occasion, as my brethren cannot fail to remember, he expressed himself pretty keenly.

If, at the time of our conversation, (three o'clock, 5th February, 1805,) Dr Hamilton knew of the *virtual decision* against me,—I mean

the clause in the resolution of the College, declaring, that the Committee had acted in the most honourable manner,—which I do not believe he did, though I am not yet entitled to say that he did not, he must have been very deeply implicated in that business, the complete and public discussion of which it depended on him either to produce immediately, or to prevent, perhaps for ever: and he must have been keenly interested, for his own sake, as well as for all the other strong considerations that I have mentioned, either to prevent it, if possible for ever, or to produce it, the more speedily and completely the better for all concerned.

If he had wished to produce it, nothing could have been more easy for him. The means were obvious; they were perfectly in his power; and they were fair and honourable. One short sentence, addressed to me, without entering into any particulars of the business, or assigning any reasons, would have done the business effectually. Nay, without his taking the trouble to call upon me, without the embarrassment of contradicting what he had in former conversations with me, strongly declared as his own sentiments, without the vexation of discussing with me a very tender and painful subject, without the indelicacy of intimating to me a complete and opprobrious, though indirect or implicit, contradiction of what I had most deliberately asserted, amounting to a declaration that I was a liar and a knave, as being the author of a false and scandalous libel on some of my own brethren, without the imprudence and injustice of provoking, and forcing, to a personal quarrel with himself, a man who had never injured or offended him, he might, in a moment, have accomplished his purpose of insuring an immediate and public discussion of my conduct towards my brethren, by merely communicating to the council, the day before, that explicit letter, which I had written to him for that purpose, and with the firm belief, that, if there should be occasion, he would make that use of it. Nay, af-

ter he had given me back that letter, as I had desired him to do, because I had not time to copy it, he might easily and honourably have obtained the gratification of his supposed wish, by telling the College, at its meeting in February, or at its meeting in May 1805, that he had received from me a letter of that very peculiar import; which he thought it would be uncandid and unjust, in my brethren individually, and in the College as a body, to disregard.

But if, in opposition to all these strong and obvious considerations, and without any reason or motive, that I can conceive, he had chosen to give me face to face such information as he wished and expected to produce an immediate and rigorous discussion between me and the College, with respect to my conduct in printing such papers as my *Review* and my Censorian Letter, I think, almost certainly, he would have given me that information, by intimating to me the proposed vote of the College, not by word of mouth, which could not fail to be unpleasant, but by letter; more especially, as he had occasion, at that very time, (I mean after the meeting of the council on the 4th, and before the meeting of the College on the 5th of February 1805,) to write to me, in answer to my long letter on that very subject.

But if, for some stranger cause, yet unexplored, he had deliberately chosen to give me, face to face, that intimation, which was to decide, whether I should go to the meeting of the College or not, and which he expected and anxiously wished to induce me to go to it, then most certainly he would not have trusted so important a concern to the very small chance of finding me at home, just a moment before the meeting of the College. This would have been equally injudicious on his part, if he had most anxiously wished, which I believe he did, to prevent me from engaging in such a discussion, or forcing the College to enter upon it with me; and if he had thought his very laconic letter, of the preceding day, insufficient for that good purpose; as, on this supposition, he might have

been sure that I had taken my resolution, if not even gone to the College of Physicians' hall, before he called on me. But if it was his earnest wish, which I presume he and all my brethren will admit to have been the case, to prevent, at least at that time, and probably for ever, all unavailing and painful discussion, and all warfare in the College, about what was past and not to be recalled, then it is plain that he would not give me such information as he knew would produce that dreaded warfare, but suppress it, just as, for the same reason, he had done my letter of the day before, which I wished and expected him to communicate to the Council.—In short, on either supposition that can be formed, of his wishing to promote, or wishing to prevent the complete and public discussion of my conduct towards my brethren, for which discussion, both from my printed papers and from my explicit letter to himself, he knew that I was well prepared and well disposed, as the business itself, and of course my resolution with respect to it, must have been deeply interesting to himself and to us all, I am confident that Dr Hamilton, as a man of sense and probity, would not have delayed till the last possible moment to give me that information which, necessarily, was to determine my resolution, and either insure or prevent the public discussion of my conduct; and I cannot believe that Dr Hamilton, still wishing, and finally determined to give me that information, would have trusted it to the very slender chance of his finding me at home, at that particular moment when he was just on his way to the meeting of the College.—Such appeared to me to be the importance of the chronology of his short conversation with me, on the 5th February 1805: and such certainly has been the train of thought suggested to me, by finding the error of *morning*, instead of *afternoon*, expressly asserted by Dr Hope, in his fifth resolution.

As to the import of that part of Dr Hamilton's conversation with me, which Dr Hope hath stated, and the inference with respect to

me deducible from it, it is not easy to conceive how he should regard it as a testimony against me, contradictory both of my oath and declaration, (*viva voce*, November 1806, and in my letter to Dr Stewart, 2d November 1807,) and of the avowal which I made on the 24th November 1807; which wonderful sentiment Dr Hope has strongly expressed in his sixth and last proposed resolution. The fact that he has done so, shews, in a very strong light, that not only from the immediate impulse of sudden and violent passion, when no time is given for cool and deliberate thought, but even from the continued influence of rancorous and malevolent passion, the judgment of a man acting deliberately, and bestowing ample time and consideration on the subject, may be completely perverted. The former of these weaknesses of human nature is familiar to us all, and is easily excused; the latter is much less common, and, for many obvious reasons, less excusable.

So far am I at present, and have always been, from regarding that declaration of Dr Hamilton senior, as either false in itself, or as a matter of testimony against me, that on the 24th of November, 1807, or 1806, or 1805, or on the 6th of February 1805, and every day since, if Dr Hope, or any of my brethren, had chosen to ask me what Dr Hamilton had said to me on the 5th of February 1805, when he called at my house on his way to the meeting of the College, I should have told them all that, and a great deal more, said to me by Dr Hamilton, in my opinion of much greater importance in itself, much more to the purpose, and more like evidence against myself, if such an accusation as the present had been intended. I should have told them, to the best of my knowledge and remembrance, every thing and every word that Dr Hamilton had told me, including that intimation which I have here printed (page 210) in Dr Hope's own words. I should have given that information almost in those words: and I am sure I should have given it them most frankly and cheerfully; just as in November 1807, I told them that I had

been informed of the vote of thanks of the College to the Committee, and of the declaration that they had acted from the best (or purest) motives; and even repeated these words again and again, at their own desire, till they had got them by heart. Nay, I promised and fully intended to *give* them to Dr Hope in writing, and had not only written them out for their edification, but had made considerable progress in writing a commentary on them, explaining my reasons for understanding them as I did, in a sense very different from that of any approbation of the actual conduct of the Committee. Those reasons are comprehended and very fully expressed in the preceding pages; and need not here be recapitulated. They were not given in to Dr Hope, nor indeed was the writing of them, in the form originally intended, ever finished; in consequence of the unjust and violent proceeding of the College, at his suggestion, in adjourning most arbitrarily, for no reason that I could understand, instead of hearing me read my long dreaded protest against the admonition about secrecy; at the very hour which the College had previously, after repeated delays, appointed for that express purpose.

A proceeding so violent, unjust, unexampled, convinced me, that all attempts to explain to Dr Hope my reasons for understanding as I did those parts of the resolution of the College in February 1805, of which I had received information, would be trifling and folly: and as to my words, in my avowal of what I had been told of it, I knew that he, and, I believe, some others of my brethren, had already got them by heart. I conceived, therefore, that it was unnecessary to give Dr Hope a copy of those few words, which I was sure that he knew just as well as I did.

As the declaration of Dr Hamilton, considered simply by itself, as stated by Dr Hope, cannot, by any force of logic, or grammar, or human genius, however employed, be construed or tortured into any kind of testimony against me, or represented as contradicting my so-

lemn declaration, and as equivalent to telling me that he was to concur with his brethren, in declaring that the Committee had acted in the most honourable manner, implying, that all that I had said of them was falsehood and knavery; the use which Dr Hope has made of it, as a matter of testimony against me, seems to proceed on some arbitrary assumption or implication of his own with respect to it. Such an assumption, on his part, may possibly be rational and true; but, as possibly, and much more probably, it will be found, on examination, to be uncandid, unjust, and false; perhaps even absurd, as well as unfavourable, to me: and withal of such a nature, that if it were stated explicitly, I could easily answer and refute it. But, till it shall be clearly expressed, far from being able to refute his *innuendo*, I cannot even know what I ought to refute.

There seems to me to be a fundamental error, and, what is worse, a bold attempt, on the part of my accusers, to commit the most flagrant injustice, when they endeavour to avail themselves of a declaration, as a matter of testimony against me, by a person who will not even appear as a witness, and be publicly examined, and perhaps cross-questioned, and obliged to answer all fair questions, which it may be thought expedient to propose to him, in relation to the matter at issue. These things I conceive to be essentially necessary to entitle any person to be regarded in the character of a witness, or his declaration to be considered as testimony fit to be admitted and believed in any serious proceedings, whether strictly judicial, like those in a court of criminal law, or extrajudicial, like the present discussion in our society. With respect to that matter, the same principles of equity and common sense, which are held sacred in courts of law, ought equally to be respected by a college of physicians. They are, in all cases, essential to the cause of truth and justice. Partial and hearsay testimony, is necessarily imperfect, and of course must often be fallacious, and lead to injustice: and the questions

put to a witness, in the course of a public examination, may be of the greatest importance, by enabling him to recollect many things which otherwise he would not have thought of mentioning; and perhaps some things which would have absolutely escaped his memory; and yet may be of much more consequence than those to which he had attended most, and which of course he had remembered distinctly. As no human memory can be supposed nearly perfect, all those assistances are often necessary to it; they are fair and honourable; and must frequently be employed in examining witnesses, of whose candour, probity, veracity, and impartiality, there can be doubt. And therefore, no person, who appears as a witness, can reasonably take offence at them, or refuse to submit to them; and be examined publicly in the usual manner. On the supposition of wilful falsehood on the part of a witness, which, in the present discussion, is happily out of the question, that kind of public cross-examining is indispensibly necessary; as being, in many cases, the only practicable expedient, and generally a very effectual one, for detecting his disingenuity.

On these well established principles of law and equity, and, I may safely add, of common sense, with respect to evidence, if Dr Hamilton, Dr Wright, Dr Stewart, or any other persons, whether of this College or not of this College, with whom I had held, or with whom I had not, to the best of my remembrance and belief, held conversation about the proceedings of the College on the 5th of February 1805, either before that memorable day, or after it, but before the day of the discovery in November 1806, were to give the most explicit declarations, that my accusers can desire or conceive, in contradiction to mine; for example, asserting, that they had not only told me all that is recorded in our minute book; but on my asking them what they, or the College, meant by the clause expressing that the Committee had acted in the most honourable man-

ner, had explained to me, that it meant a complete contradiction of all that I had said unfavourably of them, and a *virtual decision*, that my printed papers were a false and scandalous libel, and that I myself was a liar and a knave, and that it would be my wisest course to acquiesce in that gentle censure, without remonstrating or murmuring, else much worse would certainly follow; I should, of course, listen, with all the calmness of a primitive quaker, to such explicit and marvellous declarations, and should consider them in the calm light of mild philosophy, or metaphysics. But, far from admitting them to be matters of true testimony, and decisive against me, I should protest most peremptorily against them, as absolutely false and inadmissible; especially while the persons, who gave such declarations, were alive and well, and able to appear in person, and to be examined by me publicly, and *vivâ voce*. If such pretended witnesses were to refuse to appear, and to be examined, in that manner, I should certainly treat their testimony, and their characters too, with very little ceremony: and a person of a temper less gentle than mine, would perhaps think himself authorised to treat their persons with still less ceremony, and at least entitled, if not obliged, to employ, instead of arguments metaphysical, the *argumentum bacculinum*; as being the only argument, the force of which such men could be supposed to feel.

If Dr Hope, when he stated so formally Dr Hamilton's declaration, (already quoted,) meant to insinuate, that Dr Hamilton, at the same time, or immediately after, told me *all* the particulars of that vote in favour of the Committee, which he meant to support, (or, as I remember his words, which he thought himself obliged to support,) I must protest against any such important meaning, false in point of fact, and unjust to me, being conveyed by insinuation, or arbitrarily put upon Dr Hamilton's words. They are equally applicable to the vote of thanks, considered by itself, or to it and the declaration, that the Committee had acted from the purest motives, if these two

articles had been the whole of the resolution. The words of Dr Hamilton's declaration, quoted by Dr Hope, would have been equally applicable to any thing farther, however violent, unjust to me, or false in itself, that was or might have been, to his knowledge, at that time, containe in the vote of the College: for example, that my printed papers were a false and scandalous libel; if this had been declared explicitly, instead of being decided virtually. In good sense and good faith, I was entitled to understand that intimation which Dr Hamilton gave me on the 5th of February, 1805, as limited and explained by what he told me, at the same time, or immediately after, of the particulars of the intended vote. Nay, I do not see clearly how I could do otherwise; especially when, not four-and-twenty hours before, I had been informed, by Dr Wright, of the same particulars as what was intended; and scarce four hours after, I was told, by Dr Wright, that the same particulars had actually been declared; and when I was not informed of the other very important article of the vote of the Royal College.

But in the present stage of the business, and considering Dr Hamilton's declaration, quoted by Dr Hope, as a matter of testimony against me, I am not, strictly speaking, entitled to limit its meaning; and as little, certainly, is Dr Hope, or are any of my brethren, entitled to extend the meaning of it, in any manner whatever; or to presume that Dr Hamilton gave me any further explanation of it than what he shall explicitly avow. If it is to be considered as an article of testimony, and Dr Hamilton as a witness, either for or against me, it is absolutely necessary that he appear and be publicly examined as a witness, and not only explain his own meaning in that declaration, and say what further he told me on the 5th of February, 1805, or afterwards, of the proceedings of the College on that day; but also answer explicitly all fair questions, which I or my brethren

may think it expedient to propose to him, in relation to the same business.

If Dr Hope by quoting that very brief declaration of Dr Hamilton as an article of evidence against me, wished to insinuate, or if any of my brethren shall wish to understand by it, that it was the *whole* of our conversation, or *all* that he told me of the intended vote of the College, and that I *ought* to have understood, and *must* have understood, from what he told me, that the vote of the College was to be a *complete* and *honourable justification*, not only of the *motives*, but of the *actual conduct* of the Committee, and a perfect *condemnation* of myself; I must, for the reasons fully stated already, protest, most peremptorily, against any such arbitrary assumption, and any such malevolent interpretation of what Dr Hamilton truly reported to Dr Hope, that he had said to me on the 5th of February 1805.

I do not think any man of candour and common sense will easily believe, that what Dr Hope has stated, in his fifth proposed resolution, as told him by Dr Hamilton, was the *whole* of Dr Hamilton's conversation with me; that I failed to ask him immediately what he meant by that, or what the College intended to do; or that he refused to answer my questions, and cut short the conversation by instantly running away from me, and that I neither run after him, nor went to the meeting of the College, to obtain a little further intelligence, with respect to a subject, in which I had the greatest and keenest interest. Such a belief, I should think absolutely impossible, in any persons who had read my Censorian Letter, and my letter to Dr Hamilton; and who must have known what an explicit and candid offer I had repeatedly made of acknowledging any error, and repairing any wrong, if it should appear that I had undesignedly committed any.

But I must, in my own vindication, declare, that the words which Dr Hope hath stated, or words to that effect, were just the *beginning*

of a short, but (to me, at least,) a very interesting conversation, that I had, in my own library, with Dr Hamilton; which conversation was carried on, as I thought, in the most friendly manner, and ended in a manner perfectly satisfactory to us both. All the particulars of that short conversation, which certainly did not last more than a few minutes, probably five or six at the utmost, I shall state, to the best of my remembrance and belief; leaving it to Dr Hamilton, and earnestly begging of him, to supply any defects, and correct any errors, that he may think he perceives in my account of it. I declare frankly that I have not, and never had, any written memorandum of it, or of my conversations with Dr Wright, on the same subject, the same day, and the day before; as I have had of many things of much less consequence. I did not dream of the possibility of those conversations (with Dr Hamilton and Dr Wright) ever becoming the subjects of angry dispute, or of any serious discussion; else I should certainly have put down, in writing, a full memorandum of them, the very day on which they took place. At the time when they passed, my attention to them was strongly excited by the keen interest that I took in the subject to which they related. I thought the tenour of them so plain that it could not be mistaken; and I am sure it was so interesting to me, that I could never forget it. I should no more have thought of putting down in writing a memorandum of those conversations, than of any of the most important occurrences in my life. I thought I remembered even the *words* in which the *things* most interesting to me were expressed: and my notion of the accuracy of my memory, in that respect, was well confirmed on my finding, by Dr Hope's fifth resolution, that Dr Hamilton had remembered the beginning of our conversation, and even the very words of it, almost exactly as I did. Nor was my confidence in my own memory of *words*, which has all my life been my chief help in remembering *things* that I had heard or

read, in the least shaken, though my astonishment was completely excited, and expressed, I believe, pretty significantly, when I heard Dr Hope read the declaration which he had obtained, when he, and Dr Spens, and the President Dr Stewart, went to take *ex parte* evidence from Dr Wright; for I was sure that there was some mistake in it; though I little dreamed that before that time, before I knew or suspected any thing of such a declaration being given by him, or such a proceeding being thought of by Dr Hope; as I understand immediately after he had given that declaration, Dr Wright had discovered what a strange error he had committed from inadvertency; had begun to recollect the particulars of his conversations with me, and the difference between them, and the full amount of the vote or resolution of the College, as it stands recorded in our minute book; had consulted that record, and also some memorandums of his own, which he luckily found; had recollected the peculiar circumstances of his conversations with me, and was able to give, from his own memory, very nearly the same account of them, that I had done, in the College, ten or twelve days before; with the addition of some particulars of them, which I had not mentioned, and of one particular that had escaped my memory, or at least that I had not thought of for a long time; but which I recollected perfectly when I heard it mentioned by Dr Wright, in the explicit declaration that he read to the College. I mean the circumstance of Dr Spens having told him, in conversation in Dr W's own house, "that he was "aware of his (Dr W's) sentiments, as well as of those of several "other members of the College, disapproving of the Report of the "Committee for revising the laws; and that they had exceeded "their powers."

Thus I had the pleasure of finding, that even Dr Wright's testimony, which my accusers expected would have gone completely against me, was most essentially in my favour; and that it, as well

as Dr Hamilton's declaration, also quoted as evidence against me, strongly confirmed what I had said and thought; and convinced me that I had not overrated the accuracy of my own memory, either as to words or things, relating to the information which I had received of the vote of the College in February 1805. I presume there are in the world some hundreds, perhaps some thousands, of men, I mean my own *quondam* pupils, who would agree in testifying, that I am well entitled to confide in the accuracy of my memory, even as to the words of many things that I have read, and think worth remembering and quoting.

As to Dr Hamilton's conversation with me on the 5th of February 1805, independently of all other considerations, many of which have already been stated, and others are sufficiently obvious, the very formal exordium of it, and still more the manner in which it was uttered, for Dr Hamilton spoke with much apparent embarrassment, would effectually have roused my attention, and excited my most eager curiosity; notwithstanding what I had learned from himself by his short letter, and from Dr W. by word of mouth, the day before: for what Dr H. said to me on the 5th of February, and still more the manner in which he said it, conveyed to me the notion, that it was intended as a kind of apology for something unfriendly to me, or something which he feared I might take amiss, or regard as departing from those sentiments that he had expressed to me very freely and repeatedly, and in which he and I had agreed most cordially.

I therefore asked him immediately, and probably with some keenness, what he intended to do. He told me, in substance, and, as I thought, in words, just what Dr W. had told me the day before, that there was to be a vote of thanks to the Committee for the great trouble they had taken in revising the laws, and that the College was to declare, that they had acted from the best (or purest) motives. I

am sure not only that I perceived no difference of any consequence between the sentiments conveyed, and the expressions employed to convey them by Dr H. and Dr W., but that I was struck with the remarkable coincidence of them, which I regarded as a proof of their fidelity in reporting what had passed. All these notions were fully confirmed, and my attention to them strongly excited, in less than four hours after, when Dr W. called on me again, and repeated the same kind of information with respect to the vote of the College, as I thought nearly or exactly in the same words that I had heard before, both from himself and from Dr H. To the best of my remembrance, I could not, even the day after those conversations passed, have specified any difference, of the smallest consequence, between what Dr H. and what Dr W. had told me, with respect to that proceeding of the College: and to attempt to do so now, after an interval of more than three years, with no particular assistance to my memory, would be folly and absurdity.

In reply to what Dr H. said to me, in answer to my anxious enquiry, I told him at once, that it was all very right, and that, if I were present, I should agree to that vote:—or words to that effect. I am convinced he heard me, and understood me; for he seemed to be gratified and relieved by what I said to him: and I think it very improbable that he, who remembers so well the beginning, should have forgotten that part, certainly not the least interesting part, of our conversation; which afterwards was continued, for a short time, without any further appearance of embarrassment on his part. In the course of it, and in answer to an enquiry of mine, he told me, that he believed the *Report* (by which I understood him to mean only that part of the report which related to the proposed change of our Act of 1754,) would be dropped (or withdrawn). Our conversation ended, as I have already mentioned, by my telling him, just as he was going away, that I should remain at home till the meeting

should be over; and that, if they wanted me, they might send for me.

I certainly have not the slightest remembrance of his having told me that the College intended to declare, and that he intended to concur in the declaration, that the Committee had acted in the most honourable manner. But I do not rely altogether, or chiefly, on that kind of *negative* memory: for I have uniformly had, from the hour of that conversation with Dr H., the most distinct *positive* memory that it conveyed to me a totally different meaning, according to which I regulated my actual conduct towards the College, till I learned, in the beginning of August 1806, that the College was attempting, directly and openly, to impose on its members an unlimited obligation of secrecy, which I thought illegal and dishonourable; and attempting indirectly, or by craft, to convey a censure on me which I thought unjust.

But, even on the force of *negative* memory, with respect to things so keenly interesting to me, as those which were the subjects of my conversation with Dr H., I should not scruple to declare, that I was confident he had not told me of the intended declaration by the College, that the Committee had acted in the most honourable manner; or given me any hint that excited in me the smallest suspicion that such a thing was proposed. That human memory is imperfect and very limited, and that we every day hear, nay that we see, a thousand things, which we do not remember, a year, or even a day afterwards, must be admitted by every person of sense and observation. I presume it may be said with truth, that none of us remember accurately and permanently, the thousandth, or the ten thousandth part of what we hear and see. Few persons, probably not one of ten thousand, could, by the utmost effort, first of attention to what they heard, and next day of memory to recollect it, give a tolerably distinct and accurate account of a long debate in Parlia-

ment, as Woodfall used to do, day after day, for months together, with great fidelity. Some persons, I believe, but probably very few, after hearing attentively a good sermon, half an hour long, on going home can write it down accurately from memory. But most of us, I suspect, in the same circumstances, would be unable to give a tolerably accurate account even of the general connected train of thought, and argument, and illustration of such a discourse, with all the help that the good arrangement of it affords: and after a few months, or weeks, would be unable to repeat accurately but a few of the best sentences of it. For my own part, though I have often found, on comparison, that my memory is better than most men's; but in no degree marvellous; I have always thought it a great atchievement, when I could get by heart ten or twelve lines on hearing them once recited, or by reading them silently once or twice. In such an exertion great assistance is given to the memory by the rhyme and the measure, as well as by the connected train of thought of the poetical composition.

Of course, I must frankly acknowledge, that, like other men, I do not remember all that I hear, nor even the thousandth part of what I hear, in conversation; and must admit, that *negative* is not in all cases, or even generally, of equal authority with *positive* memory. What a man distinctly remembers, he must believe to be true; and his testimony, with respect to what he positively remembers, is competent evidence of it. But his testimony, however true, that he did not remember something supposed to have been said or done, would be no evidence at all that it was not so. It might be perfectly true; nay, he might, at one time, have known, though he afterwards had forgotten it. This is well illustrated to others, and sometimes proved even to the satisfaction of the forgetful person himself, by his being enabled, or sometimes, as it were, forced, to remember distinctly, what, at one time, he could not recollect at all. The chief

helps to memory in such cases, are the recalling to the person's thoughts various circumstances preceding, concomitant, or succeeding, and relating to the matter in discussion; and, above all, a strict examination by a series of proper questions.

But that acknowledged principle, of the greater authority and certainty of *positive* than of *negative* memory, cannot be admitted universally, or applied indiscriminately on all occasions. There are many things, which, if a person has once known by seeing or hearing them, he can no more be supposed, in the natural and ordinary state of his faculties, to forget, than he can be supposed distinctly to remember things that he never saw, or heard, or knew. I have no doubt, that, in many cases, a witness examined upon oath, may be as fairly convicted of prevarication, or of perjury, in declaring that he did not remember some things which had happened, and which he had sufficient means of knowing, as he could be, if he declared, as from positive memory, things to be true which were not so.

Every body knows, from his own daily experience, on what general principles it is, that some things are always, in good faith, expected to be remembered, while a thousand times as many are, in equal good faith, expected to be forgotten.

Those things which excite in us strong emotion or passion; those things which engage our attention at the time when they become known to us, either as being new, surprising, or striking in themselves, or important to others; or, above all, such as are interesting to us, are distinctly and long remembered. Even when the memory has failed considerably, as it often does in old age, such things are commonly well remembered. An old man, says Cicero, never forgets where he has hid his money.—Things of an opposite description, not interesting to ourselves, or to others; not exciting emotion or passion; not engaging our attention; not, of themselves, important,

or striking, or surprising, may sometimes be well remembered, but are very generally soon forgotten; and no person, in good faith, can reasonably be expected to remember many of them.

With respect to things of the former class, which, according to the well-known laws of human thought, or sound metaphysics, we must all be presumed to remember, I conceive, that, in the ordinary state of our faculties, and waving all suppositions of extraordinary obliviousness from disease or from extreme old age, *negative* memory, even at a great distance of time, is almost or altogether as much to be trusted as positive memory. I think myself as well entitled to say, or to swear, that I did not commit an act of high treason, or a highway robbery and murder, yesterday, or thirty years ago, as I am to swear, that I dined in my own house yesterday, and slept in it last night. Yet the latter only is *positive;* the former, though infinitely more important, is merely *negative* memory.

My brethren must judge for themselves, whether these observations and principles are just or not; and whether they will act according to them on the present occasion.

I think myself well entitled, on the faith of negative memory, to declare, that none of them, except Dr Hamilton and Dr Wright, came to my house on the 4th and 5th of February, 1805, or gave me any information of the resolution of the College on that occasion. Would any of them individually (except Dr H. and Dr W.) have any scruple to declare the same? Or can any of them doubt, that their *negative* memory, in that important business, is just as much to be relied on, as their *positive* memory on any ordinary occasion?

I can say confidently, from *positive* memory, that, two or three days before the 5th February, 1805, I had a very animated and pretty long conversation with Dr Stewart about my Censorian Letter, and my Review; and as confidently, from *negative* memory, that he did *not*, either at that time, or at any time afterwards, inform me of

the resolution which he intended to propose to the council, and to the College; which I seriously think he ought to have done. Can Dr Stewart even now, at the distance of more than three years, have any scruple to declare the same things, and as confidently the latter, the evidence of which depends on *negative*, as the former of them, the evidence of which depends on *positive* memory?

Would any of my brethren scruple to declare, on the faith of negative memory, that they had no such conversations with me at that time on that subject?

Would any of them who were present at the meeting of the Council on the 4th, and at that of the College on the 5th of February 1805, scruple to declare, purely on the faith of *negative* memory, that Dr Hamilton senior did *not* communicate to them my long letter, which he received from me on the morning of the 4th?—If not, which I presume will be the case, then, whether they will acknowledge or not that they believe me, they must at least understand on what principles, and with what confidence, I should have declared, purely on the faith of negative memory, that neither Dr Hamilton nor Dr Wright informed me of the clause in the vote of the College expressing that the Committee had acted in the most honourable manner; and that neither Dr Stewart, nor any other member of the College, gave me at that time, any information at all about that vote.

That I have not the least memory of my having received any such information from Dr H. or Dr W., I am as certain as I am, that I have no memory of one of those gentlemen coming to my house, and giving me a slap on the face, and the other of them coming to my house, and telling me that I was a liar and a knave, and had published a false and scandalous libel on some of my own brethren: and I think I could no more have forgotten such information, than such extraordinary compliments as I have here supposed. If it be

possible, which I greatly doubt, that a man should forget even one such interesting compliment, it must surely be a man who has received many such, and to whom they have become so familiar, that they no longer attract his attention.

But, as I have already mentioned, I did not proceed on the faith of negative memory only, nor was it in my power to do so, when I solemnly declared that I knew nothing of that proceeding, against which I remonstrated as an unjust condemnation of myself, and which I characterised, as shewing a strange difference of opinion between my brethren and me, with respect to the principles of moral conduct: for, connected with that *negative* memory, so intimately that they could not be separated, was the corresponding *positive* memory, that the notion conveyed to me by the discourse of Dr H., and by that of Dr W., separately, was totally different; an implied admission that the Committee had done wrong; a very delicate, but easily intelligible censure on them for having done so; and an imperfect excuse for their having done so. That article of the vote of the College, which my brethren are pleased to maintain, that I knew of in February 1805, never could have conveyed to me any such notions: nay, it would have been perfectly inconsistent with such a notion, as well as with the withdrawing of the Committee's report. If Dr H. had informed me of it, I am sure I should have thought it then, as I do now, and have done ever since I first heard of it, in November 1806, contrary to the clearest evidence, contrary to the plainest principles of morals, contrary to those sentiments which Dr H. had expressed to me strongly and repeatedly, a complete contradiction of what I had, in my printed papers, most strongly and deliberately asserted, and a severe and unjust condemnation of myself. In all these respects, I think any information or hint of such a vote of the College, as being either intended or actually passed, would have attracted my attention most keenly, would have excited my

indignation, and would have made such an impression on me in February 1805, just as it did in November 1806, that I never could have forgotten it.

On this point, I need not enlarge: for I do not understand that any of the most angry, or the least angry of my brethren, suppose that I had forgotten it. The charge preferred against me seems to imply, that they think I knew of that vote, that I remembered it perfectly, that I could not have forgotten it, that I asquiesced in it for a year and nine months, and at last, after being publicly told of it in the College, and not before, and without any conceivable reason, falsely declared that I had not previously known of it. If they thought I acquiesced in it, they must admit that I did so, either believing it true and just, or not believing it true and just.—On either of these suppositions, the uniform tenour of my conduct, from the day of that vote, to the present hour, must convince my brethren, that their notion or supposition of my knowing it, has been erroneous: I mean especially my continuing to distribute my printed papers, and my insisting so peremptorily as I have done, on having an explanation of their admonition about secrecy, and of their vote, declaring that the Committee had acted in the most honourable manner, ever since I heard of those proceedings. If they thought I acquiesced in that declaration as thinking it true, and of course myself a liar and a knave, an easy reference to the complete evidence, which was perfectly known to them all, as well as to me, must in a moment convince them that it was impossible that I should ever think it true. If they thought that I, knowing their declaration to be false, yet pusillanimously acquiesced in it, as being afraid of them and their displeasure, and unwilling or ashamed to allow my own conduct to become a subject of public discussion; or, if they thought, that without being afraid of them, or ashamed or unwilling

to answer for my own conduct, I yet, knowing their declaration to be false, very kindly acquiesced in it for the sake of peace in the College, and, like a good-natured simple man, as I have always been thought, quietly allowed myself to be virtually proclaimed a liar and a knave, just to soothe the feelings, and save, if it could be saved, the credit of those men whom I had publicly and severely reprehended, for employing chicane and falsehood to accomplish, and, at the same time, to palliate a determined breach of faith;—if such was the very charitable and favourable opinion of my brethren with respect to me, and their belief with respect to the reasons of my supposed conduct in acquiescing in the *virtual decision*, the whole tenour of my conduct, from that time to this, as already specified, must convince them, that I was not of that meek disposition, and that I had no such intentions towards them, as they were pleased to fancy, or, if such a belief be possible, to believe without evidence, and contrary to evidence.

Hitherto, in this discussion of the pretended testimony of Dr H., and of the train of thought to which it naturally leads, I have proceeded on the supposition, which may be true for aught I know, and at least is the most obvious, and therefore must be assumed and admitted till he shall disavow it; I mean the supposition, that at the time of our conversation, 5th February, 1805, he knew of that article of the intended vote of the College, in which it is declared, that the Committee had acted in the most honourable manner. But, in that supposition, I apprehend that I may have done Dr H. some injustice: if so, it was altogether unintended, as he shall soon be convinced.

I hinted formerly, that I had some strong reasons for doubting whether at the time of his conversation with me, he knew of that clause of the resolution of the College; and even for thinking it more probable that he *did not*, than that he *did* know of it, at that time. Those reasons I shall now mention frankly, to the best of

my knowledge and belief; and shall state also some things, very intimately connected with them, very interesting to me, and which, from other considerations, I am sure must be true, whether Dr H. at the time of our conversation knew, or did not know, of that important clause in the resolution of the College. From this preamble, it may be judged, but I think it right further to declare explicitly, that I have no direct information from him with respect to his knowing or not knowing that clause of the resolution of the College at the time when he informed me of some other particulars of it, as what was intended, and as what he thought himself obliged to support. It must also be understood, that from the whole tenour of his discourse with me on the 5th February, 1805, I cannot infer, either that he knew, or that he did not know, of that clause. I mean, that, as far as I can remember, he said nothing to me that either implied his knowing it, or was directly inconsistent with his knowing it. So that, at this moment, it rests entirely with himself to say, whether he had or had not, at that time, any such knowledge. Most of my brethren, I presume, will be a good deal surprised, when I tell them, what is certainly true, that his declaration, quoted by Dr Hope, in his fifth resolution, as an article of testimony against me, was the *first*, and, to this hour, is the *only* proof, which I have seen or heard of, that he remembered even one word of our conversation in February 1805. In November and December last, I begged of him earnestly, nay, repeatedly importuned him as far as friendship and good manners would allow, perhaps rather farther, to say explicitly, what he remembered of our conversation, and to attend in his place at the meetings of the College, and answer publicly such questions as should be proposed to him by me and others. At one time I thought I had prevailed on him to agree to do so. He did not expressly promise to attend, but he spoke in such a manner that I expected it of him; and, as my brethren know pretty well already,

was much disappointed at not seeing him in his place on the 19th of December. The series of questions contained in the large bundle of papers, which my brethren saw in my hand that day, was calculated chiefly for Dr H., whom I intended to have examined first. Many of those questions, I believe about one half of them, they heard me propose to Dr Wright, whose answers to most of them were quite satisfactory to me.

I was as confident, as I could be from the concurrent evidence of *negative* and of *positive* memory, already explained, that the answers of Dr H. to my whole series of questions, in their proper order, would have been at least as satisfactory, else certainly I should never have referred to him as a witness in my favour; nor should I ever have importuned him to attend the meetings of the College, and answer such questions as might be proposed to him. Dr H., on perusing my letter to him of 4th February 1805, recognised it at once; and had no scruple in certifying it as the very letter which he had received from me on the morning of that day, and, at my own desire, had given me back. Nor did I find any difficulty in making him recollect, that it was not in the morning of the 5th of February 1805, but in the afternoon of that day, about three o'clock, and just when he was on his way to the College, that he called on me, and held with me the only conversation that we had at that time about College matters. But after trying it repeatedly, and pretty keenly, I found that he either could not recollect, or would not mention, any part of the substance of our conversation on that occasion; not even of what he said to me himself. This most extraordinary reserve certainly was not unaccountable; but I could account for it only on the supposition, that he found himself in a very unpleasant and embarrassing situation, or what is commonly called a *scrape;* the full discussion and public disclosure of which would be peculiarly vexatious to him.

In the course of more than thirty years acquaintance, I had uniformly found Dr Hamilton a man of sense, and probity, and veracity, and withal of a friendly disposition towards me. I should therefore have expected, that he, unless restrained by some very powerful consideration, would at once have declared, frankly and explicitly, what he remembered of our conversation in February 1805, as soon as he was informed of the *discovery* in November 1806; of which, to my certain knowledge, he was informed by myself, a few days after it was made; when I asked him, whether he had communicated to the council my long letter to himself, and, to my great surprise, learned that he had suppressed it. If he thought me right in my *declaration*, it would have been natural and proper for him to have declared what kind and degree of information he had given me of the proposed resolution of the College. If he thought me *bona fide* mistaken in what I had declared, it would have been still more incumbent on him, for my sake, and for that of the College, to have set me right, or at least to have endeavoured to do so, by telling me what he remembered, or understood, to have been the substance of our conversation on the 5th of February 1805. Nay, if he had thought me guilty of wilful falsehood in my *declaration*, which, to me, appears impossible, it would have been perfectly right, and no more than what was due to the cause of truth and justice, to have said so. No ordinary or slight considerations, I am sure, could have induced Dr H. to remain silent in such peculiar circumstances, when the opposite conduct, on his part, would have prevented at first, and afterwards would soon have terminated, a painful and disgraceful warfare in our College, with the strictest justice to all concerned.

It appears, even from the record of the proceedings of the College on the 5th of February 1805, that the resolution, with respect to Dr Spens and his Committee for revising the laws, as it came before the College, recommended by the Council, had not been contrived or ex-

pressed in a manner perfectly satisfactory to all the members of the College who were present, and who were expected to concur in it. The minute bears, that one of the members " 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." It is not mentioned, nor have I ever heard, who that one member was ; but I do not understand that it was Dr H. It is impossible to guess what is meant by objecting merely to the form of the motion ; or to what distinction the College intended to allude between the *form* and the *words* or *tenor* of the motion. There seems to be a studied obscurity in that clause of the record, implying, that the College did not wish the tenor of that objection on the part of one member to be particularly known : for if this had been the wish of the College, the nature and substance of the objection would have been stated clearly and precisely.

I have heard a surmise, the truth of which I have not been able to ascertain, but which must be well known to some of my brethren, that the objection, so obscurely mentioned in the minute, related to the *form*, or, what I should think, the *substance* or *tenor* of that part or clause of the motion ; and that there was something like the beginning of an unpleasant altercation about it, which was soon hushed up. I understood, however, that this was in the Council, on Monday the 4th, not in the College on the 5th of February. I have found it impossible to obtain any further information about that objection to the form of the motion, or the beginning dispute about the substance of that clause of it, so as to know whether or not they were parts of the same train of thought : and, I am sensible, that it would be much worse than indelicate, to urge any further or any public discussion about it ; which could do no good, and might do much harm. But I am sure that I can perceive nothing in the *motion*, as proposed by the Council, but that one clause, so often men-

tioned already, to which any person could seriously object, or to which I myself, though so much interested in the business, should have objected, if I had been at the meeting of the Council, or at that of the College.

I am also perfectly sure, as all my brethren probably are already, and at least soon may be, if they will take the trouble to consult our minute-book, that from the time when that honourable motion was adopted by the College in February, and finally sanctioned by it in May 1805, Dr Hamilton senior has never once appeared at a meeting of the College. I have even heard it announced, as from authority, in the College, that he never would appear there again. This intimation surprised me very much; for I expected, as I earnestly wished, to have seen him in the College that very day. He must have had very strong reasons indeed for taking such a resolution, or even for acting as he has done already, in absenting himself from the College for two or three years. Dr H. I believe, is too wise a man to tell any person what his reasons are for acting in that extraordinary manner, or taking such a strong resolution with respect to his future conduct; if such be the case; and as he has not a window in his breast, I cannot see clearly all his thoughts, nor even those relating to that one point.

But, without the help of such a window in his breast, or of any information from himself with respect to his thoughts, I and all my brethren *must*, from his actual conduct, *know, with perfect certainty*, one important sentiment of his, with respect to them and to the College; whatever his reasons may have been for entertaining such a peculiar sentiment. I mean that, ever since the day of that most honourable proceeding, he has preferred the honour of paying half-a-crown to the honour of sitting half an hour in their most honourable company. Such have been the first fruits of their most honourable conduct.

"O, thoughtless mortals! ever blind to fate,
Too soon dejected, and too soon elate;
Sudden those honours shall be snatched away,
And cursed for ever that victorious day."

A very few more such honourable and victorious days, followed each of them by only one such secession, would effectually put an end to the College; by making it too honourable for most men to aspire to the honour of becoming members of it; nay, too honourable for some, who have already the honour to be members of it, to think themselves worthy of the honour of attending its meetings, or taking any concern in its most honourable business.

If, from the time when my *Review*, and my *Censorian Letter*, were distributed, Dr Hamilton, instead of living with me on terms of intimacy and friendship as he had long done, had studiously avoided, and uniformly declined, all intercourse with me, and had continued to attend the meetings of the Royal College of Physicians as regularly as he did before, it would have been natural and very reasonable, for all who had no other means of judging of his sentiments but by his overt actions, to suppose, that he thought the Committee had acted in the most honourable manner; and that he regarded my printed papers as a false and scandalous libel, and myself as a liar and a knave. Nay, I think it would have been almost impossible for any such person to have formed a different opinion of his sentiments, with respect both to the Committee and to me. I could not easily, if at all, have adopted that opinion, in the supposed case; for several reasons: I was sure, that what I had said of the Committee was true; I was sure, that the evidence of it was perfectly well known to Dr H.; I was sure, that no member of the Committee, or of the College at large, had made any attempt, either to point out to me any mistake, or to call me to account for any supposed false-

hood, or injustice to them, in what I had said of their proceedings, though I had offered, most explicitly, to acknowledge and repair any errors that I might have committed, and to answer for the general tenor of my conduct towards them; I knew, even from the information of Dr H. himself, that the part of the report of the Committee, the declaration about the meaning of our act of 1754, which I had reprobated most severely, was to be withdrawn, and afterwards, from the information of others, I knew that it actually was withdrawn, and reconsidered, and finally retracted; and lastly, I knew that Dr H. had agreed with me perfectly in disapproving highly of the proposed change in our old law, and still more of the manner in which the Committee had attempted to accomplish it; and I could not know, nor even suspect, that he had changed his opinion, and adopted the directly contrary opinion, on those points, unless he himself had told me so. But if he had acted in the manner that I have stated hypothetically, I should certainly have judged that he thought my reprehension of the proceedings of the Committee too severe; and perhaps should have suspected that he thought I had done seriously wrong, in making such matters the subject of public discussion; and very probably should soon have come to an explanation with him, on those points, and on all others connected with them.

No such belief or suspicion, as in a preceding paragraph I have supposed, could occur to me in the real case; in which Dr H.'s actual conduct was uniformly the direct contrary of what I stated hypothetically.

Far from renouncing all intercourse with me, which, from what I know of his character, I am perfectly sure he would have done, if he had thought I had published a false and scandalous libel on some of our brethren, he continued to live with me on the same terms of intimacy and friendship as before; nay, with much more frequent inter-

course than formerly: but this may have proceeded from professional circumstances, which did not depend either on his will or on mine. While, at the same time, far from continuing his former duty to the Royal College of Physicians, by attending its meetings, and taking a share in its business, as before, he carefully and uniformly avoided all further intercourse with that learned, respectable, and honourable body; of which he had been a principal member, and distinguished ornament, for thirty years or more.

On the same principles, on which, in the opposite imaginary case that I have stated, I should have believed that he thought I had done something morally wrong and dishonourable, and that the other members of the College, individually and collectively, had been doing what was honourable and right, I necessarily, in the real case which occurred, believed just the contrary; namely, that he thought my conduct lawful and right, on the whole, though I had no doubt that he thought my censorian reprehension of the Committee by far too severe; and that he thought the proceedings of many, perhaps of a majority, of our brethren of the College, highly blameable and disgraceful. It was impossible for me to think that he should live in intimacy and friendship with me, and at the same time avoid or renounce all intercourse with the Royal College, because he thought me a liar and a knave; and because he thought the other members of the College men of sense, and probity, and veracity. Such absurdity, and such incongruity of thought and of actual conduct, are not in human nature.

But, in fact, I was not left to form my judgment of his sentiments, and of his reasons for acting as he did, merely by inference from his very different conduct towards me, and towards the College respectively: for he had, some months before his conduct became so remarkable, indeed very soon after the intentions and the proceedings of the Committee, with respect to our act of 1754, had become

known to us, told me very plainly what he thought of them; in which I heartily agreed with him. About that time, I mean in November, and the beginning of December 1804, Dr H. and I had several conversations about College matters; in the course of which we became, as I thought, pretty well acquainted with one another's sentiments, with respect to the proceedings of the Committee for revising the laws. It was in the course of one of those conversations, that I begged the favour of Dr H. to write to our colleague, Dr Freer of Glasgow, to learn from him how the physicians of Glasgow managed matters, so as to get their patients properly furnished with medicines: for I thought this a point of some consequence, in the discussion with my brethren which I had in view.

I had long understood, that the physicians, surgeons, and apothecaries of Glasgow, formed altogether but one society or corporation; so that I was almost sure there could be no law there as there is in Edinburgh, to prevent physicians from supplying their patients with medicines, if they thought it either for their own interest, or for the benefit of their patients to do so; but I understood, likewise, that just on these principles, and as being for the good of all concerned, the office of the physician was kept as distinct from that of the apothecary in Glasgow as it is in Edinburgh or in London, where the physicians and the apothecaries are formed into different corporations; each having, by law as well as by custom, its own peculiar privileges, and its own province. Dr H. most obligingly complied with my request; and obtained from Dr F. that information which I have stated in the 65th page of my *Censorian Letter*. It was perfectly in point, and quite satisfactory to me, and, I believe, to Dr H. also.

Any one of the conversations that I had, about that time, with Dr H. nay, even what I heard him say publicly in the College, at our quarterly meeting in November 1804, would have been more than

enough to convince me, that he thought as unfavourably of the proceedings of the Committee as I did. But one very short conversation that we had, either on the very day of our anniversary election, in the beginning of December 1804, or the day after it, convinced me, that he not only thought as unfavourably as I did of the proceedings of the Committee, but was even considering whether he should not act towards the College, in some measure, as, at that time, I intended to do; and at least withdraw from all further concern in its business, and of course from all further attendance on its meetings. He took notice to me of my having been absent from the election meeting; let me know that he understood it not to have been accidental, but intended; and expressed his wish, that he had done as I did. I am sure, that, at the time of this conversation, he knew nothing of my *Review*, which, about that time, I was engaged in writing; and as to my *Censorian Letter*, not one word of it was written; nay, it was but a day at the utmost, or perhaps but a few hours, before that conversation with Dr H. that I first thought of writing such a letter to my brethren. That thought was first suggested to me by my brethren, in my absence, appointing me one of their censors; which I thought they would not have done: And I wished to decline all such honours; which, after what had passed in our College, could have no charms for me.

What I understood, from Dr H.'s conversation, to be his intention with respect to his future conduct towards the College, was at that time a great part, but not the whole of my own intention. I acknowledge, without affectation, that I think his plan, as far as I understood of it, though less complete, was much wiser and better than mine. The plan proposed by the Committee, especially after the vexatious experience of the same proposal only eight years before, and, still worse, the *manner*, the stratagem, to give it no harsher name, by which they had endeavoured to accomplish their favourite

plan, at once precluded all hopes of a candid and rational discussion about it; insured the bringing it to the arbitrary decision of a vote; in which it was plain, from their conduct, that the Committee thought their chief strength lay; and also effectually put an end to all sentiments of mutual esteem and confidence among us. It seemed to me a complete specimen of a mean corporation trick. To have urged, even in the most open manner, such a plan, which many of us disapproved of as not only inexpedient or foolish, but morally wrong and dishonourable, and a downright breach of faith, would certainly have put an end to all sentiments of mutual esteem among those who urged, and those who opposed it; but this was made still worse, and all possibility of future confidence was at an end, from the moment when it appeared that those who favoured the plan had deliberately resolved to accomplish it by a kind of trick and deceit.

In such circumstances of painful and endless dissension, and still more painful distrust, where there used to be mutual esteem and confidence, it was natural and reasonable for men who had no genius for corporation tricks themselves, and no relish for such tricks when practised by others, to think of withdrawing from all further concern in the business of such a society. This any one of us might have done, either by silently ceasing to attend its meetings, as Dr Hamilton has done for three years past, without assigning any reasons for such conduct; or by publicly resigning his place as a Fellow of the College, and explicitly declaring his reasons for doing so. This had been my intention even in the year 1796, on occasion of Dr Spens's motion to repeal, in part, our act of 1754, if that motion had been carried: of which, at first, I apprehended great danger; especially as it was made under the auspices of Dr Spens's father, who was at that time President of the Royal College. By what Dr Stewart told me, on the authority of Dr Spens, in the end of January, or the beginning of February 1805, I understand that those ap-

prehensions of mine were well founded; but certainly, in consequence of what passed in our frequent, long, and painful debates about that motion in the College, I had ceased to apprehend any danger of its being carried, sometime before Dr Spens dropped it in November 1796; and had wondered much at his persevering in it so long.

But from the very extraordinary manner in which the same proposal (in substance) was smuggled into the College in 1804, and the great care taken to bring it to the decision of a vote with as little debating about it as possible, I could have no doubt that Dr Spens and his Committee had secured a majority of votes in favour of it, and were resolved to carry it in that manner, by a kind of force, regardless of every argument or consideration that might be urged against it.

Of course, I resumed my former intention of withdrawing from the College, if that should be done; and of this intention I gave Dr Spens a pretty broad hint, when I called on him a few days after his plan had become known to the College, and when I endeavoured, in a friendly manner, to remonstrate with him on the subject, and to prevail on him to desist in time from his strange attempt, by warning him of some of the most probable consequences of persevering in it. I observed, that he was neither surprised nor disconcerted by my strong hint of the probability of my withdrawing from the College altogether; which made me think that he expected that conduct of me, and perhaps of some others of our members, and was prepared for it, and did not care, provided only he carried his point.

About a month afterwards, I chanced to learn, as I thought, by a single word which dropped from Dr James Home, that it was pretty well understood in the College, that some of us would withdraw from the College, if that part of the report of the Committee which tended to subvert or falsify our law of 1754 should be adopted. The substance of his conversation with me, on the 8th of December 1804, is

mentioned in my Censorian Letter, page 9th; but one of his expressions, not mentioned there, was, that he wished to prevent a *secession* in the College. His use of this word, which I presume was purely casual, strongly conveyed to me the notion, that he, and the partisans of the proposed falsification of our old law, including Dr Hope, who, by Dr Home's account to me, was more determined upon it than any of the others, were perfectly aware, that, if they accomplished their purpose, it would drive some of us from the College; and that, nevertheless, some of them, especially Dr Hope, were resolved to accomplish it.

If Dr Hamilton had ceased to attend the meetings of the College from and after the quarterly meeting in November, or the anniversary election meeting of it in December 1804, as he has done ever since the quarterly meeting of it in May 1805, I must, even from what he told me explicitly and repeatedly of his sentiments, with respect to the conduct of the Committee, and without any further enquiry or information about his reasons for acting in that manner, have believed, that he withdrew from the College purely in consequence of his strong disapprobation of the proceedings of the Committee, both with respect to the attempt to subvert our act of 1754, and the very peculiar manner in which this attempt had been made. Of his sentiments on both these points, but especially on the latter of them, the College had a pretty good specimen at their quarterly meeting in November 1804, immediately after Dr Spens the President, to the great astonishment of some of us, and of myself in particular, announced, from the chair, that part of the report of the Committee.

If I had quietly withdrawn from the College, by ceasing to attend its meetings after that day, without formally resigning my place as a fellow of it, and without assigning any reasons for my conduct, I am convinced, that Dr Hamilton, from what I had told him, in se-

veral different conversations, in November and December 1804, would have understood perfectly that I did so, in consequence of my keen indignation at those proceedings of the Committee, which I considered as morally wrong and dishonourable.

Without any minute or explicit discussion of the principle on which our sentiments, with respect to such things, depend, I presume every one of us, who is capable of thinking clearly and precisely, and of perceiving the difference between what is right and what is wrong and dishonourable in human conduct, must feel himself much more deeply and painfully interested in things which he reckons dishonourable, when they are done by a majority of his brethren in the name of the College, though against his will, than if the same, or much worse things, were done, equally against his wishes, by the same persons acting individually. In the former case, we not only disapprove and regret the wrong that is done, but we feel, to our sorrow, that we must, though very unjustly, share in some measure the disgrace of it. In the latter case, we only disapprove the wrong, and regret the evil done, and the disgraceful or ruinous consequences of it to those who did it; but we do not share the disgrace or the ruin ourselves.

If any supposable number of our colleagues, as individuals, should be guilty of high treason, and should be hanged for it in due course of law; we, who did not engage in the treason, should no more share the disgrace of it, than we should the hanging of so many of our brethren. We should certainly regret the treason, and lament the untimely end of our colleagues; but, I presume, none of us would think it necessary to resign our places as Fellows of this College, or even silently to withdraw from it, by ceasing to attend its meetings: for none of us could think, that high treason committed by a dozen of our brethren individually, brought any disgrace on our profession, or on our College. But not so, if an equal number, or any number

amounting to a majority of us, should, in the name of the College, engage in any scheme of treason, or of felony, or in such a misdemeanour as smuggling or stock-jobbing, or even commit such a trifling peccadillo, as falsifying one of our own laws which they wished to get rid of, but durst not openly repeal, because this would be a bare-faced breach of faith; their obedience to that law having been the preliminary and indispensible condition of their being allowed to become, or to continue members of this College; or if they should, in the name of the College, do any thing which, though not forbidden, nor consequently punishable by law, is yet by the common sense of mankind in general, or by the sentiments and customs of our countrymen in particular, reprobated as illiberal and dishonourable: as, for example, authorising the members of this College to keep secret medicines, to go snacks with the apothecaries, and to stipulate with their patients for a certain recompence, before giving them professional advice. In every such case, real or imaginary, the disgrace would fall on our College and on our profession in general; and those who in vain opposed such dishonourable proceedings, would, most unjustly, suffer as much, by being degraded in public estimation, as those individuals who alone did the wrong. In some of those cases, but not in all of them, the wrong done might be undone in a court of justice; but in no case of this kind can the disgrace of having acted illiberally and dishonourably be removed, either by a court of justice, or by any power known in this country. I presume, my brethren are, by this time, pretty well convinced, that the proposed falsification of our act of 1754, if it had been adopted and sanctioned by the College, would soon have been set aside in a court of justice; but the decision of the court, far from setting aside the disgrace brought upon our College, and upon our profession, nay, even upon all of us individually, would have confirmed it for ever, and made it the more generally known.

As some of my brethren probably will not choose to understand, and many of them certainly will not relish, these metaphysical disquisitions, I shall endeavour to explain my meaning, by a familiar illustration. I have heard of an English country gentleman, who observing in his wife some little symptoms of levity, took the liberty, by way of precaution, to address to her a most affectionate remonstrance; which, in point of metaphysical acuteness and precise distinction, would have done honour to Aristotle himself. "My dear," said he, "if you could be a whore, without making me a cuckold, I should have no objections?" I have not heard whether his metaphysics had the proper effect on his giddy help-mate; but if not, I am sure no other argument would have any weight at all with her, as she could easily set them all aside without the ceremony of a debate, or even of a vote. And the honest John Bull judged rightly, that it was worth while to try the force of that only promising argument with his wife; for if it should have succeeded, he would have gained his point, on which, however frivolous it may appear to wise men, he seemed to have set his heart; and if it should have failed, he would have been no worse than he would have been if he had not tried it: he would still have had his choice, either to put his horns in his pocket, as all wise and well-bred men do of course; or to apply to Doctors Commons, and to the British Parliament, to undo the work that his wife had done; which undoing, is at best but a tedious, clumsy, expensive, vexatious operation, and not always quite successful.

Cornus proclaims aloud his wife's a whore:
Alas, good Cornus! what can we do more?
Wert thou no cuckold, we might make thee one;
But being one, we cannot make thee none.

My brethren, however much they may differ from me in point of metaphysics, will, I trust, find no difficulty in understanding, with the

help of that plain and familiar illustration, how it comes to pass, that some of us, who would think it downright folly and impertinence to interfere in their personal or in their family concerns, or to attempt to hinder them from doing as individuals whatever they please, and going to the devil their own way, do yet conceive that we have a strong interest, and a right, to watch their proceedings with respect to College matters; to endeavour, by all lawful and honourable means, to restrain and prevent them from doing what we think illiberal and dishonourable; and if we cannot hinder them from doing such things, to testify, in the most public manner, our disapprobation of them, to declare that we had no share in them, and to decline all further connection with a set of men, whose principles of moral conduct seem to be irreconcileably different from our own.

That some such sentiments of strong disapprobation of some of the proceedings of this Royal College about three years ago, induced Dr H. to withdraw from it in the manner that he has done, by ceasing to attend its meetings, without assigning any reason for doing so, cannot be doubted by any person who regards him as a man of sense and probity. But it is not quite so evident what the particular proceeding of the College was which produced in Dr H. those strong sentiments of disapprobation and disgust. I can hardly believe that it was his indignation at the conduct of the Committee in endeavouring to falsify our act of 1754, and at the very strange manner in which they had endeavoured to accomplish that favourite purpose: for, in the first place, that part of their report was not adopted by the College; in the second place, it was withdrawn and reconsidered, and finally retracted and suppresed by the Committee, after they knew how much it was disapproved of by some members of the College, and avowedly in consequence of their knowing that it was so; and, in the third place, Dr H. actually attended in his place, and took a share in the proceedings of the College, at two suc-

cessive quarterly meetings of it, (those I mean in February and in May 1805,) the first of them three months, the second six months, after he knew of that report of the Committee. As little can I believe, partly for the same, and partly for some other still stronger reasons, that he withdrew from the College in consequence of his disapprobation of my conduct, in printing and distributing my *Review* and my *Censorian Letter:* for, in the first place, the general strain of sentiment, in those papers, is just what I knew to be his own, as having repeatedly heard it from himself; so that my demerit, if I had any on that occasion, could be only that of inculcating too strongly, and illustrating too clearly, those notions which he approved, and knew to be right; in the second place, it is hardly possible to conceive that any fault of mine, however great or unpardonable he might think it, should induce him to withdraw from the College, and at the same time, to cultivate my friendship, and to live in intimacy with me; and, in the third place, he attended in his place, and took a share in the business of the College, at those two quarterly meetings, the one full ten days, the other more than three months after my printed papers were distributed.

From these considerations, it seems to me impossible not to infer, that Dr H. whom, till I shall see evidence of the contrary, which I do not expect ever to see, I must continue to regard as a man of sense and probity, avoided all intercourse with the College from and after the quarterly meeting in May 1805, *not* in consequence of the report of the Committee of 1804, nor yet in consequence of my conduct, but in consequence of something done by the College, and which was not known to him before the meeting of it on the 5th of February 1805, but which probably became known to him at the meeting in May, at which he was present, or at least before the meeting in August 1805, from which, as well as from all the subsequent meetings of the College, he has been absent. It seems to me also impossible not to infer, from the same obvious and

certain considerations, that the proceeding of the College, which induced him to withdraw from it as he has done, was no trivial or common matter, but something of very serious importance; and withal, that it was something which did not hinder Dr H., or in his opinion make it improper for him, to live in intimacy and friendship with me.

On perusing with the strictest attention the record of the proceedings of the Royal College about that time, I can find nothing in them of such a nature, and of such importance, as to make Dr H. think of withdrawing from the College, except only its unanimous resolution, with respect to the conduct of Dr Spens's Committee for revising our laws; and of that resolution I can see no part, except the clause often mentioned already, under the name of the *virtual decision*, I mean the declaration, that the Committee had acted in the most honourable manner, implying, that my printed papers were a false and scandalous libel; which could have justified so strong a measure on the part of Dr H., or could even have suggested to him such a thought, as that of withdrawing from the College. That declaration, like every other proposition, *must* be either true or false. Dr H. *must* have known whether he *thought* it true or false. Nay, as he was perfectly well acquainted with all the facts and circumstances by which the truth or falsehood of it was to be determined, I do not scruple to say, that he *must* have *known* whether it *was* true or false. If it *was*, or if he *thought* it *true*, he *must* also have thought it honourable and right: he must have concurred in it honestly and heartily; it *could* have been *no reason* or *pretence* with him for withdrawing from the College, and it *must* have been a *decisive reason* with him for avoiding all further intercourse with me. But, on the other hand, if that declaration on the part of the College *was false*, or if he *thought it false*, which, from what he told me repeatedly, two or three months before of his sentiments, with respect to the

proceedings of the Committee, I am *sure he would have thought it at that time*, just as I have uniformly done ever since I knew of it, then it could be no reason with him for avoiding all further intercourse with me, and a very cogent reason for avoiding all further intercourse with the Royal College; just as he has done for three years past.

He *must* either have *known* or *not known* of it at the time of our conversation, just before the meeting of the College on the 5th of February 1805. If he knew of it at that time, when he was going to concur with his brethren in adopting and sanctioning the whole of the resolutions which the Council had agreed to recommend to the College, he *must* either have thought it *true*, or *must* have thought it, *if not true*, at least *honourable* and *right* for certain considerations, which he deemed of higher authority than pure truth. If he either thought it *true*, or even *honourable* and *right*, though *false*, it could be no reason with him for withdrawing from the College, especially after he had deliberately gone to the meeting of the College and concurred in it. If he did not know of it at the time of our conversation on the 5th of February 1805, but discovered it afterwards, either at the meeting of the College that afternoon, or at the next quarterly meeting of it in May, when the minutes of the meeting in February were read, and if he thought of the *virtual decision* then, as I have done ever since *I* knew of it in November 1806, and as I am sure *he* would have done in November and December 1804, this simple key will explain a great part, if not the whole of the cipher: will fully account for his conduct in attending the meetings of the College in February and May 1805, and absenting himself from all its subsequent meetings, and continuing to live, as he had done before, in intimacy and friendship with me. It also tallies perfectly with what I remember of the tenor of his conversation with me on the 5th of February 1805. I can recollect no word of it that excited in me the slightest suspicion, that the College meant to express any approbation of the actual conduct of the Com-

mittee, or to convey, even by the most obscure implication or innuendo, any censure on my conduct; and I am sure, as the uniform tenor of my subsequent conduct has amply testified, that the meaning conveyed to me by Dr Hamilton's discourse that day was totally different: namely, that the College intended to express their approbation of the motives of the Committee, as a kind of excuse for what they had done, and which the College did not choose to sanction; and that the College intended to thank them for the great trouble they had taken, and yet, at their own desire, give them leave to withdraw their Report, the produce of that great trouble and to suppress that part of it which several of us disapproved, and which I had reprehended publicly and severely. I *knew*, likewise, that no individual member of the College, nor, consequently, the College as a body, chose to enter on any discussion with me about the truth of what I had asserted, the justness of the sentiments which I had expressed, and the rectitude of the conduct which I had pursued, with respect to them collectively and individually; for none of them had accepted the very explicit and candid offer on those points which I had repeatedly made to them, and even pressed upon them. *I thought I knew* why they declined that offer; which I am sure was all that men of sense and probity could have expected or wished from me. I thought they had all been sensible, that every thing which I had asserted as a matter of fact, with respect to their proceedings, however unfavourable to them, was strictly true, and well known to themselves, and what might easily be proved, by referring to their own records, and to the Report of their Committee; that the sentiments of strong disapprobation, which I had expressed with respect to the conduct of the Committee, were unquestionably just and self-evident; and that the general principles, as well as the particular facts, which I had stated, being admitted, they could not, without absurdity, as well as injustice, have proposed to censure me

for what I had done; nay, that they could not, even without a very singular kind of folly, which would have made bad worse, and been absolutely ruinous to themselves, have proposed to make my conduct the subject of strict or judicial inquiry. And as to the expedient which they actually adopted, of condemning me by innuendo, or implication and craft, without hearing me in my defence, without the ceremony of any inquiry, without allowing me to acknowledge any errors, and repair any wrongs which I might have committed, and withal in opposition to the most complete evidence, the notion of such a strange unheard of proceeding, never did or could occur to me. If it had, I should very soon have ascertained, whether or not, at the time of our conversation on the 5th of February 1805, Dr H. knew of such a plan; and, if I had found that such a proceeding was in contemplation among my brethren, I should very soon have convinced them that I was not in a humour to acquiesce in it, even for an hour. But having no suspicion that such a plan was or could be intended; and having perfect confidence, not only in the purity of my own motives, but in the rectitude of my own conduct, I never dreamed of putting any questions to Dr H. about it; so that, at this hour, I do not know, nor have I ever heard, directly or indirectly, from himself, whether or not, at the time of our conversation, he knew of that plan.

It is proper to mention here, that the strong surmise of his not having known of it at that time, but having afterwards discovered it, did not occur to myself. It was suggested to me by two gentlemen, separately, intimate friends of Dr H.; to both of whom it had occurred, in consequence of what they knew of his upright character, and of his conduct towards me, and towards the College during the last three years.

The notion of Dr H.'s principles of action in that thorny business, which I had originally formed to myself, (I mean after the *discovery*

of the *virtual decision* in November 1806,) and my mode of explaining his conduct, from first to last, both towards me and towards the Royal College, was very different from that which his two friends had adopted separately, and which, as far as I know, they had never communicated either to him or to one another. My notion of those matters *must* be mentioned in its proper place: for it is one of the alternatives, or horns, of a dilemma, from which it is impossible to escape, and of which it is fair that he should be allowed to choose which ever alternative he pleases; or rather which ever he *knows* to be true; for this he *must know* perfectly. But, in candid and strict reasoning, it is necessary that he should choose one alternative or the other; unless my dilemma, which is founded on the supposition that he knew of the *virtual decision* at the time when he informed me of some other parts of the intended resolution of the College, 5th February 1805, shall be precluded, by its being declared, or admitted by him, that at the time of our conversation that day, he did *not* know of it.

Perhaps I shall be more clearly understood on this point, when I say, that my dilemma, which I reckon of some consequence in this discussion, because I am sure it must tend greatly to assist Dr H. in recollecting the tenor of our conversation on the 5th of February 1805, is founded on a previous dilemma, which I had not thought of stating as such; but of which I had, somewhat rashly, though I am sure very honestly, taken for granted one of the only two possible suppositions. This previous supposeable dilemma is, that either he *knew*, or *did not know*, of the *virtual decision* at the time of our conversation. Of this alternative, I had, *bona fide*, taken the affirmative proposition; not even thinking of the opposite negative as a thing possible, or rationally supposeable. But the moment that I heard of it, (the negative,) as the supposition which had occurred to one of Dr H.'s most intimate friends, and appeared to him the more pro-

bable of the two possible suppositions, I was struck with it as being a better key to the cipher, or affording a more simple and complete explanation of Dr H.'s conduct towards me and towards the College from first to last, than either supposition of my dilemma; and I have thought it my duty, in point of candour, as well as strict reasoning, to consider it fully, and to state it explicitly, as I have done in the preceding pages; because it is a supposition more favourable to Dr H. than either supposition of *my* dilemma; though neither supposition of it is unfavourable or dishonourable to Dr H.; and either of them equally would, I think, enable him to recollect the substance, or general tenor, of his conversation with me. As to the credibility of the supposition, that he, at the time of our conversation, did not know of the virtual decision, there are evidently but two possible ways in which this could have happened: either that he had *not heard* it, or that though he *heard* it, he had *not understood* it, at the meeting of the Council on the 4th of February 1805.

The latter supposition I set aside at once, without any discussion; for I have perfect confidence in the soundness and acuteness of his understanding; and should, with perfect confidence, rely upon it on much more difficult occasions. But I have not just the same confidence in the acuteness of his sense of hearing: and I can well believe, that in a desultory discussion at a meeting of the Council, that clause of the intended resolution of the College may not have been heard by him, or may have been heard by him so imperfectly as not to attract his attention. If so, it could not fail deeply to engage his attention, and to appear to him a matter of very serious importance both to himself and to me, when he distinctly heard it read in the meetings of the College in February and in May 1805; and still more when he read it in good print, as it was distributed very freely, but unknown to me, soon after the latter of those meetings. In such fairly supposeable circumstances, I can well conceive, that Dr

H., acting from the purest motives, and in the most honourable manner, might wish to shew me, by his subsequent conduct, that he had never intended to do any thing so unjust and unfriendly to me as that *virtual decision* certainly was; and also, for his own sake, to avoid all further intercourse with a society of men, who, in so important a concern, had deliberately acted in a manner repugnant to every principle of candour, truth, and justice; while yet, for the sake of peace in the College, or rather to prevent further and more violent warfare among us, he neither publicly resigned his place as a Fellow, nor avowed his reasons for withdrawing from the College; nor yet informed me of its *virtual decision;* the slightest intimation of which, he could not fail to know, would instantly produce a violent explosion.

On the same principles, I think it reasonable and candid to judge, that the printing and distributing that *virtual decision*, as was done very freely by some of our brethren, without the authority of the College, in summer 1805, might confirm his purpose of continuing to act towards me in the very friendly manner that he has done since that time, and hasten his resolution of withdrawing from the College before the explosion should take place, which he must have expected that publication to produce sooner or later; and most probably very soon. As it is plain, from the whole tenor of his conduct, that he has no more relish for medical warfare than he has for corporation tricks, it was very natural, and very wise for him, *to flee from the wrath to come.* But this is not mere conjecture or speculation: for a few days after the *discovery*, in November 1806, and only *two days* after I had told him of it, and hinted to him, in the gentlest terms which I could contrive, that I was a good deal *surprised* at it; and asked him, whether he had communicated to the Council my letter to himself of the 4th February 1805, I chanced to hear that he had expressed, pretty significantly, that sentiment. His words, as re-

ported to me, by one on whose accuracy I am sure I can rely, were, "We shall all get it!" meaning, as I understood them, that he expected that he himself, as well as his brethren, would experience some very angry remonstrances, on my part, in consequence of my having at last discovered that very extraordinary virtual decision of the College, which had been so long concealed from me. That expectation was very natural and reasonable; and would certainly have soon been fulfilled to its utmost extent, if the business had been of much less importance. But it appeared to me so very serious in its nature, and in its probable consequences, that no remonstrances, angry or friendly, with Dr H., were to be thought of, till I should first have vindicated myself from the foul injustice that had been done me. For this purpose, I wished to know, on what principle he had acted, when he concurred in that resolution of the College, 5th February 1805, comprehending the *virtual decision* against me; whether he did so, merely to avoid quarrelling with Dr Spens, Dr Hope, Drs Duncan senior and junior, Dr Buchan, and several other members of the College, who, it was pretty well understood, favoured the plan of the Committee, or whether he was also *bona fide* desirous to prevent all further discussion and warfare in the College about that unlucky business. I think the expedient which I employed for that purpose was a very neat one; perfectly fair and honourable, but withal such as could not fail to be completely successful. The first time I met Dr H. after the *discovery* in November 1806, which was very soon after it, I mentioned it to him in the gentlest terms, without the least hint of any remonstrance or complaint, on account of the share that he had had in the virtual decision, or implicit condemnation of me; told him only that I was much surprised at it; and asked him, very calmly, whether he had communicated to the Council the long letter which I had written to him on the morning of the day of its meeting. He told me he had not: and on my ask-

ing why he had not, he said I had not desired him to communicate it. This was perfectly true, as I found on perusing the letter: but I thought I had desired him to communicate it, or the purport of it, to the Council; and, in case of need, to the College at large: for certainly it was written with that intention, as the tenor of it amply testifies.

As Dr H. acknowledged at once, that he had not communicated to the Council that letter of mine, which surely bore a very intimate relation to the business under discussion; and as the communicating of my letter, or mentioning the substance of it to the Council, or to the College, could not have produced any quarrel between Dr H. and his brethren, and must infallibly have produced, without delay, a complete and public discussion of the truth or falsehood of all that I had said in my printed papers, and of the merit or demerit of my conduct, and of the proceedings of the Committee that had given occasion to my censorian reprehension, for which kind of discussion he and all my brethren knew that I was well prepared and well disposed, I necessarily gave him credit for having suppressed my letter, from his honest earnest desire to prevent such a discussion, and to preserve, or to restore as soon as possible, peace in the Royal College. Of course, I extended the same liberal and favourable construction, not only to his conduct, but to that of some others of our brethren, who, in November and December 1804, had thought as unfavourably as he and I did of the proceedings of the Committee, had very freely, in repeated conversations with me about that time, expressed those sentiments, and yet, on the 5th of February 1805, had concurred in declaring, that the Committee had acted in the most honourable manner, without ever intimating to me that they had totally changed their opinion on that subject, or mentioning to me any one of those considerations which had induced them to do so, and which, if they were sincere in their professions, and seriously belie-

ved that very extraordinary declaration of the College, in which they had agreed, they must also have believed, would have had just as great weight with me, as they had had with themselves, and of course have put an end, in the most satisfactory and honourable manner, to all our dissensions on that most vexatious subject, by convincing me of my errors, and inducing me instantly, according to the tenor of my explicit and candid offer, to acknowledge those errors, and repair, to the utmost of my power, the wrongs which I had done to my brethren, as soon as they should let me know what errors and what wrongs I had committed That offer had been so strongly expressed in my Censorian letter, of which Dr H. received a copy just ten days before the 5th of February 1805, and so explicitly repeated in my letter to himself the very day before it, that I am sure Dr H. could neither have overlooked it, nor forgotten it, nor yet distrusted my sincerity in making it. Indeed the very peculiar circumstances in which I had deliberately placed myself, precluded all thoughts and all possibility of any disingenuity, in that respect, on my part; even if it had been my inclination, or my interest, to employ such disingenuity. But it is evident, from all the circumstances of the case, that I could have no interest, and no wish to act so dishonourably, on such an occasion. I had every thing to lose, and nothing to gain, by such base conduct; which *must* instantly have been detected and exposed, *must* have brought ruin and infamy on myself, and *must* have afforded the most complete triumph to my adversaries, whom I had censured so severely for breach of faith, chicane, and falsehood.

From these strong and obvious considerations, which *must* have been perfectly well known to Dr H. and to all my brethren; I do not scruple to say, that all of them, who seriously believed their own declaration, that Dr Spens and his Committee had acted in the most honourable manner, but more especially Dr H. and those other in-

dividuals of our number, who had originally entertained, and very freely expressed to me a totally different opinion on that point; and had changed, for good reasons, that opinion, *must* have known, with *moral certainty*, that the same reasons, which had so easily determined their opinion, would infallibly, when explained to me, make me change mine, and declare that I did so, and acknowledge my errors, and repair the gross and cruel wrongs that I had done to so many of my honourable and unoffending brethren. Surely all of them, who were sincere in their declaration, or *virtual decision*, must eagerly have wished *that* to be done without delay. Yet not one of them, to the best of my remembrance and belief, ever made the smallest attempt to get it done, or even put it in my power to do it, by pointing out to me wherein my supposed errors and pretended injustice to my brethren consisted; or by telling me what plain and strong considerations had made so many of them change completely that unfavourable opinion of the proceedings of the Committee, which, of their own accord, they had frankly and repeatedly expressed to me.

Such uniform and apparently systematic conduct, on so interesting a subject, in so many of my brethren, nay, in one respect in them all, is at least very wonderful, if not even absurd, or morally wrong. It certainly was not doing to others as they would have wished others to do to them. It was not fair and honourable, either to me, especially after such a candid offer as I had made them, or to Dr Spens and his Committee, whom, by their *virtual decision*, they professed to think that I had so greatly injured. That uniform conduct on the part of so many of my brethren, if not absolutely unaccountable, certainly is not easily to be accounted for, on the supposition that they all knew, and sincerely believed, their own declaration, or *virtual* decision. To me it appears hardly, if at all, consistent with that supposition. But it would *in part* be accounted for on the sup

position that some of them, for example Dr H. at the time of our conversation, did not know it. It would still more be accounted for on the supposition, that, though they all knew of it, they did not wish to enquire whether the *declaration* were true or false; but were eager, for the sake of peace in the College, to prevent all discussion about it, and to hush up the business as soon as possible, without giving me any trouble in the matter, or even letting me know of it; lest this should induce me to examine and analyse their peace-making declaration, and of course expose me to the mortification of being obliged, according to the public and most explicit offer which I had made them, to acknowledge my manifold errors, and repair the shameful wrongs that I had done to my honourable brethren. And *the whole* of their conduct would be perfectly accounted for, on the supposition, which I am not entitled to assume, unless my brethren shall make *this* absolutely necessary, by obstinately rejecting all other possible and more probable suppositions with respect to it; that they all knew perfectly that their own declaration was false, but concurred in it from the best, and purest, and most honourable motive—the wish for peace in the College, without any malevolence to me; and that they thought it necessary to keep me ignorant of it, as well knowing that I would never acquiesce in it, and that the moment I heard of it I would make it a subject of the most painful, and rigorous, and public discussion, and of the most violent warfare in the College.

Strong as these considerations are, so very strong, and all tending so evidently to the same point, that if Dr H. were not alive, and well, and able to answer for himself, I should hardly scruple to conclude from them, that at the time of our conversation, 5th February 1805, he did not know of the *virtual decision*, I am perfectly sensible that I am not entitled to obtrude on him that supposition; and I am sure I have no wish to do so. He is well entitled to choose

and speak for himself; and it will be infinitely better for my purpose, one essential part of which is to get what has hitherto been refused me, a full, strict, candid explanation of the *virtual decision*, that he choose for himself the other supposition of the previous dilemma, (stated page 257,) and declare, that he knew of that declaration, and heartily concurred in it. I am sure, that Dr H. as a man of sense and probity, especially if he appear as a witness, will never attempt, as my brethren of the College, acting as a body, in his absence, have done, to evade my very fair and reasonable questions on that point, which is most interesting to me; and, I may safely add, to the College also.

My brethren will please to observe, that, in my letter to the President, 2d November 1807, now printed among the documents (pages 99 to 101.) I had earnestly required of them—not to retract any part of what they had said, (in their declaration, or *virtual decision*, 5th February 1805), which it would have been very unreasonable in me to have expected, and highly disrespectful to the Royal College, to have required of them, but only to explain it precisely and candidly. At the same time, I stated fully and explicitly, of what great importance it was to me to obtain from them such a complete and authentic explanation of their own virtual decision; the ambiguity of which appeared to me to be studied and intended, and certainly was very great and glaring. That ambiguity I pointed out to them; and shewed them, that from the words of their declaration, or *virtual decision*, even after admitting, what could not reasonably be denied, the implication and allusion to me strongly avowed by Dr Duncan senior, it was *impossible* to know whether they meant to condemn me to infamy as a liar and a knave, who 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;—or whether they meant to declare that I was 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. For the sake of complete precision and accuracy, and wishing to leave my brethren no pretence of mistake, or, as I thought, no possibility of any disingenuity, or evasion, in their answer to my most reasonable and fair request; I stated it to them also, in the technical terms of logic, which, I thought most, or all of them, must have understood. I begged to know, whether they meant to deny the *major* or the *minor* of that plain regular *syllogism*, into which *my proposition* might easily and fairly be resolved;—whether they meant to say, that those proceedings of the Committee were most honourable, which I thought, and had declared to be just the contrary; or whether they meant to say, that the proceedings of the Committee had not been, in point of fact, what I had asserted. Nay, I suggested to them the possibility, and the right which they had of denying, if they should choose to do so, the *conclusion*, if they should not venture to deny either the *major* or the *minor* of my syllogism.

The general proposition, asserted by me in my printed papers, with respect to the conduct of the Committee, is so plainly contradictory of the *virtual decision*, the declaration of the College that they had acted in the most honourable manner, that to assert the one is to deny the other, and *vice versa*. The same is true with respect to the *major* and the *minor* of each of them respectively; supposing each of them to be resolved into a regular syllogism, the conclusion of which, in the one case, would be the *virtual decision*, and in the other case would be my general proposition.

The syllogism of the Royal College would stand thus:

Major. Men who employ deliberate falsehood and chicane to ac-

complish, and at the same time to cloak, a determined breach of faith, act in the most honourable manner.

Minor. The Committee (appointed by the Royal College in 1804 to revise our laws) employed deliberate falsehood and chicane to accomplish, and at the same time to cloak, a determined breach of faith.

Conclusion. Therefore, the said Committee acted in the most honourable manner.

My syllogism, on the other hand, would stand thus :

Major. Men who employ deliberate falsehood and chicane to accomplish, and at the same time to cloak a determined breach of faith, do not act in an honourable manner.

Minor. The Committee employed deliberate falsehood and chicane to accomplish, and at the same time to cloak, a determined breach of faith.

Conclusion. Therefore, the Committee did not act in an honourable manner.

I should think all my brethren, whether they be metaphysicians or not, or however much they may differ from me in their systems of metaphysics, and especially of ethics, must perceive at once that they cannot rationally deny my conclusion, without denying either the *major* or the *minor* of my syllogism ; or both the *major* and the *minor* of it ; which they may do, if they choose to be very disputatious. They must also see, that the relation between their syllogism and mine is so intimate, that they cannot deny my *major*, without asserting the *major* of their own syllogism, or deny the *minor* of mine, without denying the *minor* of their own.

On this account, and this only, I have taken the liberty to state, for their consideration, the former most disgraceful syllogism, as the

one into which their declaration, or *virtual decision*, may fairly be resolved, and which, therefore, I have called *their* syllogism. This I have done, not as supposing that all or any of them will maintain such an argument, but merely for the sake of distinction from my own, which I assert seriously and confidently, as valid in all its parts. The other, *their* syllogism, considered merely with a view to the justness of the conclusion, as following from the premises, is as valid as *mine:* but I do not mean to impute it to them. I firmly believe they never once thought of such a syllogism ; that now, when it is pointed out and offered to them, they will reject it with indignation ; that they will perceive that the *major* of it is so *immoral,* as well as *absurd,* that no individual, and no set of men, can ever assert it, without ridicule as well as infamy, and withal the certainty of not being believed. But then, they must also perceive the necessity of admitting the proposition directly contradictory of it ; namely, that men, who employ deliberate falsehood and chicane to accomplish, and at the same time to cloak, a determined breach of faith, do not act in an honourable manner : which is the *major* of my syllogism. I firmly believe, that they will not admit, but will reject with equal indignation, the *minor* of *their* syllogism, which, they will please to observe, is also the *minor* of *mine;* namely, that the Committee employed deliberate falsehood and chicane to accomplish, and at the same time to cloak, a determined breach of faith. But then they must perceive, that rejecting the minor of their own syllogism, is directly and explicitly denying the minor of mine ; which *minor* I have deliberately asserted, with a full specification of the particulars to which I alluded, and precise references to the records of the College and the Report of the Committee, in proof of every particular which I had stated.

On those matters of fact, which constitute the minor of my syllogism, I am at this hour, as I have always been, perfectly willing to

join issue with my brethren; willing to admit that the Committee acted in the most honourable manner, and that I am the most impudent liar and the greatest knave that ever appeared in this country, if the several passages, which I have given as literal quotations from our records, and from the Report of the Committee, and the few which I have given as only abridgements of them, be not perfectly accurate and faithful; but *vice versa* if they are. The appeal, on this point, must ultimately be made to those records; but, in the mean time, it will perhaps save us all some trouble and vexation, if the College will explicitly declare, that the Report of the Committee, with respect to our act of 1754, is true, and specify the particulars of it, for the truth of which they mean to vouch; for example, the important preliminary assertion, that *doubts had been entertained about the purpose and extent of it*, and the *declaration, that it extended and applied only to such persons as keep, or may set up public apothecaries or druggists shops for the common sale of medicines by retail;* implying, that our members may keep private apothecaries shops, and furnish their own patients with medicines; implying, that this would be no breach of faith in any of us, or any absolving of ourselves from the obligation, that was the preliminary and indispensible condition of our being allowed to become, or to continue members of this College; implying also, that our predecessors, who originally enacted that law, and their successors, who, in the course of fifty years, had repeatedly revised and re-enacted it, and had uniformly obeyed it, as they thought, had never once understood it, but had always obeyed it in a very foolish and perverse sense, quite different from its true meaning, extent, and purpose, which, in the year 1804, the Committee had most happily discovered, and, in the most open and candid manner, had made known to the Royal College, *pro bono publico.*

As soon as the College shall declare that part of the Report of the Committee to be true, and, of course, shall adopt and sanction it,

we shall see what is next and best to be done. But, in the mean time, as the College has not adopted or sanctioned it, or in any manner, that I know of, declared it to be true; as several members of the College objected to it, for no reason, that I can conceive, but that they thought it false; as the Committee deliberately asked, and obtained from the College, permission to withdraw their Report and re-consider it, and accordingly did withdraw and reconsider it, and gave it in again, suppressing all that part of it which had been publicly and severely reprehended, as falsehood, chicane, and breach of faith; as some of the members of the Committee individually, and the Committee as a body, when they "moved for leave once more "to revise the laws, in order to withdraw those parts of their Re-"port, which were likely to divide the College," far from maintaining that they were true, explicitly admitted that they were *changes* or *alterations* of our old law;—it seems impossible not to conclude, that not only the College at large, but the Committee as a body, and some members of it individually, knew, and tacitly admitted, that those *declarations* contained in the *Report* were *false.*

At any rate, it seems almost impossible, and at least extravagantly absurd and ridiculous, as well as grossly unjust to me, for the Royal College as a body, or even for any individual member of it, to object to my considering as false those declarations of the Committee, which they themselves can not, or will not, or dare not, maintain to be true. Nor do I see how they can rationally blame me for assuming this very probable, or almost certain and self-evident supposition as the *minor* of my plain syllogism; more especially as it is still competent to them, and they are heartily welcome for me, to deny it. Indeed I can desire nothing better of them; and on that point of fact, I mean the question, whether the declarations of the Committee, with respect to our act of 1754, were true or false, I shall gladly join issue with them. My reasons for thinking those de-

clarations false, are fully stated both in my former papers, (my *Review* and my *Censorian Letter*,) and in the preceding part of this *Defence*. The reasons of my brethren, if they have any reasons, for thinking them true, I am yet to learn ; and, for many considerations, I shall be very happy to have the honour of being made acquainted with them.

In the meantime, as it seems to me to be absolutely impossible, that any of them should seriously and *bona fide* either deny my *major*, or admit both it and my *minor*, and yet deny my *conclusion*; and as they have confidently asserted a proposition directly contradictory of my *conclusion*, I must suppose that they wish it to be generally understood, without their choosing, or venturing, to say so explicitly, that they, collectively and individually, deny my *minor*, and would have it believed, that I had been guilty of the most deliberate and infamous falsehood in stating those particulars of the Report of the Committee, which I reprehended as falsehood, chicane, and breach of faith.

I am sure, that no person of common sense, after reading my *Review* and *Censorian Letter*, and the resolution of the College, 5th February 1805, declaring that the Committee had acted in the most honourable manner, could ever suspect that the College meant to declare, that such particulars of their actual conduct, as I had stated minutely, with precise references to the most authentic documents, were most honourable. Every such person, therefore, must, of course, have understood, that the Royal College meant to declare and testify to the world, that all those assertions, and references, and quotations of mine, were malevolent impudent falsehoods, and downright forgeries.

Knowing perfectly the truth of every thing which I had asserted, with respect to the proceedings of the Committee, knowing, consequently, the complete falsehood of that innuendo irresistibly con-

veyed by the declaration, or *virtual decision* of the College, feeling strongly the gross injustice of it to me, confident that I had a right to vindicate myself from such falsehood and injustice, and that I was able to do so, perceiving clearly of what importance, for that purpose, it would be to me to procure from the College a precise explanation of what they meant to say, or wished to have believed, with respect to me, and presuming that I had an undoubted right to ask and to obtain from the College such an explanation, I took the liberty to propose to the President, and through him to the College, those questions which are now printed in my letter to him of the 2d of November 1807, pages 99—101 of that series; the substance of some of which questions is stated again in this Defence (pages 265-6.)

Not wishing, on such an interesting occasion, to give any needless offence, and wishing most earnestly to give my brethren no opportunity or pretence for evading, or refusing to answer, my very reasonable and necessary questions, I avoided the more obvious, but harsher mode of reprobating, as deliberate falsehood, what they had said, or rather insinuated and conveyed by implication, with respect to me, and requiring of them, either to prove, if they thought they could prove it, or, if not, then to retract such an infamous insinuation, and the positive assertion which implied it. I only begged of them to explain it fully, and say, whether they meant, by denying the general principles. which I had asserted with respect to what is honourable and right in human conduct, (corresponding to what I have here stated, page 267, as the *major* of *my* syllogism,) to represent me as a madman, who held opinions on such subjects repugnant to the common sense of mankind; or only, by contradicting those particulars, with respect to the proceedings of the Committee, which I had confidently asserted as matters of fact, (now stated as the *minor* of *my* syllogism) to represent me as a liar and a knave, who had forged all those infamous calumnies upon them, most false-

ly and impudently pretending that I had taken them all from our own record, and from the Report of the Committee. I explained to them fully what I conceived to be the importance of the questions, at least to me; pointed out to them the obscurity and ambiguity of their own declaration; and gave them, in two Latin words, *væ victis*, a pretty broad hint, that the inquiry, which I urged so keenly for my own sake, was almost, or quite, as interesting to them.

All that I got for my pains, was a very short, but edifying answer, or declaration, on the part of my brethren, purporting, that they "thought it right that the College should declare their adherence "to that vote"—[in the immediately preceding clause of the same sentence, specified to be the returning thanks to the late President and Committee for revising the laws, for their great trouble in that business, and declaring them to have acted *from the purest motives, and in the most honourable manner*]—"and their regret that Dr Gre-"gory should think himself brought into the dilemma so strongly "stated towards the conclusion of his letter."

I beg it may be observed, that this most oracular answer, or rather no answer, to a few plain fair questions, proposed to the College by me, was given on the 24*th of November* 1807; for even the chronology of it is of some consequence, as shewing the relation between it, as well as some other proceedings of the College, and the *accusation*, against which at present I have the honour to defend myself;—that it was the result of deliberate consideration first in the Council, one member of which "was altogether against adverting to this," [that part of my letter,] "as in no shape regularly before the College;" but that one was overruled or outvoted by the rest of the Council, who, as it is stated in our record, (printed page xlv of that series,) "as Dr Gregory had urged them on the subject of their vote, "5th February 1805, thought it right that the College should de-

" clare," &c. as just now quoted; that the Council did accordingly propose that declaration to the College; that it was fully debated in the College, and at last was adopted as the resolution of the College, not unanimously, but by a majority of nine to three.

That very extraordinary reserve of the majority of my brethren on a very plain subject, on which they had somehow discovered that I *had urged* them, and their great caution *not* to answer *any* of the questions which I had proposed to them, and to every one of which, in good sense and good faith, I had an undoubted right to demand and to obtain an explicit answer, and their great anxiety to give, and their extraordinary candour in giving me, an explicit answer to a question, which I not only never proposed to them, but had expressly declared that I did *not* propose to them, could not fail to attract my attention, and strongly remind me of their similar mode of proceeding a year before, when I endeavoured to get them to explain their admonition about secrecy. On that former occasion, when I desired them to explain the purpose, extent, and application of their admonition, its relation to my past and future conduct, and above all to declare explicitly whether they admitted the important exceptions from the obligation of secrecy, which I had asserted, and on the faith of which I had acted in a very interesting business, or whether they meant the obligation of secrecy to be absolutely unlimited, admitting no exception whatever, and extending even to things morally wrong and dishonourable done deliberately, they observed the most obstinate and edifying reserve on all those points; which I thought of great importance; nay, they endeavoured to maintain, what was evidently not only false, but absurd and impossible, that it had no relation at all to my conduct, as indeed they had prefaced it by a declaration, a kind of bull, that it was not intended to have *particular* reference to what *may have happened* at any former period: but they very liberally told me, over and over again, in the most ex-

plicit terms, all the minute circumstances of the time, and the manner of it, and the person who proposed it, and the particular occasion on which the admonition was given ; about which things, as I told them as often, I did not enquire, and did not care. But even their reserve on those points about which I had most anxiously enquired, and their great frankness on those points about which I had not proposed to them a single question, were to me very edifying, and in one respect decisive. They gave me such insight into their principles of morals, that I was convinced they were at least very widely, perhaps irreconcileably different from mine ; and that the majority of my brethren, but I trusted not the whole of them, (though all who were present had acquiesced in that admonition, thereby seeming to approve of it,) wished, and were resolved, if they could, to impose on us an unlimited obligation of secrecy, extending even to things morally wrong and dishonourable, proposed or done deliberately in this College. Such an obligation I considered as not only useless, but improper. I could conceive no good whatever to result from it, and I thought it highly probable that a very bad use might be made of it ; especially, as at that very time I had information, the authenticity of which I could not distrust, that some of my brethren, (or, as it has since been declared, only Dr Duncan senior, in the name of Dr Spens, and others, Fellows of this College,) had been consulting counsel to know how they might best accomplish a favourite plan, which I considered as morally wrong and dishonourable, and also to know how they might most effectually play the devil with me, for having, by my public reprehension of their proceedings, thwarted them in a former attempt to accomplish a plan in substance the same with that about which I knew the lawyers had been consulted. At any rate, whether they had in view any such plan, or whether they had been consulting lawyers to know how they might play the devil with me for divulging their secrets

or not, an unlimited obligation of secrecy, such as their admonition seemed to impose, appeared to me morally wrong and disgraceful. I thought it my duty, as well as my right, to remonstrate strongly against such a dishonourable proceeding and regulation, to endeavour to convince my brethren, that they were attempting to impose an obligation which was illegal and morally wrong, and which never could be enforced, either by themselves, or by a court of justice; and hoped to prevail on them either totally to rescind that admonition, or at least to explain it, and limit its application in such a manner as to obviate those strong objections to it. At any rate, whether I should succeed in that rational and well meant attempt, or not, I wished my brethren to be informed of my reasons for thinking their admonition, or any unlimited obligation of secrecy, highly improper; and to be assured that I at least, as an individual, and perhaps too some others of our number, who might choose to adhere to me, would never acquiesce in it, or obey it in that unlimited and dishonourable extent.

These sentiments gave occasion to my long Protest, (printed page 1 to 55 of that series.) It is printed partly as a document, to which, in my Defence, I had occasion to refer; partly as the best, or only way in which I could make known to my brethren, publicly and permanently, my sentiments on that interesting subject. They had, day after day, in the course of many months, for various reasons, or on various pretences, postponed, or evaded hearing me read my Protest. They had avowedly consulted counsel to know whether they would be justified in refusing to hear me read my Reasons of Protest, [against the admonition] if they should be in the same style with those which I gave in against the vote of censure on myself. And, lastly, when a day and hour were appointed for an extraordinary meeting, (28th November 1807,) and the College was actually assembled, for the express purpose of hearing me read my Reasons of

Protest against the Admonition, the College, without any reason being specified, by an arbitrary vote of adjournment, prevented me from reading even one word of them. After such a proceeding, I could not rationally expect that they would ever hear me read my Reasons of Protest; and I thought it necessary to let them know, that they could not so easily, as they supposed, get rid of a protest, or impose, by their own authority, an illegal, dishonourable, unlimited obligation of secrecy, with respect to their proceedings, whether right or wrong.

But, in all those remonstrances and arguments, contained in my Reasons of Protest, I proceeded on the fair and honourable supposition, that the majority of my brethren, though they differed widely from me, as to their principles of moral conduct, yet understood and admitted the generally acknowledged principles of reasoning. Nay, according to my system of metaphysics, the contrary supposition would have been irrational, as well as illiberal. Moral conduct I hold to be voluntary; but belief altogether involuntary. A person, on all ordinary occasions, may act as he pleases; and of course may do either what is honourable and right, or what is dishonourable and wrong, perhaps even criminal and punishable. But this wrong conduct does not imply, or generally proceed from, ignorance of what is right. On the contrary, in all common cases, the person doing wrong, may, like Medea, say with truth, *Video meliora proboque, deteriora sequor;* and therein consists his guilt. But on all occasions, a person *must believe,* according to the evidence before him, if he *attend* to it. No man can say with truth, that he sees and approves what is true, and yet believes what is false. Were it not for this involuntary nature of belief, proof of every kind, and, worst of all, proof by reasoning, or demonstration, would be impossible; a syllogism would be an absurdity, and the sciences of logic and mathematics as arrant impositions on mankind as magic or judicial astrology. But

as *attention* is in a great measure a voluntary operation of thought, and on many occasions a very laborious and painful one, especially when there is occasion to attend to things which are very disagreeable, as being adverse to a person's habits, inclinations, prejudices, passions, or interest, men sometimes do very wrong, either wholly or partly from ignorance of the nature and extent of the wrong which they are doing. Such men may, in general, be induced to desist from doing wrong, and prevailed on to do what is right, by calling, and, in a manner, compelling their attention to those considerations which they had overlooked; and by clearly explaining, and illustrating to them, some things, perhaps of great importance, which they had understood but very imperfectly, or not at all. On these principles, of which my brethren may see a small specimen in my *Censorian Letter*, (pages 116 and 117,) I hoped to prevail on some of them, more than three years ago, to desist from their favourite plan, merely by calling their attention to several things relating to it, especially to the probable or certain consequences of it; to which things I was sure many of them had never attended. I reasoned, and wished to act towards my brethren, on the same fair and rational principles, near two years afterwards, when I found that some of them were again endeavouring to accomplish a plan very nearly the same, by a kind of chicane, which I thought highly reprehensible; but which I beg may be judged of, *not* by the imperfect account that I have given of it in my Protest; though I am sure it is *bona fide* the most complete and accurate account of it that I was able to procure at the time when my Protest was written;—but by Dr Duncan senior's own account of it, in his queries to his laywers, which, with their answers, he has now printed.

I thought it the more necessary to do this, when I learned, at the same time, or very soon after, that the College had unanimously, in my absence, agreed to an admonition, which seemed to impose on us

all an unlimited obligation of secrecy; which admonition, as I learned from unquestionable authority, peculiar anxiety had been shewn by Dr Duncan senior to keep concealed from me.

Much as I differed from my brethren, both on the principle of expediency and on that of right, with respect to their favourite plan, and unfavourably as I thought both of it, and of the strange sinister means, by which, with wonderful perseverance, they endeavoured to accomplish it, I certainly was not entitled, and I had no inclination, to think them all, or even a majority of them, either so unprincipled as to persist in doing what they were convinced was morally wrong as well as inexpedient, or so ignorant and stupid as not to understand, when pointed out to them, the common principles of reasoning, and of moral conduct, which mankind in general not only understand with ease, but admit as true and self-evident, whenever they are clearly stated to them, and even regard as indefeasible by any human power.

With respect to the *admonition*, tending to impose on the members of this College an unlimited obligation of secrecy, not admitting any exception as to things morally wrong and dishonourable, done, or attempted, in it, deliberately and obstinately, the case appeared to me so very plain and strong, as hardly to admit of doubt or dispute. I thought it no great vanity to suppose, that I could easily, by fair reasoning and argument, convince them of the wrong they were doing; and of course prevail on them either totally to rescind, or properly to explain and limit that curious admonition. But, perhaps, what I thought no great vanity, but a well-grounded confidence in the generally acknowledged principles of logic and of ethics, and of the uniformity of the laws of human thought, implying, that most, if not all of my brethren, possessed the ordinary intellectual and moral faculties of men, some of them will regard as consummate arro-

gance in me, and great disrespect, amounting almost to an insult, to the Royal College.

If such be their sentiments of me and my Protest, I am convinced it will be a wholesome and very profitable exercise for their intellectual faculties, to endeavour to answer and refute—not by a VOTE—but by fair and conclusive argument, those reasons of protest against their admonition, which I have stated explicitly and strongly, and have illustrated very fully. A few attempts of that kind will soon convince them, that sound candid reasoning cannot *bona fide* be resisted or disregarded; and that I acted, at least fairly and honourably, if not even with partial favour to them, when I presumed with confidence that my remonstrances would make them perceive the necessity of rescinding, or at least limiting properly, their unguarded unlucky admonition; not for my sake, but for their own.

What my sentiments were, on this point, may be pretty well judged of even from my protest itself; but still better from a short passage, a single sentence only, in my letter of 2d November, to the President. "If now, on hearing my reasons of Protest, they shall "differ from me with respect to the principles of reasoning and com- "mon 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."—Page 97 of that series.

This I stated to them, alluding to what I had said in the immediately preceding paragraph, that "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 ta- "ken measures to get me confined, and treated as a lunatic." I had previously represented, in the same part of that letter, that "if they "believed me sincere, but miserably mistaken, in my notions and "principles of moral conduct, it would have been rational and pro-

" per on their part, and even 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 they thought me not absolutely insane, but capable of being " reasoned with."

I had also stated, that if they distrusted my sincerity, in the sentiments of moral conduct which I professed, and in my assertions, with respect to many plain matters of fact, they ought to have proceeded against me as a criminal.

When I sent that letter to the President, to be by him communicated to my colleagues, I little dreamed, that in less than a month, and in their answer to that very part of my letter, they were to give me a complete proof, and striking example, that they either differed, or chose to pretend to differ, from me, as much with respect to the principles of reasoning or logic, as they had previously done, or pretended to do, with respect to the principles of moral conduct. I think it necessary to state explicitly that alternative or dilemma, that they either *differed*, or *pretended to differ*, from me, about the principles of logic: for, according to my system of metaphysics, no person, who is not absolutely insane, and of course no society of men, can *bona fide* differ from me with respect to those principles, which are not peculiar to me, or contrived by me, but have been long and universally admitted, not in science only, but in the most serious judicial proceedings, and in all the affairs of common life in which reasoning is necessary. But my brethren are unquestionably well entitled to the *benefit* of the *dilemma;* and they shall have it.

When I begged of my colleagues—not to retract their vote of 5th February 1805, comprehending the declaration, that the Committee had acted in the most honourable manner, and the *virtual decision*, that my printed papers were a false and scandalous libel, implying that I was a liar and a knave—but only to explain it clearly and ful-

ly; and, for the sake of greater precision, urged them to say, whether they meant to deny the *major* or the *minor* of the plain *syllogism*, into which my general proposition, the contrary of their declaration, might easily be resolved; the nature and tenor of which *major* and *minor* I had fairly stated to them,—I received for answer, that they thought it right to declare their adherence to that vote, and their regret that I should think myself brought into the dilemma so strongly stated towards the conclusion of my letter.

Considering the education which men of our profession in this country generally receive, I think it probable, that every member of the College must have understood the technical terms of logic that I employed in my urgent request to them, and could easily have resolved my general proposition (contradictory of their declaration in their vote of 5th February 1805) into the form of a regular syllogism, as I have done (page 267:) and I am sure at least, that several of them could have done so, and shewn the rest how it might be done, and explained to them the use of such a regular formal mode of stating an argument, and the *necessity*, which, in good reasoning and good faith, it imposed on them, of denying either the *major* of it (what I had asserted as the just principles of moral conduct) or the *minor* (what I had asserted as matters of fact, with respect to the particulars of the proceedings of the Committee, for the evidence of which I gave precise quotations from their own Report.)

But supposing, for the sake of argument, what I hold to be impossible, that not one member of the College knew what was meant by a syllogism, or understood the nature and force of it, or had ever heard of *major*, *minor*, and *conclusion*, still the matter was so plain, in point of common sense, that none of them could fail to understand it, and to see the necessity, if they chose to act rationally and candidly, of either asserting that falsehood, chicane, and breach of faith, were most honourable, or else asserting that those parts of the Report of

the Committee, which had been reprehended as falsehood, chicane, and breach of faith, were true, and candid, and honest. None of them could fail to perceive, that if they admitted such things to be dishonourable, and also admitted that the Committee had done such things, they *ipso facto* admitted, that their own vote and declaration were false, and that my general proposition (the pretended false and scandalous libel) was perfectly true.

To shew my brethren, how disgracefully uncandid, and immoral, as well as irrational, it is to attempt to escape from a fair syllogism, or to evade the force of it, by declining to deny either the *major* or the *minor* of it, and by merely repeating or adhering to the assertion, contrary to the conclusion of it, as my learned and honourable colleagues have done in their answer to my letter, I shall take the liberty to use a very strong illustration; the more remote from any possible application to our College disputes, the better for my purpose.

I shall take, as the subject of my illustration, one of those unlucky syllogisms, more embarrassing and vexatious than the worst of my dilemmas, the *major* of which is an act of parliament, the *minor* a plain matter of fact, such a peccadillo as robbing and murdering on the highway, and the conclusion the most vulgar ceremony of hanging. I shall suppose, that Sixteen-string-Jack was apprehended and brought to trial at the Old Bailey, charged with having robbed and murdered John a Nokes on the king's highway. I shall suppose, that his good friends Captain Rifle, and Hounslow, and Bagshot, and Pistol, and Slug, and Gibbet, and a dozen more of the gang, agreed to *swear him off;* and received their instructions, for that purpose, from Mr Humphrey Hocus, an eminent Newgate solicitor, including the strongest caution to avoid specifying any particulars of what the prisoner had done, lest they should be embarrassed by a number of

cross-questions; and an injunction to stick close to two general assertions, which they might all swear to with a safe conscience.

Next, I shall suppose, that when they were called upon, one by one, and sworn as witnesses, and asked by Mr Hocus, or by the learned counsel whom he had employed, what they knew of Sixteen-string-Jack's proceedings at the time and in the place specified in the indictment, they declared, that they had seen him the whole time, and that he *had acted from the purest motives;* that, on being asked by the Court, what they meant by that, and desired to say, whether they had seen him rob and murder John a Nokes or not? they declared, one after the other, that *he had acted in the most honourable manner;* that, on being peremptorily required by the court to explain their declaration, and to say precisely, whether they meant to assert, that robbing and murdering on the king's highway was acting in the most honourable manner; or only to swear, that the prisoner did not rob and murder John a Nokes? they one and all declared *their adherence* to what they had said.

Next, I shall suppose the case, in one respect, reversed; that John a Nokes was the prisoner, to be tried for having shot Sixteen-string-Jack on the king's highway; that his defence was, that Sixteen-string-Jack had assaulted him, and put him in fear of his life, and endeavoured to rob and murder him, and that he was obliged to kill Jack to save his own life. I shall also suppose, that the gang, feeling severely the loss of their honourable companion, and wishing to see John a Nokes hanged for killing him, had, one by one, appeared in court as witnesses, and sworn exactly as in the former case, according to the instructions which they had received from Mr Hocus.

What should we think of such declarations, and such witnesses? I am convinced, as I presume all my brethren are, that no witness ever yet dared to offer such a testimony, or to attempt such impu-

dent prevarication in a court of justice: certainly not in this country, or in any country in which there was even one pillory and one jail; for he must have been in great luck indeed if he weathered the pillory; and he could have no chance at all to escape the jail; to which he would of course be instantly sent, as to the proper university, for him to learn enough of metaphysics and logic, to qualify him to live as a member of human society.

Every person, not excepting even the most angry, the least candid, and the least metaphysical, of my brethren, who shall attend fairly to his own thoughts, or enquire of others with respect to theirs, or try the question experimentally, by stating a number of cases, real or imaginary, similar in the general principle on which his conviction of the *mala fides* of such honourable witnesses depends, but different as to the particular subject, or matter of fact and opinion, on which they bore witness, must soon perceive, that his instantaneous and irresistible belief that such witnesses were prevaricating most infamously, depends, not upon the subject-matter of the testimony, as being treason or felony, robbery or murder, forgery, falsehood, chicane, breach of faith, &c. but on something common to every instance of that kind of testimony, on whatever subject it may be offered. And all men who shall choose to attend candidly to their own thoughts, will perceive, just as soon, and as easily and clearly, that their conviction of the disingenuity of one who should prevaricate in that manner, depends, not in the least on the circumstance of his appearing in the character of a witness, but on something inherent in, or essential to every proposition that is not self-evident; which something appears in the strongest light, when the proposition is fairly resolved into the form of a regular syllogism. Of this they may in a moment convince themselves by trying it on subjects in which testimony cannot be employed, or have any weight; as, for example, the propositions of geometry. These are proved in the most

complete manner by short arguments of that kind, which logicians call *enthymems;* many of them by a very long chain of arguments, which, in the writings of geometers, never are expressed in the form of syllogism, but always in that of enthymem. All of them, however, may easily be resolved into the technical form of the most regular syllogism; and certainly would be so, if, on attempting to demonstrate geometrical truths to any person, he should be found so stupid, or so perverse and uncandid, as not to see, at each step of the demonstration, or link of the chain, *that* necessary connection or relation, which men, having the ordinary faculties of human nature, perceive intuitively, by the simple enthymem, without that help, which the tedious process of the syllogism affords. A mathematician finds it enough for his purpose, to state, that as AB is a part of AC, it must be less than AC. But if he were required, or, for his sins, had got a pupil of such wonderfully slow parts, as not to perceive the force of that argument, which is a plain enthymem, he could easily resolve it into the form of a regular syllogism: thus,

1. A part is less than the whole.—(*Major.*)
2. AB is a part of AC.—(*Minor.*)
3. Therefore AB is less than AC.—(*Conclusion.*)

If his pupil could not understand the argument when thus stated, the mathematician would, of course, give him up as a hopeless blockhead. If, in any the longest demonstration in Archimedes, a single step, or link, should be found, that could not be resolved and verified in that manner as a syllogism, every mathematician would at once give it up as a mere sophism; and of course reject the whole demonstration as good for nothing. But if any person should dispute the validity of any step of a demonstration, or assert the contrary of it, and on seeing the enthymem fairly resolved into the *major*, *minor*, and *conclusion* of a regular syllogism, should refuse to deny either the *major* or *minor* of it, should persist in denying the conclusion of it,

and declare his adherence to his former assertion, every mathematician, every logician, and every person of sound common sense, would perceive at once, that such a disputant was acting disingenuously as well as foolishly; and that he was unfit and unworthy to be reasoned with. Nor would the case be different with any society of men; for example, with a Royal College of Physicians, nine out of twelve of which should take it into what they called their heads, to do the same violence to those indefeasible laws of human thought, which are generally stated as the principles of logic.

These principles are the same on all subjects, and, as applicable to the common business of life, and especially to all matters of testimony, are the same in London and in Edinburgh; at the Old Bailey there, and in the College of Physicians here: but there is one very remarkable difference with respect to them in those two places: at the Old Bailey they are so well understood, that, without even being stated or pleaded, they are uniformly admitted, and tacitly respected, by judges, lawyers, attorneys, Peachums, Lockits, witnesses, and pickpockets; while, in the Royal College of Physicians in Edinburgh, *(pudet hæc opprobria nobis et dici potuisse et non potuisse refelli,)* even when they are stated explicitly, and urged or pleaded most strongly, they are either not understood, or are most uncandidly and shamefully violated, and openly set at defiance.

At the time, when my collegiate brethren, by a majority of nine to three, gave that answer to my letter, they probably were not quite aware, nor am I sure that they even yet clearly understand, though I have some reason to think that long ago they began to suspect, what a deplorable specimen they were giving of themselves, both in point of understanding and probity. Small as the sample may be thought, it is however complete and decisive. *Ex ungue Leonem*, and *ex pede Herculem*, are just and well known maxims; according to which, the Royal College of Physicians in Edinburgh must be

judged of, very unfavourably, by that bad sample, till it shall choose to give a very different, and, not for my sake, but for its own, I hope a much better sample of itself. Such, unavoidably, is our common mode of judging of persons and things. No man thinks himself obliged to drink a whole barrel of small beer before he is entitled to say that it is abominably sour, or to eat up a whole saddle of mutton, before he can know that it is vile rotten stuff. Half a mouthful of each of them is more than enough to enable any man of common sense to judge with certainty, and very unfavourably, of the whole mass. On the same well understood and established principle, of daily application and use, a single sentence is often decisively characteristic of folly, or of ignorance; or of both: and one deliberate action has often been fatal evidence of the most determined and atrocious knavery.

After my letter to the President, 2d November 1807, had been maturely considered by my brethren individually, in the course of three weeks, and then minutely discussed in a meeting of the Council, and lastly debated fully at an extraordinary meeting of the College, nine out of twelve of them, acting in the name, and with all the weight and authority of the Royal College, thought it right, as their own record testifies, to declare their adherence to their vote of the 5th February 1805. This was all the answer which they deigned to give to my urgent request to them—not to retract any part of that vote, but fairly to explain it, that I might know what errors or what wrongs they thought I had committed, and so be enabled, either to acknowledge and repair such errors and wrongs, if I had committed any, or if I should think I had neither erred nor done wrong, then be enabled to vindicate myself from the foul injustice done me by craft and irresistible implication in that vote; which one of their own number had, first *viva voce* in the College, and afterwards in good print, declared to be *virtually deciding*, that I was

the author of a false and scandalous libel. That declaration, neither the College as a body, nor any individual of it, had disavowed: nor did I ask of them to disavow it; but only to tell me wherein, as they thought, my errors, or my falsehood and knavery, consisted. This I did in such clear and precise terms, first of common language, and then of logic, requiring them to say, whether they denied the *major*, the *minor*, or the *conclusion*, of the regular syllogism into which my general proposition might easily be resolved, that I thought it *impossible* they should either not have understood me, or should not have perceived the *necessity* imposed upon them, in good sense and good faith, to comply with my reasonable and just request. But this they have not done. On the contrary, they have endeavoured to evade it in the most uncandid and irrational manner. Their procedure, in this respect, considered only logically, was just as bad, in kind, and in degree, I mean absurdity, as well as wilful falsehood, as what I have stated in the supposed case of a very stupid and perverse youth, attempting to learn, or rather *not* to learn mathematics; and very little better in point of morals, I mean in point of malevolence and injustice to me, than what I have stated in the supposed case of a gang of thieves, determined to *swear off* their companion, according to the instructions of Humphrey Hocus, an eminent Newgate solicitor.

My brethren, when they gave that precious answer to my most urgent, reasonable, precise, logical request, certainly were not aware that they *ipso facto* afforded complete evidence of one or other of two very unfavourable suppositions with respect to themselves. Their answer, or rather evasion, shewed that either they were resolved to persist in the most deliberate falsehood, malevolence, and injustice to me; or else that they were ignorant and stupid (I mean incapable of instruction) to a degree hardly credible of any individual who is not an ideot, and still less credible of any society of men who have had the

benefit of a liberal education. But, unquestionably, they are well entitled to have all the benefit of the dilemma.

My opinion, I must own, inclines strongly to the former and more unfavourable supposition; more especially as I am sure there was no want of attention to the subject on their part, in the course of three weeks study of it, and one animated debate about it in the Council, and another in the College; and no want of clearness, precision, and force, in my mode of stating to them those logical principles, which are almost self-evident truths, and which ought to have been long familiarly known to them all: and when I consider, that the same men, in a few days afterwards, shewed the most frantic eagerness to declare me guilty of falsehood, when, in the same letter, I asserted, and solemnly swore before God, that, till the moment of the *discovery*, (November 1806,) I neither knew nor suspected any thing of that declaration of the College, the contradiction of my general proposition; that I could not even have thought it possible; and afterwards, the moment I heard that some of them believed, or affected to believe, that I had said I knew nothing of any part of their proceedings on the day of that vote, endeavoured to set them right, by telling them, that I had been informed of some other parts of it, and what those parts were. The cause of such great eagerness to convict me of falsehood on that point, and, in some measure, the purpose of it, even from what has already been stated, can hardly be mistaken: but they shall soon be explained more fully.

In the mean time, supposing, for the sake of argument, what it is impossible to believe, and not very easy to understand, that their misconduct, in attempting that miserable evasion of a regular demonstrative syllogism, proceeded wholly, or partly, from ignorance and stupidity, it may be right to suggest, for their consideration, a few very plain and important truths, which, if they are really ignorant of the subject, will appear to them very wonderful paradoxes; but

which may be useful to them, by inducing them to seek instruction on the subject in general, and an explanation of those paradoxes in particular.

In the fulness of their collegiate power, in the pride of their victorious party-spirit, with the unerring argument of a sure vote of nine to three, to prove whatever they pleased, and, in the unfathomable depth of their own sinister wisdom, the Royal College of Physicians in Edinburgh boldly and deliberately made an attempt, which, with due reverence be it said, for I mean no kind of impiety, the wisdom and power of Almighty God himself cannot accomplish. If the human faculties may be trusted on any subject, it is with respect to those plain self-evident truths, and their necessary consequences, which constitute the principles of logical science; and are essentially requisite even to mathematical demonstration.

If those faculties may be trusted, God himself cannot make *their vote* (or declaration, that their Committee of 1804, acted in the most honourable manner) *true*, without making *my* general proposition (contradictory of it) *false*. Nor can God make my proposition false, without making false either the *major* or the *minor* of that regular syllogism, of which, as stated page 267, my proposition is the conclusion. Contrariwise, if the conclusion of my syllogism be true, God himself cannot make their declaration, or *virtual decision*, true: it *must* be false, as being directly contradictory to a proposition that is true; and every argument, enthymem, syllogism, dilemma, demonstration, &c. which *can* be employed to prove it, *must* be erroneous and sophistical. Every such argument, though perhaps not so glaringly false, would be, essentially, just as false and bad, or immoral, as the syllogism, which I have stated (pages 266-7) as one into which their declaration, or *virtual decision*, may fairly be resolved: so that, if the *major* and *minor* of it were true, their declaration, which is given as the conclusion of it, must also be true. The *minor* I ad-

mit, and assert with confidence; referring to the records of the College, and the Report of the Committee, as complete irrefragable evidence of what I assert. The *major* of that syllogism I hold to be false; and shall certainly continue to think so, till I shall hear my brethren declare it true; and probably for some considerable time after: but, in the mean time, I have, without scruple, assumed as the *major* of *my* syllogism, (page 267,) the proposition directly contradictory of it; earnestly inviting my brethren to deny it if they can, or if they choose, or if they dare.

Without any compliment or flattery to them, of which, considering what they already know of my sentiments with respect to them, and their proceedings, I am sure they will not suspect me, I *must* presume that they have some notion of the nature and force of a syllogism. If so, they *must* understand, when they are made to attend to it by having it clearly pointed out to them, that a good syllogism, or one of which both the *major* and *minor* are true, and of which the conclusion is a self-evident necessary inference from those premises, is the highest evidence that human reason knows, or can conceive; and withal the sure test of the truth of every proposition which can be resolved into that form; that is, of every proposition which is not self-evident;—that a good syllogism is conclusive indefeasible evidence of that proposition, which is stated as the conclusion of it;—and that to try to evade it, or to pretend to disregard it and set it aside, or to attempt to answer and refute it by any other arguments, not excepting even other syllogisms, without denying either the *major* or the *minor* of it, or shewing that the conclusion is not a necessary consequence from them, is absurd, as well as uncandid and base. Truth, on any point, can be but one; falsities may be numberless; and whatever is inconsistent with truth must be false.

Of this my brethren, if they are not convinced already, may soon convince themselves, by trying only two or three dozen of the best arguments that they can contrive in opposition to *my* syllogism; especially if they will take the trouble to resolve them, one by one, into the form of regular syllogisms; of each of which their declaration should appear as the conclusion. I am convinced my brethren will need no help of mine to enable them to perceive the falsity of either the *major* or the *minor* of every such syllogism; just as clearly as they or I see the falsity of the *major* of that most ungracious syllogism, which, in pages 266-7, I have suggested to them in proof of their own declaration.

All this will perhaps appear very strange doctrine to a set of men, who found it very easy, at first, to prove *that* declaration true, by an enthymem, called an unanimous resolution of the College; and who found it just as easy, two years and nine months afterwards, to demonstrate their adherence to it, by the infallible syllogism of a *vote* of nine to three; by which they may, with equal ease and equal truth, whenever they please, demonstrate that a part is greater than the whole, that two and two are equal to seven, and that a man, as well as a bird, may be in two places at once.

I must own I have an eager curiosity to know, for, at present, I cannot even guess, who the individual was that first suggested to the Council of the Royal College that happy expedient of declaring their adherence to their vote of 5th February 1805, by way of answer, or no answer, to my urgent request to them to say, whether they meant to deny the *major*, the *minor*, or the *conclusion* of my syllogism; that I might know whether they wished to represent me as a perfect madman, or only as a most impudent liar, and a very great knave.

I can hardly believe that such a thought originally occurred to any one of themselves: men from their youth upwards accustomed

to the honourable pursuits of science, and to the candid investigation of pure truth. If it did occur to any one of them, then surely *Illi vobur et æs triplex circa pectus evat*, or at least *circa frontem*, when he ventured to run his head against the *Capitoli immobile saxum*, the strong citadel of logic, and invited his brethren to follow his noble but desperate example; for he, and all of them, *must* have seen, that the same bold assault would be just as successful against every other weapon, offensive or defensive, hitherto known in that citadel, as it was, or, as they thought it, against my argument.

I know that my brethren had been consulting different lawyers, to learn how they might best deal with me; and that they had received from their lawyers good sound legal advice, as Dr Duncan senior emphatically termed it. But their lawyers are men respectable for their probity, and eminent for their talents and their professional knowledge; which includes the knowledge of the art of reasoning, or logic. I do not believe that any of them would advise my brethren to run their heads against such a rock; and certainly they would not have run their own heads against it, even though they are fortified with wigs. I understand the final cause of their wigs to be, not as the swinish vulgar suppose, to improve their beauty, which they could do much more effectually, as well as more cheaply, by wearing leather masks, but to preserve their skulls from being fractured, and their brains from being beat out, by those strong logical collisions, to which they are every day exposed, in discharging the duties of their honourable profession; and accordingly they do not wear those great wigs when they go to make love, but only when they appear at the bar. I respect very highly the head of John Clerk, Esq., who respects so highly the honourable profession of physic. I believe his head to be, for all the purposes of law and logic, even without a wig, at least as strong as that of a good battering ram; and, *a fortiori*, much stronger with a wig, than that of

any battering ram without one. But I do not believe that he would risk his head, or even his wig, in such a desperate *coup de main*, as my brethren have been persuaded to try.

I have not heard that they ever sought the professional assistance of the worthy Mr Humphrey Hocus, of the Old Bailey; or put their affairs entirely into his hands: but, from many concurrent circumstances of strong internal evidence, I think it highly probable, that, directly or indirectly, they have received from him some good advice, or at least some hints of which they have wisely availed themselves. And I am sure, that, if they had consulted him on the knotty point in question, which is really *dignus vindice nodus*, he would have given them precisely that advice which they have actually followed, from whomsoever *they* may have received it.

This I say, not from any particular or positive information, that such were the sentiments and suggestion of Mr Hocus; but from some general speculative considerations, which appear to me so strong, that it would be uncandid, as well as irrational, to disregard them. I have the honour of some little personal acquaintance with Mr Hocus, and can boast of having received several letters from him; and many of his franks, for he has been in parliament these many years. I have had no opportunity of asking him, nor has he thought it necessary to inform me, what he thought of the proceedings of my brethren, and what share he had in directing them. But as I know pretty well his system of metaphysics, conprehending both his logic and his ethics, and know perfectly what kind of advice he gives to his clients in such difficult circumstances, and what sort of conduct he uniformly pursues himself, always preferring, for the sake of beauty, a curve to a right line, I can have no doubt, that, even on this account, he would have advised my brethren to do what they have done; more especially, as that good, sound, logical advice might be very valuable to them, and would not be worth one

shilling to himself, or to his clients at the Old Bailey; those wiseacres, the Twelve Judges of England, having contrived, with the help of their great full-bottomed wigs, to get the better of his kind of logic; sometimes by the short enthymem, called *Pillory*, sometimes by the regular, but very difficult syllogism, which, in London, among people of fashion, is well known by the classical monosyllable *Quod;* but at Oxford, among the gownsmen at least, is better known by the barbarous monkish name of *Bocardo.*

None of my brethren surely can pretend not to know Mr Hocus. That would, indeed, argue themselves unknown, the lowest of their throng. They must often have seen him; they must know his amiable and respectable character, his various talents, his wonderful accomplishments, his great popularity. They cannot have forgotten, that in one parliament he was returned for near fifty boroughs, and more than a dozen counties: that he has several times been expelled the House of Commons, but always took his seat, and sometimes was found on his legs, in it, next day; without the trouble and expence of a new election: indeed it is now generally understood, that the affairs of the nation, which have gone on very ill since the deaths of Mr Pitt and Mr Fox, could not go on at all without Mr Hocus. He has often been seen, at the same time, in all the courts of Westminster-Hall, on the pillory at Charing-Cross; at his desk in Chancery-Lane; behind his counter in Cheapside; in the Stock-Exchange; in every county, in every city, in every town, and almost in every village in England; in the Court of Session, in several church-courts, and in every parish in Scotland; in every country and every town in Europe; at the head of a regiment, nay, at the head of a great allied army; and on the quarter-deck of a flag-ship: nay, he has been seen by thousands, at the same moment, going in a cart to be hanged at Tyburn, and embarking at Calcutta, to return to Europe, with a fortune of 200,000l.; for all which vast fortune, as Lord Monbod-

do, with the help of his ancient metaphysics, discovered he could eat but one dinner, and marry but one wife. Though he is now come to what the French call *un certain age*, his life, I mean in a mercantile, not in a moral sense, is thought so good, that an annuity upon it is held by the children of Israel to be honestly equal to a perpetuity. As he looks just as young and vigorous at present as he did four thousand years ago, it is thought, by the most intelligent of our noble Faculty, that, including all risks by wars, and seas, and fire, and other casualties, not excepting even the very great chance of suicide, and the still greater danger of the hands of justice, he will probably live at least forty thousand years longer. Indeed, suicide has little effect upon him ; and the hands of justice still less. He has been hanged more than a thousand times ; which many of his most intimate acquaintance thought would do him much good. This does not appear to have been the case : but certainly all the hangings he has as yet undergone, though generally performed in Jack Ketch's best stile, have done him no harm. He has never failed to appear, the very day after his execution, in great spirits and vigour ; a prosperous gentleman, labouring successfully in his manifold vocation. He has long been known, and much respected, as an author. His writings in Ethics, which are pretty voluminous, are held in the highest estimation ; and *his principle* has been very generally adopted : for he admits but *one principle* in morals ; which is, to have *no principle at all.* But this scantiness of his principles in morals, is amply compensated by the luxuriant superabundance of his creeds in religion. He is of every religion that ever yet was known on the face of the earth ; and of every sect of every religion. Yet he is by no means lukewarm in any of them, or in the least inclined to toleration : on the contrary, he is a furious zealot in them all ; and has always persecuted, without mercy, all who presumed to differ from him, in matters of religion, whenever this was in his power ; and when he had

not the power, he shewed at least the most hearty inclination to do so.

I trust that even the least metaphysical of my brethren will clearly perceive, and that the most angry and uncandid of them will frankly acknowledge, that all these particulars of the life and character and opinions of Mr Humphrey Hocus, which, to the ignorant and malevolent vulgar, may appear paradoxes, at least, if not downright falsehoods, are really mere *trueisms;* and must be admitted as such, when they are seen in the clear light of mild philosophy. Whenever my brethren shall be told, or shall discover, by their own natural sagacity, that Mr Hocus is not an *individual*, but a *species*, they will instantly see, that all that I have said of him, and a great deal more, is as true as any axiom in geometry, and as generally known as any advertisement in the London Gazette.

Mr Hocus has the honour to be one of the four primary metaphysical *species*, into which, according to the divine Plato, the metaphysical *genus* MAN may properly be divided: namely, the fool, the knave, the man of sense, and the honest man. Two of these *species* are evidently logical; the other two are ethical. I have not heard of any modern metaphysician having as yet discovered a fifth original species of our race, considered metaphysically: and I have heard from a *quondam* Professor of logic, who seemed himself convinced of the truth of the doctrine, that Adam Smith maintained there could not be a fifth metaphysical species of man. But as all the four primary species, particularly the first two, are abundantly prolific; and as they mingle, by marriage and otherwise, very freely, and as the mules procreated by them, contrary to what happens in the mule produced between the horse and the ass, are just as prolific as the pure races from which they spring; we see thousands of such mules, in whom the original pure races appear blended in an endless variety of proportions. Yet, even in their descendants, the primary species

sometimes appear, or break out again in all their purity, just as is said to happen to the various kinds of dogs; and certainly happens in mankind, with respect to the striking differences of temperament, sanguine, choleric, melancholic, and phlegmatic, and even with respect to peculiarity of figure, of features, of manner, of voice, constituting what is called a family likeness. But in all ages and nations it has been observed, that the first and second species, and the third and fourth, respectively, mingle with one another most frequently, most kindly, and most permanently.

My brethren *must* know, and ought to say, whether they received from Mr Humphrey Hocus himself, or from any of his mongrel race, the sage advice to declare their adherence to their vote of 5th February 1805, instead of answering my fair logical questions. That they did not receive it from the great lawyers whom they consulted, its own internal evidence amply testifies. That any one of their own number originally thought of it, and boldly proposed it to the Council, confiding in the strength of his party, I can hardly believe, and am not entitled to assert, or even to admit, till some of them shall avow it.

Whosoever was the author of that wonderful expedient, it certainly is an admirable instance

> Of that low cunning which kind Nature gave,
> To qualify the blockhead for a knave.

"We take cunning," says BACON, "for a sinister or crooked wis-
"dom. And certainly there is a great difference between a cunning
"man and a wise man; not only in point of honesty, but in point
"of ability. There be that can pack the cards, and yet cannot play
"well; so there are some that are good in canvasses and factions,
"that are otherwise weak men. Some build rather upon the abu-

" sing of others, and, as we now say, putting tricks upon them, than " upon soundness of their own proceedings."

Surely then it was not on that sinister kind of wisdom, but on wisdom of a very different kind, that the wisest of men bestowed the sublime and rapturous praises : " Happy is the man that findeth wis- " dom, and the man that getteth understanding : for the merchan- " dise of it is better than the merchandise of silver, and the gain " thereof than fine gold. She is more precious than rubies, and all " the things thou canst desire are not to be compared unto her. " Length of days are in her right hand, and in her left hand riches " and honour. Her ways are ways of pleasantness, and all her paths " are peace. She is a tree of life to them that lay hold upon her, " and happy is every one that retaineth her."

My brethren may now consider seriously the dire dilemma into which they run headlong, and of which, as I told them, they shall have the benefit.

Either they understood, or they did not understand, those fundamental principles of logic, and those plain dictates of common sense and common honesty, which they disregarded and violated, when, in November 1807, they agreed to declare their adherence to their vote of 5th February 1805, instead of explaining it precisely, by answering my fair logical questions.

If they *did understand* those principles, they acted dishonourably, and most unjustly towards me.

If they *did not understand* those principles, they shewed a degree of ignorance, and of stupidity, altogether unexampled, and almost if not quite incredible.

One or other of these suppositions *must* be true ; and they ought to choose for themselves which of the two they will adopt, and avow as the truth. I am not entitled to choose for them ; but if, by their refusing to choose for themselves, they shall oblige me, and

what they will think of much more consequence, shall oblige others, whose opinion they cannot even pretend to despise, to choose for them, it is plain, that I, and all men of common sense and common honesty, as we cannot believe all, if any of them, so grossly ignorant, and incorrigibly stupid, as the second supposition of the dilemma implies, must choose for them the former and less favourable supposition of it;—that they acted most dishonourably, and were resolved to persist in their falsehood, and in their foul injustice to me.

But, in candour, and justice to them, I hold myself bound to state some circumstances, of which there can be no doubt, that tend to make it credible—*not* that they were absolutely ignorant of the first principles of logic, and utterly incapable of understanding them, and feeling the force of them, when they were clearly stated and urged, but only that they understood those principles very imperfectly, and had rather a faint, obscure, transient glimpse, than any strong, clear, permanent perception of them, and, of course, did not fully understand the weakness and absurdity, as well as the disingenuity, of their own proceeding, in attempting to violate, or affecting to disregard those indefeasible principles, to which I had referred with confidence, as too well known to require proof, or admit of dispute.

The circumstances, to which at present I allude, appear on the record of the proceedings of the College on the 24th of November 1807; so that there can be no dispute about them, considered merely as matters of fact. They are part of the answer (or no answer) of the Royal College, as proposed by the Council, to my letter. The Council, with only one dissentient, who was for giving no answer at all to that part of my letter, and the College, by a majority of nine to three, declared, (*inter alia*, as already stated and discussed,) "*their* "*regret, that Dr Gregory should think himself brought into the* DI- "LEMMA *so strongly stated towards the conclusion of his letter.*"

From the use and application which they have here made of the technical term of logic, *dilemma*, it is plain, that they knew that it meant the assuming and stating of *two propositions*. This imperfect notion, or glimpse of the nature of a dilemma, does infinite credit to the classical learning, as well as to the instinctive logical acuteness of my brethren. It corresponds perfectly with the etymology of the word; which, analyzed into its two roots, plainly signifies a *double assumption;* or a *two-fold taking*, if they like old English better than Latin words, to explain a Greek one. Any schoolmaster, and many schoolboys, would cheerfully vouch for the fidelity of that translation of the word *dilemma*, according to the true meaning of δις and λαμβανω, of which two radical words it is compounded.

But further than this it does not appear that my brethren had advanced in the knowledge of a dilemma. Nay, it appears clearly, from their own record, that they had proceeded no farther in that strait and narrow path; but had wandered into another, which they found easier and more agreeable, less thorny, and more likely to bring them soon to the object which they had in view.

They explicitly called the *two propositions*, which I had stated towards the end of my letter, a *dilemma*. These propositions were alternative; *first*, That I was perfectly insane; *secondly*, That I was the most impudent liar, and the greatest knave, ever seen in Scotland. The former supposition is implied in their denying the *major* of my *syllogism*, or, in other words, asserting, that chicane and falsehood, employed to accomplish and cloak a breach of faith, are honourable: the latter supposition, still more unfavourable to me, is implied in their denying the *minor* of my syllogism; or (briefly) in other words, asserting, that the quotations, which I had given from the Report of the Committee and the records of the College, were arrant forgeries.

From that decisive specimen of their notion of a *dilemma*, it is plain, that my brethren thought the *major* and *minor* of a syllogism constituted a *dilemma;* or that a simple proposition, such as mine certainly was, and a very plain one too, a mere enthymem, became *ipso facto* a dilemma, as soon as it was resolved into the form of a syllogism. But as every proposition, which is not self-evident, may be resolved into that form, it seems to follow, that the Royal College of Physicians in Edinburgh think every proposition that is not self-evident, either is a dilemma, or at least may easily be made one, by the simple process of resolving it into the syllogistic form. If my brethren choose to claim the honour of this noble discovery in logic or metaphysics, I am convinced no man living will dispute it with them: and Aristotle himself would be glad to be raised from the dead, were it but for one hour, just to have the pleasure of being instructed in it.

But if they shall, for once, be in the humour to listen to reason, rather than to maintain such a disgraceful absurdity, and to declare it by a vote, I shall tell them, as briefly as I can, what a dilemma really is. This, *I am sure*, some of them did not know so lately as the beginning of last November; for about that time I heard one or more of them express great abhorrence at dilemmas, and at the use which I made of them; which some of my brethren seemed to think very malicious on my part, and altogether unfair, in my discussions with them. That they should detest my dilemmas, is just as natural and reasonable as that the devil should hate holy water. They both are indeed grievous annoyances, and sad stumbling blocks, to them, and to the devil respectively. But, I own, that, till I heard read the part of the declaration of the College, (24th November 1807,) which at present is under discussion, I thought my brethren, who seemed to have such a dilemmatophobia, knew what a dilemma was, and hated and dreaded it worse than poison, because they knew it.

A fair logical *dilemma* is—*not* the assuming of any two propositions, such as the *major* and *minor* of a syllogism, and opposing or contrasting, or what is sometimes called (not quite logically) *connecting* them by a *disjunctive* particle, such as *or*,—but the assuming, and stating in contrast to one another, two *contradictory* propositions, one or other of which *must* be true, if *another* proposition be true, which was previously stated, or tacitly assumed, as the *subject* of the dilemma, or the thing to be proved. If there be three or more possible, but *inconsistent* suppositions, on any point, one of which suppositions *must* be true, and *only one* of them can be so, the same principle and mode of reasoning may easily and fairly be applied to it; and we may have *trilemmas*, *tetralemmas*, *polylemmas*, all irrefragable in point of logic. The word *trilemma* is sometimes used; and, I believe, I may have occasionally used it in some reasonings of my own, which I intended to be very strict. In geometry, the threefold assumption, that the quantity A, must either be equal to the quantity B, of the same kind, or greater than it, or less than it, is a *trilemma*, just as valid as the dilemmas, A must either be equal or not equal to B; and if A is unequal to B, it must be either greater or less than B; into which two *dilemmas* the *trilemma* may be resolved. As soon as it is proved, that A is neither greater nor less than B, it is also proved that it is equal to B. If it were ascertained, that promotion cometh from one or other of the four cardinal points of the compass, and if it were established by competent authority or testimony, as it seems to be by that of King David, that promotion cometh neither from the east, nor from the west, nor yet from the south, it would follow necessarily that it came from the north: and this I should think a fair *tetralemma*. If there were a lottery of many thousand tickets, with but one prize, and this of course a very great one, and if it were ascertained, either by the skill of an astrologer, or, what I should trust much more to, by the drawing of the

lottery, that every ticket was a blank, except No. 1808, which remained still undrawn, then, I think, it would follow necessarily, that No. 1808 must be the one great prize; without waiting for the ceremony of drawing it. This, I presume, might be reckoned a fair and conclusive *polylemma:* a very needless one, I must acknowledge.

The dilemma is of frequent and very important use in strict reasoning; especially in the demonstrations of geometry. It is one of the *instrumenta mentis,* as BACON has emphatically termed them, that we can ill dispense with. *Nec manus nuda nec intellectus sibi permissus multum valet. Instrumentis et auxiliis res perficitur; quibus opus est non minus ad intellectum quam ad manum. Atque ut instrumenta manus motum aut cient aut regunt; ita et instrumenta mentis intellectui aut suggerunt aut cavent.*

The *syllogism* certainly *intellectui cavet,* but not *suggerit:* and hardly ever can be employed for the advancement or the improvement of science, any other way, than as enabling us to detect the fallacy of specious but sophistical arguments. For this purpose it is occasionally very useful, even in science; and still more in many interesting concerns of human life: for example, in judicial proceedings.

The dilemma not only *cavet* but also *suggerit intellectui;* and in this respect has contributed very much to the advancement of mathematical science.

The *dilemma,* as well as the *argumentum ad absurdum,* to which it is very nearly related, is founded on the familiar axioms of logic, or, in plain English, the irresistible suggestions of common sense, that every proposition *must* be either true or false; and that a proposition directly contradictory of one that is false *must* be true. Those axioms or suggestions are always tacitly assumed and admitted, there being no occasion to express them.

On those principles, every proposition may be made, *not* a dilemma, as my brethren seem to have thought, but the subject of a short dilemma, stating that it must be either true or false. But this easy and very needless application of an axiom would be mere trifling; and is never thought of, unless the person who wishes, and thinks he is able, to prove something by means of his dilemma, is prepared to go further, and trace, to some decisive conclusion, the necessary consequences, implied in either or both of those suppositions, with respect to the subject of his dilemma.

It would be arrant trifling to state, that A *must* either be equal to B, or not equal to B; and very little better to proceed and maintain that if A was unequal to B, it *must* be either greater or less than B, and then to stop short. But the dilemma would be a rational, and perhaps a very important argument, if it were prosecuted till it was proved that A was neither greater nor less than B; for it would then be proved that it was equal to B: which may have been all that the person reasoning in that manner had at that time undertaken to prove; or at least it may have been one essential step, or link, of an important and difficult demonstration, which he wished to give, of some more recondite truth.

But it is almost only in mathematics, that long demonstrations, or chains of reasoning, are required, or can be given, either in the form of dilemmas, or in any other form; and that the ultimate inferences can, strictly speaking, be said to be *demonstrated*, or shewn to be necessary truths; that is to say, made known to us not merely as matters of fact, which might have been otherwise, but as things that *must be*, the contrary of them, or any thing inconsistent with them, being not only *false*, but *absurd* and *impossible*.

On moral subjects, and in the common affairs of life, few if any arguments, even when stated in the form of dilemma, extend beyond two or three steps; and the ultimate inferences at which we arrive

by those steps, even if true, are not necessary, but contingent truths; the contrary of which is always possible, and often very probable. But the ultimate inference to which our reasoning leads us, in tracing the necessary consequences, first of the one, and then of the other supposition of a fair or strict *dilemma*, may not always be true, even as a matter of fact. It may be found false, on observation or experiment. It will be so in every case, in which the supposition, whence it is deduced as a necessary consequence is false. Nay, in some cases, the inference deduced by the strictest reasoning from a very plausible supposition may be intuitively, and perhaps ridiculously false; or what we should not scruple to call *absurd*, in the popular, which is somewhat different from the mathematical, or strict logical sense of this ungracious word. In strict logical and mathematical reasoning, I believe nothing is called *absurd*, that is not contrary to an axiom, and of course evidently impossible. But in popular discourse, and consequently in reasoning about human conduct, any thing very foolish, or irrational, is often called *absurd*.

Such dilemmas, and the absurd or foolish inferences to which they lead at first, are by no means useless. If the reasoning which leads to them be good, that is, be fair and strict, by plainly necessary consequences at every step, those inferences, absurd in mathematics, false, and perhaps ridiculous in metaphysics, are just as useful, and as much to be relied on, as the most rational and true inferences that can be conceived, provided only that we have candour and good sense enough to enable us to make the proper use of them. This has always been done in mathematics; but not always in metaphysics.

The proper use of them is to disprove, and set aside, the original proposition, whence they were deduced, by strict reasoning, as necessary consequences. This constitutes the *argumentum ad absurdum*, as in mathematics it is called with the utmost propriety;

but which, on moral subjects, may more properly be called the *argumentum ad falsum.*

There is no danger of mathematicians ever admitting an absurdity in their own science. Of course, when they arrive at one by a *dilemma,* or by any chain of good reasoning, they give up the supposition whence it was derived. But to do this in moral subjects, especially when the passions, the prejudices, and the interests of men, are very deeply engaged, requires candour and virtue, as well as good reasoning and good sense; all which accomplishments are not always found, in all men; not even in physicians, when they engage in violent disputes. But such disputants ought, for their own safety, to learn, as soon as possible, that the *dilemma,* though a very powerful, is a most dangerous weapon; a kind of double club, which a feeble arm cannot wield, and with which, if it be unskilfully used, the strongest man, instead of knocking down his adversary, as he intended, may effectually knock himself on the head.

Of this unlucky peculiarity of the *dilemma,* which makes it a weapon so dangerous to those who use it unskilfully, my brethren seem not to have had the smallest glimpse, or suspicion, about seven months ago; and even now, I doubt much whether they will understand it, when expressed in general terms. But I am sure I can *make* them *understand* it, by one or two familiar illustrations. As to making them acknowledge it, or profit by it, that is a very different question, which depends entirely on themselves; and they may determine it by a vote, whenever they please.

In the mean time, I shall suppose, that, three years ago, they had either declared explicitly, or had *decided virtually,* by some kind of implication and craft, that my stature *differed* from that of middle-sized men, by four feet. This marvellous, and, to me at least, very interesting proposition, as soon as I should have ascertained it to be their meaning, I should, of course, have made the subject of a fair

undeniable dilemma:—that my extraordinary stature, as vouched by the Royal College, *must* be either four feet *more*, or four feet *less*, than that of ordinary men. On the former supposition, I should certainly be a very formidable giant; on the latter, an inestimable dwarf. Yet I should not be confident of making a great fortune by the easy expedient of shewing myself as a sight, on the force of such a declaration, or virtual decision of the Royal College; nor do I believe that any show-man, of common sense, would give five pounds for the fee-simple of me, even when accompanied by an extract from our minutes, containing the declaration of the College, certified by Alexander Boswell, clerk; and by a diploma written on stamped parchment, signed by the President and eight other Fellows, and fortified with the seal of the Royal College. Yet surely, if their declaration were true, I should be well entitled to take precedence of any Kangaroo, or of any Rhinoceros ever yet shewn in England; for either of whom, at their first appearance, the show-man would gladly have given a thousand pounds.

Or if my brethren should either declare expressly, or make known in that oracular way which they like better, that I had not the same number of heads that ordinary men have, I should instantly fasten a dilemma upon their proposition, and argue, that as ordinary men have each just one head and no more, the Royal College meant to declare, that I had either no head at all, or that I had two or more heads. On either supposition, I should be sure of making my fortune; and should be a most interesting speculation for the show-men: provided always the declaration of the College, certified as before by their clerk, and published to the world in their diploma, were true; or even believed, though false. But if not, not.

My brethren cannot surely pretend, that there is any error in my dilemmas in the two supposed cases respectively: They are fair and complete, exhausting all the possible suppositions implied in, or consis-

tent with, their supposed declaration; the reasoning employed in them is as simple and as irrefragable as any in Euclid; none of my brethren, who had concurred in the supposed declarations, could, without barefaced disingenuity, as well as glaring absurdity, refuse to take his choice of one or other of the suppositions which I have stated, and say, whether he maintained that I was a dwarf or a giant, a monster without a head, or a monster with two or more heads. But what should we think of nine heads out of twelve, which not only should refuse to make such a choice when urged to do so, but should *declare their adherence to their former declarations*, not seeing, or pretending not to see, that the dilemmas founded on them proved the declarations false, by shewing that the necessary consequences of them were notoriously false?

If those nine worthies were sincere in declaring their adherence to their former declarations, (which I think *impossible*,) their nine heads would be entitled to occupy a most honourable shelf in a cabinet of metaphysical curiosities; and on the immediately adjoining shelf, exactly on the same level, that they might not quarrel about the post of honour, should be placed the nine heads, which actually, on the 24th of November 1807, declared their adherence to their former declaration of 5th February 1805, without deigning to explain it when required to do so, or to deny either the *major* or the *minor* of that plain regular syllogism, which I stated to them as a fair resolving of my proposition, directly contradictory of their declaration. But I do not think their heads will ever be admitted as curiosities, or even as valuable specimens, into a metaphysical museum; at least never on that account. My syllogism, though certainly no dilemma, is just as plain and intelligible and valid as any dilemma, or any demonstration in Euclid: this they *must* have known, unless they saw some falsity either in the *major* or in the *minor* of it; and if they had seen any such falsity in either of those

propositions, they *could* have had no honourable or good reason for refusing to say so. Nay, they would have been glad, and eager, to say so; in order either to prove me insane, or to convict me of falsehood and knavery; which would have been equivalent to vindicating themselves from the sad charge of falsehood, chicane, and breach of faith. If their nine heads agreed in that declaration, and no answer to me and my syllogism, knowing that both my *major* and my *minor* were true, and my conclusion irrefragably valid, which I strongly suspect was the case, though all excellent heads of their kind, they are nowise entitled to be admitted into a metaphysical museum; for they are no rarities, and not even valuable as specimens. If all the heads of the same kind, that have grown above men's shoulders since the time of Noah, were collected, they would form a pyramid as large as the Peak of Teneriffe.

That my brethren may not have it in their power either to mistake, or to pretend to mistake, the nature, the force, and the strict application, of the two imaginary cases, which I have stated in order to illustrate their actual conduct towards me, I shall point out to them the chief and most interesting points of resemblance between those imaginary cases and the real one. The supposed certificates of the Royal College, that my stature *differed* by four feet from that of ordinary men, and that I had not the same number of heads as ordinary men, correspond to their virtual decision; that my printed papers were a false and scandalous libel, which decision they did not give explicitly, but chose to convey by implication, when they declared that Dr Spens and his Committee, in 1804, had acted in the most honourable manner. The supposed certificates, and the real declaration and decision, are equally false, and *must* have appeared so to men, who, like my colleagues, were personally acquainted with me, and of course knew how many heads I had got, and what my stature was; and who also knew the commonly received principles of moral and honourable conduct, and the proceedings of Dr

Spens and his Committee. The supposed certificates, and the real declaration of the College, equally admit of being analysed, and resolved each of them into two distinct propositions, which may easily be considered separately, and *must* be either true or false. I have accordingly analysed them all; the two supposed certificates I have resolved, *secundum artem*, each into a complete dilemma, both suppositions of which are intuitively *false*, though not mathematically absurd. The propositions, supposed to be certified by the College, on which those dilemmas were fastened, must of course be given up as false; which indeed was evident without the help of the dilemmas that I employed. The real declaration of the College I have also resolved, *secundum artem*, into its elements. These elements the Royal College had not chosen to specify, and I was not entitled to do so for them. But I was perfectly entitled to state the contradictory proposition, which I assert, and can prove; and to resolve it into its elements, the *major*, the *minor*, and the *conclusion* of a regular syllogism. If it be true, their declaration must be false. If it be false, either the *major* or the *minor* of it must be false. I invited them to deny either the one or the other; but this they have not chosen to do. The *major* is self-evident, and withal of such a nature, that to deny it would be infamy in many respects. The minor may be doubted by men who do not know the particular facts and circumstances, as recorded in our minutes, and as they appear in the Report of the Committee; to which facts and circumstances, all well known to the Royal College, that *minor* relates. My brethren will not seriously and *bona fide* dispute them, and refer to their Records, and to the Report of the Committee, to prove my *minor* false. This would be just as needless, and as foolish on their part, as it would be for them to refer it to a recruiting serjeant to ascertain whether I am really a giant or a dwarf, and to an eminent accountant to tell how many heads I have.

But I must observe, that they have *declared their regret that I should think myself brought into that dilemma;* namely, being either a perfect madman, or a liar and a knave; *if their declaration* of 5th February 1805, to which, at the very moment when they expressed that regret, they declared their adherence, *were true.* Whether they meant, by this expression of regret, that they did not intend by their former declaration, the *virtual decision,* to contradict what I had asserted; that they did not understand it to be any contradiction of what I had stated in my *Review* and in my *Censorian Letter;* that they had not heard, or had not read, or had not understood, what Dr Duncan senior declared, first *viva voce* in the College, 5th November 1806, and afterwards in print, that the College had already decided virtually, that they were a false and scandalous libel,—I really do not know, nor shall I ever enquire.- But as they have had the goodness to declare their regret on that point, I can do no less in return, than endeavour to hint, and by signs and tokens to make known, the unspeakable happiness which I feel, in thinking that their regret, on that sad occasion, has, apparently, had no bad effects on their stomachs, their nerves, or their animal spirits; and also to intimate to them my deep regret, at finding *that* great happiness much alloyed, by the discovery, that nine out of twelve of the Fellows of the Royal College of Physicians in Edinburgh, did not know the right end of a dilemma from the wrong.

I have heard a story, which may be true, for aught I know, and certainly has long been told of one of our countrymen, that great man Archbishop Sharp; who, it is said, when first he saw asparagus at table, immediately, by the force of his own genius, discovered that it was intended to be eaten: but the force of nature could no further go; and, for want of the proper *instrumenta mentis,* he made an awkward mistake, and began to eat it at the wrong end. This afforded much entertainment to those who saw him: but he soon

afforded them much more; for being too proud to be set right, or admonished, even on such a trifle, he immediately, on being told by one of the company how asparagus ought to be eaten, declared, that *his* was the right way of eating asparagus,—that he always eat it so: and he thought it right to adhere to that declaration; and from the purest motives, and in the most honourable manner, to eat his asparagus at the wrong end, all the days of his life. The story, I must own, savours somewhat of the marvellous, even as told of one learned prelate; yet it may be true. But what should we think of a whole bench of English bishops, three-fourths of whom knew not the right end of asparagus, or of a General Assembly of the Church of Scotland, three-fourths of the members of which knew not the right end of a woman from the wrong? Not more favourably, in point of intellect, will men of science, and mankind in general, think of a Royal College of Physicians, nine out of twelve of which knew so little of the art of reasoning, as first to mistake the *major* and *minor* of a simple syllogism for the *horns* of a terrible dilemma, and next to fancy they were tossing and goring me with those merciless horns, when the said horns, or pretended horns, were stuck fast in their own hypochondres, and when they themselves had very kindly given me the handle of the instrument, *(instrumentum mentis)* whether syllogism or dilemma, that I might amuse myself by roasting them like Welsh rabbits.

"John! who's that that's fallen?" said an honourable country gentleman, who lay sprawling in the mud, having unluckily fallen from his horse. "Troth, sir," said John, taking off his hat, "its "just your honour!" From the question of the master, and the answer of the man, it may be inferred, *logicè*, that his honour had been dining; and had been overtaken by that inveterate enemy, who, as a great philosopher has observed, generally pursues, and seldom fails to overtake, most country gentlemen in the kingdom: in plain Eng-

lish, that he was as drunk as a lord: Yet, drunk as he was, his question shewed that he still retained some small remnant of intellect. He certainly had discovered that somebody had fallen; nay, his question shewed that he retained some portion of that modest honourable distrust of his own judgment, which, in all doubtful and difficult cases, is to be expected of the gentleman, the man of science, and the man of sense. He seemed to think it just possible, that he himself might be the unfortunate, or the drunk person; and shewed due deference to the sounder, more impartial, and more sober judgment, of his man John. But what should we have thought of his honour, if, while he lay sprawling in the dirt, he had boldly asserted, that he was firm in his saddle and stirrups; and had declared his regret that his man John should be so drunk, and should have had so severe a fall?—Or what should we think of a county club, nine out of twelve of the members of which, as they lay wallowing on the floor, unable to lie on the ground without holding, (the only legal evidence of being *bonâ fide* dead drunk) should vote themselves dead sober, and their wives, who had come to take care of them, dead drunk; and should insist on turning their wives out of doors for such a scandalous misdemeanour? I think we might safely say, that they were a club,—not of the greatest philosophers,—but, what is much better for wine merchants and tavern keepers, as well as for the excise and customs, and consequently for their country altogether, of the honestest fellows in the world. This supposed case comes so near to the real one, that I can see no material difference between them, except that the nine honest fellows of the county club would have the excuse of being drunk; whereas the nine worthy members of the Royal College of Physicians had no such honourable excuse for their equally wonderful mistake.

If reasoning were only an amusement, like dancing, or playing at cards or at billiards, it would be quite optional with my honourable brethren to learn and practise it, or not: But if they should choose to practise it, even as an amusement, it would not be quite optional with them to learn it. For their own sake they would be obliged to do so.

Ludere qui nescit campestribus abstinet armis,
Indoctusque pilæ, discive, trochive, quiescit,
Ne spissæ risum tollant impune coronæ.

But the practice of reasoning is not altogether optional. On many occasions it must be practised by all men; and very often, on the most important occasions, and in very difficult circumstances, it must be practised by men of our profession. It is therefore a duty in all men, and especially in physicians, to learn, and to respect in others, and to follow themselves, the rules of good and candid reasoning; and in such men it is a shame to be even ignorant of them. But to neglect or violate those rules, when known, stated, urged, pleaded, and in defiance of them, to reason, or pretend to reason, falsely and uncandidly, is on many occasions, chiefly in cases which involve the consideration of justice as well as truth, morally wrong and dishonourable. It is as certainly a violation of truth and probity, as any other more common kind of falsehood and knavery.

My brethren cannot, without absurdity, and additional disingenuity on their part, pretend, that in their vote, 24th November 1807, they inadvertently used the word *dilemma*, not in its strict technical meaning, as a term of logic, but in its metaphorical and more common popular sense, as signifying only a hard or embarrassing choice; for, in the *first* place, in that part of their declaration, they were *answering* (that is, *evading* most manfully) that part of my letter, in which I pressed them hard, wishing to force them to explain their

former ambiguous declaration ; and, for this good purpose, had availed myself of the principles, and even of the terms, of technical logic, syllogism, major, minor, and conclusion : and, in the *second* place, they all knew perfectly, that I had no difficult, nor indeed any, choice to make. My choice was a very easy one ; and had been made more than a twelvemonth before ; as soon as I recovered from the astonishment and indignation, which the discovery of their *virtual decision* produced in me. Without the ceremony or the trouble of making it the subject of a previous dilemma, by stating that it *must* be either true or false, I saw intuitively that it was false, and chose accordingly to reject it, and every dilemma which depended on it being true.

I sincerely wish and hope, that this logical discussion may cure my brethren of their dilemmatophobia, by convincing them, that a dilemma is an instrument of reasoning, as lawful, and fair, and innocent, and, on many occasions, just as necessary, as simple apprehension, distinction of *genus*, *species*, and individual; or as a proposition, affirmation, negation, axiom, argument, enthymem, syllogism, major, minor, conclusion, demonstration, corollary, &c.

The dilemma is generally useful in reasoning with men, who are not accustomed to clear and precise thinking, whose thoughts on many subjects are so confused, that they themselves cannot so far unravel the mass as to know what they mean to assert or to deny. *A fortiore*, those who attempt to reason with such confused thinkers, have no chance at all either of understanding or convincing them. The dilemma, when fairly employed, forces them, not only to divide their confused mass of thought on any subject into two distinct portions, but at the same time to arrange their thoughts on some precise and rational principle ; which, at least, makes it easier than it was before, or perhaps makes it possible, when before it was impossible, for them to attend to each thought separately, to compare different thoughts with one another, to perceive their more immediate rela-

tions, and to trace their more remote necessary consequences. I think it highly probable, that, at this hour, more than six months after some of my brethren took it into their heads to maintain, that I had, from the first, known of their *virtual decision*, and more than three years after that wonderful decision was pronounced and ratified, several members of our College have not settled in their own minds, that is, have not distinguished, or attempted to distinguish, even in thought, waving here all question of their having stated such a distinction in words, between two propositions, which being contradictory, *cannot both be true;* but *one* of them *must be true*, and the *other must be false*, if their assumption be true. These two propositions, which constitute a fair and complete dilemma, relate to, and one or other of them is necessarily implied in, their most confident assertion, that I knew of that *virtual decision*, and acquiesced in it. Both those propositions, which, fairly stated, make a complete dilemma, are false at least: but, to the best of my judgment, they are much more than false. They are absurd, and morally impossible. Indeed, I maintain, and know with certainty, that the whole of the assertion and assumption of my brethren is false, and that the latter part of it—the notion that I acquiesced in their declaration—is morally impossible, and utterly incredible. But, *supposing* it *all true*, then, necessarily, I *must* have done so, either believing and knowing that decision to be *true*, or believing and knowing it to be *false*. I could not believe it both true and false at the same time, or neither true nor false; nor could I *doubt* or suspend my belief about it, as my brethren cannot fail to know, for I was perfectly well acquainted with the particular facts and circumstances of the evidence. Even now, I suspect that several of my brethren would be sadly gravelled with that dilemma, and very unwilling to choose either part of it, and rest their cause on that choice or supposition; and if any number of them, which I greatly doubt, should be so little puz-

zled with it, as readily to make a choice of one or other supposition, I do not believe they would all choose the same one. And, whether they chose the same horn, or different horns of the dilemma, I doubt much whether they would see, or have ever yet thought of, the certain or necessary consequences implied in their own choice. But these they shall see very soon.

A fair dilemma, which of course must be complete, is equally useful, and very often necessary, in an attempt to reason with uncandid disputants, who argue for victory, perhaps by a vote, not for truth; and who anxiously wish, and are determined, if possible, not to be convinced. Such disputants, sometimes I believe instinctively or habitually, sometimes in consequence of deliberate thought and contrivance, attempt to evade every argument that is urged against them, by what is called (metaphorically) *shuffling*, or *changing their ground*, very often; and perhaps repeatedly backwards and forwards; sometimes availing themselves of one supposition or principle of reasoning, sometimes of another, though the two suppositions are absolutely inconsistent, so that they cannot, without the most glaring absurdity, be both maintained at once; nay, perhaps though they are directly contradictory; so that one of them must be true, and the other false. Such a disputant might easily puzzle Archimedes himself, and baffle him in an attempt to prove that A was equal to B, if he (the uncandid disputant) were allowed to avail himself sometimes of the supposition that A was less than B, sometimes of the supposition that A was greater than B, and again of his former supposition, when he thought it would better serve his immediate purpose. On many occasions, one good dilemma deprives an uncandid disputant of all his evasions, and obliges him to stick to one point, one supposition, one argument, at a time; till he is either fairly, though perhaps in spite of his teeth, convinced of the truth, or as fairly convicted of falsehood and absurdity. On many other occa-

sions, a good dilemma enables a candid but confused-headed man to reason justly, by making him think clearly and precisely. On both these accounts, I think it right and necessary to use occasionally the fair logical weapon called dilemma, in my attempts to reason with some of my very angry brethren. *Hanc veniam petimusque damusque vicissim.* If the dilemmas employed by us respectively be good, and conclusive in point of reasoning, those who are either convinced of truth, or convicted of falsehood, by means of them, cannot rationally complain of injustice. If they are bad and inconclusive, like the *supposed* dilemma, into which my brethren *conceived* they had got me, and for which they had the kindness to express their regret, they can do no harm to those against whom they are employed, but will recoil on those who employ them. My brethren may be assured that I have no objections to be the object of many such dilemmas, and such accusations, as they have employed against me; but I should be very sorry indeed to be the author of any such dilemmas, and still more sorry to be the author of even one such accusation.

I formerly mentioned, that one of my chief reasons for most anxiously wishing that Dr Hamilton should appear personally as a witness, and answer such questions as I had to propose to him with respect to the matter in question, was that I had prepared for him a dilemma; a perfectly fair one, in my opinion; and certainly not intended to embarrass or entrap him, but *bonâ fide* to assist his memory, and enable him to recollect and state distinctly, if not the whole of our conversation in my house on the 5th of February 1805, at least the chief and most interesting parts of it: for I could not find by his conversations with me that he remembered any part of it. The words quoted by Dr Hope in his motion convinced me, that Dr Hamilton had recollected the beginning of our conversation; and I had good hopes that, by a series of proper questions, and especially by

means of a fair *dilemma*, which I meant to propose to him, I should be able to make him recollect, if not all the words, at least the sum and substance of the information that he gave me with respect to the intended proceeding of the College that day ; and the purpose for which he gave it me ; and what I said in answer to it; and what he conceived that I understood by his information ; and what conduct towards my brethren, especially as to suppressing my Review and Censorian Letter, and rectifying any errors that I might have committed, and repairing, as well as acknowledging, any wrongs that I might have done to my brethren, he expected or wished on my part, in consequence of the information that he gave me ; and whether my actual conduct in those respects, corresponded to his expectations ; and whether he ever observed me either express in words, or shew by my actions, that I knew of the *virtual decision*, and meant to acquiesce in it ; and whether he thought I could do so, or, if I could, whether I ought to do it ; and whether he, on finding that I did not acquiesce in it, but continued to distribute my printed papers as before, ever thought that he had not given me sufficiently explicit information ; and whether he thought I did right or wrong in continuing to distribute my printed papers, and in making no apology or reparation to my brethren, whose proceedings I had reprobated so harshly, or whether he thought it a matter of indifference whether I did so or not ; and whether he had ever resumed with me the subject of that conversation, and told me what strong reasons had made him change his former very unfavourable opinion of the proceedings of the Committee, and think, at last, that they had acted in the most honourable manner, as well as from the purest motives ; and whether he had endeavoured to explain to me those strong reasons, and to make me adopt that new opinion, and change and regulate my conduct accordingly.

I am sure I have not the least remembrance of such information, or arguments, or remonstrances, on the part of Dr H. ; and that the

meaning conveyed to me by his conversation was totally different, as I have fully explained already. What my notion of the proceedings of the College, 5th February 1805, was, my actual conduct, which *must* have been well known to Dr H. amply testifies. This conduct *must* have appeared to him very shocking; and disgraceful, at least, if not criminal, on my part; and withal must have been perfectly unaccountable, if he thought he had given me any such explicit information as ought to have prevented it: and he *must* have been eagerly desirous, for his own sake, as well as mine, and that of the College, and, above all, for the sake of the Committee, to resume the subject with me, to be more explicit in his information, to remonstrate, in a friendly manner, with me, on the impropriety of my conduct; and, if I would not listen to his rational and just admonition, then to avoid all further intercourse with me, as a person either absolutely insane, or totally unprincipled.

If any such conversations ever passed between Dr H. and me on that interesting subject, I am convinced his answers to my questions would enable me to recover, if not the whole, at least some of the more striking parts of the train of thought connected with them. If no such conversations passed between us, then, I think, my series of questions would enable Dr H. to recollect distinctly, what degree, and kind of information he had given me, for what purpose he gave it, what were his wishes with respect to my conduct towards the College, and what his reasons were for not resuming the conversation with me, and endeavouring, by all the fair and honourable means in his power, to induce me either to do what he thought right and expedient, or else to tell him explicitly my reasons for persisting deliberately and obstinately in doing what he must have thought morally wrong and disgraceful; especially after my repeated and very strong declarations, both public and private, that I was ready to acknowledge any errors, and repair any wrongs, to my bre-

thren or the College, that I might have committed; as soon as they should be pointed out to me.

If it were *possible*, which in truth it is not, to state here precisely all the questions which I meant, in case of need, to propose to Dr H,. it would be absurd, as well as indelicate to do so. It would necessarily have depended entirely on his answers to some of my questions, which of many others that I had prepared and arranged, or whether any of them, should be put to him; or what other questions might occur, and be thought of such importance that it would be right or necessary to propose them. Proper answers, I mean explicit and satisfactory answers, from him, to a very few of my questions, must have precluded many or all of the others, by making them either absurd and impossible, or improper as well as useless: just as would have happened with my queries to the Royal College on the 5th of November 1806, if my brethren had chosen to act candidly towards me on that occasion, and to answer explicitly my queries one by one, in the order in which I proposed them. It would be *absurd* to state here all the questions that I had thought of as eventually proper to be put to Dr H.; for the premature knowledge of some of them might make him refuse to answer others, which, but for that kind of knowledge, he would have answered frankly. It would be very indelicate, or worse, morally wrong, for me to state here all those questions, several of which must be painful to himself, others might embroil him with several of his colleagues, with whom I am sure he does not wish to quarrel, and very few of which can really be needed.

But I have no objections to state here the dilemma that I had in view in arranging those questions.

Supposing first, as the subject of my dilemma, that, at the time of our conversation, at 3 o'clock on the 5th of February 1805, Dr H. knew of the intended declaration of the College, that the Committee

had acted from the purest motives and in the most honourable manner, in which declaration he meant to concur, and of which he meant to give me some intimation, more or less complete, as he should think expedient; then certainly he *must* either have *believed* it, knowing it be true; or he *must not have believed it*, knowing it to false. The evidence of all kinds, and means of judging, were decisive, and were completely before him. He could not both believe it, and not believe it. He could do nothing intermediate. He could have no doubts about it. The dilemma therefore is complete, and withal fair and honourable. Dr H., as a man of sense and candour, well accustomed to reasoning, could not refuse or even hesitate a moment to choose one or other of those suppositions, (the horns of the dilemma). Of course he would choose the true one.

If he should have chosen the second supposition, and should have declared publicly and solemnly, perhaps upon oath, that he did *not believe* that declaration in which he concurred, but knew it to be false, I presume my brethren would at once have more than enough of his testimony, and would beg of him to proceed no farther. But I might wish to put a few more questions to him, just to ascertain what his reasons were for deliberately concurring in a declaration that he knew to be false; what his wishes were with respect to producing immediately, or preventing, if possible for ever, any discussion in the College about my Review, and my Censorian Letter; what his purpose was in calling on me just on his way to the meeting of the College; whether he wished me to go to it along with him, and take a share in the business, or to absent myself from it; whether he expected that I would acquiesce, or thought I said, or shewed by my conduct, that I did acquiesce, in a complete contradiction of what I had asserted about the proceedings of the Committee, &c.

If Dr H. should have chosen the first supposition of the dilemma, and should have asserted that he believed, and knew to be true,

the declaration of the College in which he had concurred, I should have had many questions to propose to him, about his original opinion with respect to the proceedings of the Committee; the time of changing his opinion with respect to them; the reasons for which he changed it; the truth, or possibility, of what the Committee had asserted, as a preamble to their declaration, namely, that doubts had been entertained about the extent and purpose of our act of 1754; the truth of their declaration as to the extent and application of that act; the particulars of the information that he gave me about the intended vote of the College in February 1805; the arguments which he had urged with me to prevail on me to acquiesce in it; the success which attended his efforts in that respect; what I said in reply to his arguments; what he thought of my subsequent conduct; what remonstrance he made to me about it; and, with what effect, &c. &c.

If he could not remember these things, or any of them, which certainly I can not do, then I should have desired him to look into my Review and Censorian Letter, and to point out to me those particular assertions which he, or my brethren, at the meeting of the Council, had found or declared to be either erroneous, or wilfully false and injurious to any of them; if he could not specify any such particulars, I should have asked him peremptorily, whether he thought the whole of those papers could be false, and injurious to my colleagues, unless several particular passages of them were so; and why those false and injurious passages, in what I had written, were not made known to me in February 1805; and why I was not cited by the College to answer for my conduct, and acknowledge and repair the errors and the wrongs that I had committed, according to my own offer repeatedly urged to my brethren.

Lastly, I should have desired Dr H. to consider the matter logically, in order to assist himself to recal some part of that fleeting

train of thought, which, being necessarily connected with the declaration that he believed, and had concurred in, and saw recorded, could not be absolutely and irrecoverably lost. I should have stated to him *my* syllogism (as in page 267.); should have asked him, whether the conclusion of it was directly contradictory of the declaration of the College, in which he had concurred? Whether he thought both propositions could be true? and, if he should have declared that mine was false, I should have asked him to say, whether he denied the *major* or the *minor* of that regular syllogism, of which it is the *conclusion?*

Dr H., as a man of sense, of science, of probity, could not have refused, or have hesitated a moment, to take his choice. To have refused to do so, and still to have persisted in his declaration, and his assertion, that my proposition was false, would have been, as he could not fail to know, to place himself in the situation of the honourable gentlemen in the supposed case (page 284.), who were resolved to stick to generals, and to *swear off* their companion, who had got into a scrape. In my opinion, it was a very strong thing for a body corporate to act in that manner, with the principles of logic and of ethics, and the common sense of mankind, staring them in the face: but such bodies, happily for mankind in general, and for their own members in particular, are as completely exempted from the sense of shame as they are from that of pain or of hunger.

I confidently expected, that his explicit and candid answers to a few of my questions would compensate for the haughty, uncandid, irrational refusal of the College, to answer my fair, logical, urgent questions, and would at last make known to me what that falsehood and knavery was, of which the College had thought fit to declare me guilty, by a *virtual decision*; of which I neither knew nor suspected, any thing for a year and nine months; and which the majority of my brethren, or the College as a body, seemed obstinately re-

solved not to explain to me. Few objects in this world could be more interesting to me, than to obtain such an explanation.

Dr H. will from this understand perfectly, why I was so anxious that he should attend in his place, aud answer such fair questions as I had to propose him; and my brethren will easily judge what my disappointment and vexation was, when, instead of seeing him in the College, I heard the President announce, as if from authority, that Dr H. would never appear there again.

He knew that I wished to put several questions to him: I had told him so repeatedly: I had told him, that they should all be *fair* and *honourable* questions: I never told him even one word of any of them; for this I should have thought dishonourable, as well as foolish. It would have been almost equivalent to telling him what to say, or else putting him on his guard not to say any thing, in answer to those questions. Once, and but once, on the 17th of December 1807, he saw the *outside* of the bundle of papers containing those questions. In this respect he had the advantage of Dr Wright; who never saw even the outside of that bundle, till I produced it in the College on the 19th of December. My brethren, I presume, with their usual candour, will not believe, what yet is most certainly true, that at the hour of the meeting of the College that day, neither Dr H. nor Dr W. knew one syllable of the questions which I meant to propose to them. As both of them knew that I wished, and was determined, if I had the opportunity, to put some strong questions to them, I take it for granted that both of them had speculated a little, and formed their own conjectures, about what kind of questions mine would be. If so, I must presume that they regulated their conduct accordingly.—As to Dr W., I am convinced, by many concurrent circumstances, that he was eager to prevent my questions; perhaps more eager to prevent, than I was to propose them.—As to Dr H., it may be necessary to explain on what prin-

ciple I stated to him, in private conversation (in December last), and have repeatedly mentioned in the preceding pages, that all my questions to him should be fair and honourable; when, as my brethren now see, they depended on a strict *dilemma;* one of the suppositions of which is, that he had deliberately concurred in a formal declaration, or certificate, which he did not believe, and certainly knew to be false. Nothing can be more easy than to explain that seeming paradox.

In the first place, as to the dilemma itself: it is complete and irrefragable. If all the seven sages of Greece had concurred with Dr H. in that declaration, not one of the eight could have made his escape from it. Each of them must have taken his choice, either of the supposition that he *believed,* or of the contradictory supposition that he *did not believe* the declaration.

In the second place, I never meant to urge Dr H. to choose the supposition offered to his choice, that he *did not believe it.* He was heartily welcome for me to take the other supposition; in which choice surely there could be nothing dishonourable, if it were true that he believed the declaration.

In the third place, if he should have chosen the supposition that he *did not believe* the declaration in which he concurred, and this I must own was the choice, that from the time of the discovery (November 1806) I had, perhaps rashly and presumptuously, made for him, he certainly could not think his conduct in that respect dishonourable. He was placed in very uncommon and difficult circumstances; obliged to choose between two great but inconsistent duties: on the one hand, benevolence to several of his colleagues, whose situation was certainly very painful, and his desire and bounden duty to preserve or to restore, as soon as possible, peace in the College: on the other hand, strict justice to me, and a rigid adherence to truth. As he deliberately preferred the former duties to the latter, and as

there could be no suspicion of any sinister motive on his part, such as self-interest, or revenge, or spite at me, I cannot doubt that he would frankly avow, when called upon, his principles of action.

I need not now assure either him or Dr W. that I gave both of them implicit credit for those honourable motives. My behaviour towards them both, uniformly the same since the discovery that it was before, must have convinced them that I had, from the first, and without asking any explanation from them, put the most favourable construction on their conduct. Nay, from the hour of the discovery to the present hour, neither of them has heard from me one word that could be construed into the slightest remonstrance: for I do not think Dr H. could justly regard as a remonstrance the hint which I gave him of my surprise at the discovery, and my enquiry whether he had communicated to the Council my letter to himself of the 5th of February 1805.

If Dr H. had chosen to appear as a witness in this matter, especially as a witness against me, when I thought he would, in case of need, have been a decisive witness for me, and had alluded to him accordly, I should have thought it reasonable to propose certain questions to him, which otherwise it would have been illiberal, indelicate, and unfriendly, even to have hinted; and which he knows I never did hint to him. But in the circumstances in which I was placed, those questions would have been fair, and proper, and unavoidable, if he had appeared as a witness, and had retained so imperfect or confused a memory of his very short conversation with me, as to think he had told me the whole of the intended vote of the College, or even that peculiarly interesting part of it, the declaration, or *virtual decision*, the complete contradiction of all that I had said of the Committee.

The question very indelicate in itself, and only to be proposed in case of necessity, "Did you at that time, or do you now, believe that "declaration, and know it to be true, or the contrary?" would have

greatly assisted his recollection. If he was conscious that he did not believe it, he would also be conscious of the motives, which I admit to have been unexceptionably good, that must have induced him not to inform me of it; unless he had been resolved to force me to a personal quarrel with himself, and at the same time induce me to go instantly to the meeting of the College, and engage in the most violent warfare with my brethren. But this his preceding and subsequent conduct has amply shewn not to have been his wish or intention. And, without some such absurd purpose, to have come to my house to give me the lie, *virtually*, but very intelligibly, and at the same time to give the lie to all that he had formerly said to me on the same subject, would have been to act like a madman. If he remembers, which I am confident must be the case, what I said to him on hearing what he told me of the intended vote, he must, on another principle, be enabled to recollect what kind and degree of information he gave me; for knowing, as he well did, my sentiments, expressed in my printed papers, and in my letter to himself the day before, which letter he did not communicate to the Council, he *could not* understand that I would have agreed to such a vote, if I had gone to the meeting of the College. And I am sure the uniform tenor and consistency of my conduct, both before and after that conversation, must evince that I understood by it what I have always declared, and that, from first to last, I acted *bona fide* in the whole business. As to any supposition of my not having *understood* Dr H. if he really gave me information of the *virtual decision*, it appears to me to be *impossible*.

As to the question, whether Dr H. did right in preferring the considerations of benevolence to some of his brethren, and of peace in the College, to those of strict truth, and of justice to me; it is not absolutely necessary that he and I should agree exactly on that point. My opinion, with respect to it, and the reasons of that opinion, have

been explicitly stated already. It is enough, for my present purpose, that Dr H. *thought* he was doing right, and that I admit, which I do most frankly, that he thought so. Nor must my brethren regard this as any affectation or disingenuity in me. Though tolerably obstinate, or perhaps what they will think intolerably obstinate, in my own opinions, I am not intolerant with respect to others; as, for example, in the important concern of religion. I have not the smallest inclination to adopt the peculiar tenets of the Papist, the Quaker, the Anabaptist, the Mahometan, the Hindoo, the Japanese; but I find no difficulty in believing, that men of good sense and great worth may be perfectly sincere in all the varieties of religious principles: and I hope my brethren will not require a metaphysical dissertation from me, to make them understand and acknowledge the difference between thinking a man sincere, and agreeing with him in any opinion, in religion, in morals, in politics, or in science; including, of course, our own profession.

As to the question of the *expediency* of that declaration, or *virtual decision* of the College, in which Dr H. concurred, although (according to the supposition at present under discussion) he did *not* believe it—that is no personal concern of his; it is the concern of the College, which adopted it, as recommended by the Council: and Dr H. and the College too, may say, as Cardinal Fleury did to Lord Waldegrave, "*C'etoit par ordre du Conseil.*"—In my opinion it was inexpedient; for many reasons which I have no time to discuss: and supposing it to have been expedient, the success of it depended on a very improbable contingency—that I should be kept ignorant of it. It was plain that if I discovered it, it would instantly make bad worse.

But there was something humane, and benevolent, and social-like in it; as if the Council and the College, as a body, had meant to say to the Committee, "We see you are in a sad scrape; but we

" will share with you the disgrace and the vexation of it." Their conduct on that occasion strongly reminded me of the similar conduct of an honourable gentleman, who had the honour to dine with a great fat Lord. " Help me up," said the right honourable Peer, who had fallen drunk from his chair: " Ah, my Lord," said his complacent guest, " that I can't do; but I will lie down along with you." So, taking the bottle and glasses with him, down he lay along side of his Lordship. " Nay, ———," said the grateful Peer, " the like " saw I never."

Lastly, As to the circumstance of having suddenly and completely changed his opinion with respect to the proceedings of the Committee, there can be nothing in *that*, dishonourable on the part of Dr H. Such a complete change of opinion *must* have taken place in him, if he concurred in the declaration of the College, *believing it to be true;* which is one of the suppositions, or horns, of the dilemma, that I have stated, as one from which there can be no escape. His original unfavourable opinion on that point, he had expressed to me repeatedly and strongly: and it was pretty generally known in the College, in consequence of what he had said at the quarterly meeting of it in November 1804, as soon as he heard announced the intended falsification of our law of 1754. To that well known opinion of Dr H. there is a strong allusion in my letter to him. Indeed the whole of that letter is an allusion to it: it is morally impossible that I should have written such a letter to him, unless I had known that his opinion on the subject in dispute was the same with my own. But he was well entitled, and it was his duty to change it, nay, it was *impossible* for him *not to change* it, whenever he saw good reasons for doing so: and, without such reasons, it was *impossible* for him *to change* his former opinion. These reasons he cannot fail to know; and it must be easy, and very agreeable, and highly honourable for him to declare them. No wise or good man ever yet was

ashamed of changing his opinion for good reasons. Nay, it is *impossible* that such a man should be ashamed of acting in that rational and candid manner: for this would be nothing less than to be ashamed of growing wiser and better.

My brethren, I understand, do me the honour to think me the most violent, most obstinate, and most uncandid member of their society. Yet even I, with all those admirable accomplishments, cannot fail to change my unlucky opinion with respect to the proceedings of the Committee, as soon as I shall see good reasons for changing it: nor can I hesitate to avow that change of my opinion as soon as it shall take place. If my brethren think I should act otherwise, and of course dishonourably, in that respect, it would be well worth their while to try the experiment with me, the result of which *must* be decisive with respect either to them or to me. If Dr H. or any others of my brethren, who, in the beginning of February 1805, so suddenly and completely changed their opinions of certain persons and things, or if any other member of the College, who is in the secret, will have the goodness to state to me explicitly the reasons which induced them to do so, I shall consider them with the strictest attention, and either acquiesce in them as valid, of course changing my opinion, and avowing the change of it, and the reasons of the change, or I shall tell my brethren as explicitly, why I do not acquiesce in such reasons. If I shall err, or act uncandidly, on such a trial, I shall most deservedly stand convicted of shameful folly, or of still more shameful falsehood and knavery.

In the mean time, I trust, that what I have here stated will convince all my brethren, and in particular Dr H. that not only it would not have been dishonourable in him to answer explicitly, but that it would have been absolutely dishonourable in him not to answer explicitly my questions, if he had appeared in the College in the cha-

racter of a witness. But this, I acknowledge, it depended entirely on himself to do or to refuse.

The most common, and, I believe, the fairest way of judging, in such a case, what is truly just, and reasonable, and honourable, is, to suppose ourselves in the situation of the other persons, of whom any thing is required; and to consider, candidly, what we should think it right to do ourselves, and, consequently, reasonable and just in others to require of us. On this principle, I could have no scruple in thinking all the questions fair and honourable, which, eventually, I intended to propose to Dr H. if he should have chosen to appear as a witness. I should not have proposed one question to him, which, if I had been in his situation, and he in mine, I should not have thought it just and reasonable for him to have put to me: not one that I should not have answered cheerfully; not one that I should not have thought it most honourable for me to answer explicitly, and very dishonourable to evade, or refuse to answer. For example, I should gladly have taken my choice of the two suppositions of the dilemma, that I either *believed*, or *did not believe* the declaration in which I had concurred; choosing, of course, according to what was true on that point: if I had concurred in it, *not believing* it, I should frankly have stated my reasons for doing so; and for preferring other honourable considerations to those of rigid truth and justice: If I had concurred in the declaration, because I believed it true, I should have been eager to state my reasons for thinking so, and for changing completely and suddenly my former opinion: I should willingly have declared what pains I had taken, and what arguments I had used with Dr H., (he being supposed in the situation in which I really was,) to make him change his unfavourable opinion of the Committee and their proceedings, to make him acknowledge his errors, and repair the wrongs that he had done to so many of his brethren, and to the College as a body, and, above all, suppress his

printed papers, and recal, and commit to the flames the copies of them which he had actually distributed: and, finally, if the *syllogism* (page 267) had, as the last resource, been proposed to me, I should at once have either admitted the *conclusion* of it, acknowledging, of course, that I had been totally and wonderfully mistaken in believing the *declaration* true, or I should, what certainly must have been a hard choice for me, have denied either the *major* or the *minor* of that syllogism.

On no other principle could I have presumed to urge Dr H. in the manner I did, to attend the meeting of the College, (19th December last,) and answer such fair and honourable questions as I had to propose to him. It happened that I knew even the words of a maxim of law, *Nemo tenetur jurare in suam turpitudinem:* and if I had never heard of such a rule of law, I should have regarded it as an indefeasible principle of common sense and honesty, that no person can be required to give evidence against himself. I never wished Dr H. to do so; on the contrary, I thought if he should have answered those questions which I meant to propose to him, as tending to justify me, he would at the same time have given the most satisfactory and honourable explanation of his own thoughts and actions. That I erred in some of those speculations is very probable; and it is certain that Dr H. thought differently from me with respect to some of them, that he wished to avoid all explanations and discussions with his brethren about a very thorny business, and that he was distressed at my urging him so strongly and repeatedly to attend our meeting, and answer my questions.

I am heartily sorry that I gave him pain in that respect; and I shall never do so again, by urging him on the same subject. But I beg it may be observed, that it was not my importunity on that point, nor yet any apprehensions he had of my putting to him indelicate or uncandid questions, but something very different, that drove him from the Col-

lege; for he had withdrawn from it quietly, by ceasing to attend its meetings, two years and a half before this discussion was heard of, and of course before I urged him to appear there in his place, and before I could have thought of proposing to him any such disagreeable questions. And I am sure Dr H. will do me the justice to acknowledge, that, in the course of a twelvemonth after the discovery, I had neither complained of his conduct, as unfriendly to me, nor remonstrated with him on the subject, as if I had thought it in any way wrong; that I never asked him to give any declaration, either by word of mouth, or in writing, with respect to the information that he had given me, or any part of his own conduct in the business; that I did not mention his name in my discourse, nor even allude to him in the most distant manner, till some of my brethren, with unexampled effrontery, would insist on putting on my words a meaning which I never meant, and maintaining, that I had declared that I had no knowledge at all of the proceedings of the College on the 5th of February 1805. That false and malevolent interpretation of my words I disclaimed as soon as I heard of it. If it had been true, it would have been most disgraceful to me, both in point of morals and understanding. As this was evident, and as they affected to persist in believing that such had been my meaning, even after I had fairly explained my own words, and assured them it was not so, I judged that the disgraceful interpretation which they wished to put upon my words, was premeditated and malicious. Wishing, very naturally and reasonably as I think, to put an end to such a disgraceful altercation, I alluded to two of my brethren, from whom I had received that partial information according to which I had regulated my conduct towards the College. I named neither of them; but I said one of them was present. Dr H. was not present. Two of my very angry brethren, knowing certainly what his sentiments with respect to the proceedings of the Committee had been; know-

ing certainly that he had concurred in the declaration of the College, contrary to his original sentiments; knowing certainly that from and after the time of that proceeding he had silently withdrawn from the College; knowing certainly that he did not wish to enter into any explanation of his own thoughts and actions, or on any discussion with his colleagues about theirs, on that vexatious business, and that he wished to take no further concern in the proceedings and the warfare of our College, went to press him into the service as a witness against me, and chose to put an arbitrary and false construction of their own, on what, as I could vouch, he had very truly told them.

It was purely in self-defence, not as wishing to give Dr H. any unnecessary trouble or distress, that I was anxious that he should explain some things, which had been misunderstood and misrepresented; and which I thought he could explain easily, and honourably to himself as well as to me. Till the moment that I heard Dr Hope read in the College his fifth proposed resolution, stating what Dr H. and Dr W. had said to him, I should without hesitation have referred it either to the one or the other, or to both of them, to testify what had been the tenor of their conversations with me in February 1805. In fact, my allusion to them was equivalent to such a reference. Till I heard Dr Hope read that part of his motion, I never once thought it possible that either Dr H. or Dr W. should have forgotten their conversations with me, or should have understood the purport of them to be in any respect different from what I understood it to be. What I understood to be the purport of those conversations, my conduct towards the College for a year and nine months, as already explained, I am sure *must* amply testify. The most interesting part of that conduct, my continuing to distribute my printed papers instead of suppressing and recalling them, and acknowledging my errors, and repairing the wrongs that I had

done to my brethren, according to my offer repeatedly made and strongly urged, *must* have convinced Dr H. that I did not understand, from what he told me, that the vote of the College, in which he meant to concur, was to be any censure, direct or implied, on me, or any contradiction of what I had asserted with respect to the Committee. He *must* also have known, that the *virtual decision* was a complete censure and contradiction of all that I had said unfavourably of the Committee. He *must* also, I think, know, with all the certainty that a person can have on the force of negative memory, that he never afterwards attempted to explain, or even to repeat, to me, that declaration of the College, or tried to induce me to attend to it, and suppress my papers, and acknowledge my errors, and retract my wilfully false assertions, and repair the wrongs that I had done; which things he knew perfectly that I was ready and eager to do, as soon as he, or any of my colleagues, should make known to me the errors which I had unknowingly committed, the falsehoods of which I had wilfully been guilty, and the gross and unexampled wrongs that I had deliberately done to my honourable and unoffending brethren.

I come now to a very gratifying part of my task; the consideration of the pretended evidence against me, stated by Dr Hope, as obtained from Dr Wright. On this point, I need not tell my angry brethren, that, to me it is *labor ipse voluptas*. From such a labour, I dare say they would chearfully, by a vote of nine to three, give me a dispensation, under the great seal of the College. But such an honourable dispensation, on this occasion, I cannot in conscience accept. I think it right, even for my own sake, to make a few remarks upon that pretended testimony, and upon the means by which it was procured, and the very extraordinary circumstances in which it was produced. I must do so, in justice to all others concerned in the business; and most chiefly in justice to our venerable

colleague Dr Wright, whose conduct in very painful and vexatious circumstances, has been truly wise, honourable, and steady. I am heartily sorry, that I have not time, *at present*, to discuss fully so copious and interesting a subject: but perhaps I shall have an opportunity to resume it some time hence; and in the mean time my colleagues will believe, without any assurance from me, that my materials for such a work will not diminish, nor my dilemmas grow less strong, or more favourable to them.

The history of that article of pretended testimony, is indeed most wonderful; and to men accustomed to the regularity, the equity, and the openness of judicial proceedings, and ignorant of the inveteracy of medical warfare, and the principles of medical jurisprudence, it must appear quite incredible.

The first intimation that I had of it, was at the extraordinary meeting of the College, on the 5th of December 1807, called in consequence of a written requisition, by Drs Hope and Spens, when I heard Dr Hope read the following words:

"That Dr Wright, another of the Fellows, has declared, that he "had informed Dr Gregory of the said resolutions; and that the Col- "lege had completely acquitted the Committee, and had declared "that they had acted quite honourably."

It was my own fault that I had not information of it the night before; when Dr James Home called on me, and offered to shew me the motion that Dr Hope was to make in the College next day. That offer I declined, and shewed him the note, (printed page 102 to 105 of that series,) which note I was just finishing when he called on me; and which I intended to read, and actually did read, next day, in the College.

My reason for not accepting his offer, will be best understood from reading my letter to the President, (printed page 105—114 of that series,) particularly from what is stated in pages 112 and 113 of it. I thought, but it appeared next day that I was mistaken in think-

ing, that I knew the subject and purpose of Dr Hope's motion; and I wished not to know the particulars of it, and still more earnestly wished the College not to engage in such a discussion, or make it a subject of violence and voting, and very probably of a ruinous and disgraceful law-suit, till after they should have read my letter, and considered fairly the proposal which in it I made to them. My letter was given to them in a sealed packet, to be opened in a week or ten days, when, as I told them in my note, I should be fully prepared, with the opinion of counsel, and in other respects, to enter on the proposed discussion with my brethren; which I thought would be better for them, as well as for me, than violence, and voting, and law-suits. I knew I could not hinder them from employing these honourable expedients, if they were resolved to do so; but I earnestly wished them, to try, in the first place, what might be done by argument and reason, and fairly joining issue on any questions of fact about which we might differ. Of such differences some very striking examples had been mentioned in the College a few days before, by Dr Hope and Dr Spens, to my utter astonishment; for, as I knew that what I had asserted in my Censorian Letter was true, and had heard of no contradiction of it in the course of two years and nine months, I had understood that my brethren were as much convinced as I was, that what I had said was strictly true, and had acquiesced in it accordingly. I was sure at least, that if my brethren would have tried, in the first place, a fair discussion as to facts, and arguments, and reason, I should have convinced them, however much against their will, that I had been acting with perfect candour and good faith in the business from first to last. If they should not have been pleased with the result of such a rational discussion, they would have been as much at liberty as before it, to take their own way, by votes and lawsuits, or whatever other expedients they might think best.

Having no previous knowledge or suspicion of the nature and tendency of Dr Hope's motion, I was somewhat surprised at the baseness and malevolence of it; even after all that, in the course of three years, I had discovered of his genius and of his disposition towards me. When I heard that declaration read which he had procured from Dr Wright, I was perfectly astonished, and instinctively expressed my astonishment by an involuntary exclamation, " Dr " Wright! how could you say this !" (or words to that effect.)

I could not have been more astonished, and probably should have been much less so, if I had heard the President, or any other member of our College, or any person not of our College, with whom I had had, or with whom I had not had conversation about the proceedings of the College on the 5th of February 1805, declare that he had given me such information. There was nothing in what Dr Stewart (now our President) said to me, in our conversation about my Censorian Letter, *inconsistent* with that declaration of the College. Dr Stewart's conversation with me (in the end of January, or beginning of February 1805) bore no relation at all, as far as I can remember of it, to the declaration, which a few days after he proposed to the Council, by which it was approved and recommended to the College, by which it was adopted. But the declaration obtained from Dr W. was inconsistent with the fact that he had told me of, the withdrawing of the Committee's report, and suppressing those parts of it which had been reprobated as falsehood, chicane, and breach of faith; and what is much more to the purpose, it was inconsistent with the general purport or meaning of the information that he had given me, and according to which, as already fully explained, I had regulated my conduct towards the College. The expression and the notion of the College having *acquitted* the Committee, implying, that they had been accused and tried, were quite new to me. The doctrine, that the Committee had acted in the most honourable manner, had been familiar to me ever

since the discovery in November 1806. But till then I had never heard of it.

I was sure there was some falsity in the declaration procured from Dr Wright; but what the kind of that falsity was I could not know. I had not time even to think of the obvious dilemma, that either it must have been deliberate, wilful falsehood, of the most malevolent kind, on the part of Dr W., or it must have been an unintended mistake, proceeding from forgetfulness or inadvertency on his part, without any malevolence to me. But this dilemma very soon occurred to me; and made very short and easy all my deliberations and consultations with respect to the manner in which I should act towards Dr Wright. I had known him long and intimately, and had always found him, as I know he has always been esteemed in the course of a long life, a man of the strictest probity and veracity. He had always behaved in the most friendly manner to me; and, with respect to the unlucky business of the Committee, he and I had from the first agreed perfectly, and conversed often and most confidentially. As I had never injured or offended him, (as far as I know,) I could conceive no reasonable motive that he could have to do me the greatest wrong in his power, by bearing false witness against me on a most interesting occasion. Though my charity exceeds not, even with respect to my own professional brethren, I could not, without some decisive evidence, think so unfavourably of Dr Wright; and, notwithstanding the strong lessons which some of my brethren have lately given me, I will not think so unfavourably of human nature.

Let universal candour still,
Clear as yon heaven-reflecting rill,
  Preserve my open mind;
Nor this nor that man's crooked ways
One sordid doubt within me raise
  To injure human kind.

But, in strict and candid reasoning, I was obliged to consider as possible that very unfavourable supposition of the dilemma, though I deemed the other favourable one much more probable. In my own defence, it was necessary that I should be prepared for either supposition; and this was a matter of no difficulty. The same means, the same series of questions, the same documents, the same dilemmas, the same syllogisms, that would most effectually have assisted his memory if he were acting *bonâ fide*, but inadvertently or forgetfully, would infallibly have convicted him of falsehood if he were acting maliciously. But it soon appeared that it was *not* into Dr Wright that the devil had entered a few days before.

As I had not the least suspicion of the intention or of the possibility of such an accusation as Dr Hope and Dr Spens have brought against me, or of such a declaration as they had procured from Dr Wright, I was not prepared with any series of questions, or any documents, to assist his memory, and ascertain the truth. I knew that I had many documents relating to the Report of the Committee and my printed papers; including several letters and memorandums of Dr Wright himself, about College matters, at that time and afterwards: but how many of these might be ostensible, and how many of them might bear upon the point immediately in question, I was uncertain.

If I had known of the accusation which Dr Hope and Dr Spens intended to bring against me, and the pretended testimony of Dr Wright, previously taken *ex parte* unknown to me, and ready cut and dry, to be produced against me as decisive, and as precluding all attempts on my part to cross question Dr Wright, and assist his memory, by recalling to his thoughts many of the circumstances connected with that business, and absolutely inconsistent with the declaration which they had procured from him, I should have come provided with a few documents, and prepared with a proper series

of questions. By them, I am sure, I could easily have made a very short process of the business, as far as Dr Wright's declaration was concerned, and a great deal farther; for many of them would have been just as applicable to Dr Hamilton as to Dr Wright. And a fortnight after, when I came to the meeting of the College tolerably well prepared with a pretty handsome bundle of such questions, which my brethren saw, and as handsome a bundle of such documents, which they did not see at that time, some of which they have seen since, one or more of which they shall soon see, and several of which they shall never see, I intended to have proposed most of those questions, and to have shewn some of the documents, first or only to Dr H.

I thought it more correct, as well as more prudent, with a view to give full force and effect to those means which I intended to employ with Dr H. and Dr W. in hopes of assisting, or, in case of need, correcting their memory with respect to the proceedings of the College, and their own conversations with me on the 5th of February 1805, not to give them any information or hint of the particular questions which I meant to propose to them: and I am well convinced, that neither of them did receive, directly or indirectly from me, any hint of that kind. Dr H. at my desire, perused, and attested as genuine, my long letter, of 4th February 1805, to him, which my brethren have already seen in print (page 72 to 76 of this Defence.) But Dr W. had not even that kind of assistance to his memory.

I presume he heard my expression of astonishment when Dr Hope read his (Dr W.'s) declaration. If so, he might naturally regard it as a strong admonition to him to recollect himself; but I am sure that it was a very fair one, and scarce voluntary. It appeared afterwards that even *it* was unnecessary; for Dr W. had previously begun to recollect himself, and had discovered what a mistake he had committed, and was anxious to correct it before any harm could be done by

it, and to get back the paper containing the declaration, which paper he had signed. This wish he had intimated to the President, to Dr Spens, and to Dr Hope, separately, and had said he wished to speak from his own notes. That request (to get back the paper containing the declaration, the error of which he had so soon discovered) Dr Stewart and Dr Spens, separately, seemed to think reasonable: but Dr Hope peremptorily refused it, just *before* the meeting of the College on the 5th of December 1807, telling Dr Wright that *it was tabled.*

Of these very honourable and very strange proceedings, I knew nothing; I could suspect nothing; and being totally unprepared for such a crisis, I could not immediately produce any documents, or propose any questions to Dr W. to assist or correct his memory. And I am sure, that from that hour till the 20th of December 1807, the day *after* he had read to the College his own spontaneous declaration with respect to what he had told me on the 4th and 5th of February 1805, he did not receive from me any assistance whatever in that respect; except only my expression of astonishment at his declaration; which expression, I presume, most or all of my colleagues would hear also. On the 20th of December I did tell him of one of the documents which I had intended, in case of need, to employ in assisting his recollection. That document, a letter of his own to me, I found he remembered pretty well: for, on my mentioning to him that I had such a letter, he immediately characterised it, by repeating the expression, *Me tuum facias*, which occurs in it; and on my begging him to give me back my answer to it, of which I thought I could make some use, and which I strongly suspected had been one of the notes or memorandums to which he had alluded the day before, as contributing, as well as the perusal of the minutes of the proceedings of the College in February 1805, to assist his memory, he told me that he had it not, and that he believed he had, at

my own desire, given it me back at the time. This had quite escaped my memory: but, on recollection, I believe he is right; and as it (my answer to Dr W.'s letter to me) is not in my collection of papers relating to that business, I presume it was destroyed, as useless or improper to keep.

These particulars, trifling in themselves, I mention in justice to Dr W.; not as taking any the smallest merit to myself, for having acted towards him in that very correct and guarded manner. To have acted otherwise would have been very foolish, as well as useless, and dishonourable. He saw my astonishment at the account which he had given to Dr Hope of his conversation with me. That *must* have convinced him, that I thought there was in it either wilful falsehood of the most malevolent kind, or else a most extraordinary unintended mistake. His own conscience *must* have assured him, that there was no wilful falsehood in it.

The account which Dr Hope had given, very faithfully, in my words, of what I stated as the particulars of the information which I had received from him, (Dr W.,) and the difference between it and the full amount of the vote of the College, above all the suppressing of the declaration, that the Committee had acted in the most honourable manner, *must* have been a great help to his recollection of what he told me, if he had not lost irrecoverably all memory of his conversation with me, still retaining perfect memory of the vote of the College, and of the account which he, and probably most or all the other members of the College were accustomed to give of it, to all who enquired what the College had done in consequence of my Review and Censorian Letter. I have no direct or positive information that such was the language held by my brethren to all curious enquirers on that point. But I presume, with confidence, that such was the case: for, in the first place, *that* evidently is the meaning and purpose of the declaration of the College; which, with respect to me, was only a *vir-*

tual decision, or an implicit condemnation of me and my papers; but, with respect to the Committee, was an explicit and very favourable decision, which, taken by itself, without the circumstance of the Committee having retracted and suppressed that part of their report which I had severely reprehended, might be considered as a full acquittal of them; the more satisfactory and honourable, that such acquittal was accomplished without the trouble or the ceremony of a trial, without even specifying the offence of which they were accused, without enquiring into the evidence for or against them, without citing their accuser, and requiring him either to make good his charge against them, or to take the consequences, very serious consequences surely, of failing to do so; and, in the second place, *that* use was soon and permanently made of the declaration of the College, by printing and distributing very liberally, an extract from our record *containing it*, but *not containing* any mention of the *withdrawing of the report*, the inconsistency of which, with the honourable acquittal, would certainly have produced some unpleasant speculations, and might even have excited some suspicions either of absurdity, or of disingenuity, or of both; perhaps even of deliberate malevolence and injustice to me; for in the very artful preamble, prefixed to that printed extract, it was stated that I was absent from the meeting of the College, at which those proceedings took place; *innuendo*, that they alluded to me, that I knew of them, and had not dared to oppose them; in other words, that I tacitly admitted them to be just. It would be unreasonable to suppose that any of my brethren who had concurred in that vote, whether purely for the sake of peace in the College, or for other less honourable and more selfish motives, should have held a language inconsistent with that declaration.

It would have been very easy for me to have mentioned many additional particulars of Dr W.'s conversations with me, not only on the 4th and 5th of February 1805, but afterwards, which must have tended greatly to assist his recollection of the general tenor and the

purpose of what he told me of the proceedings of the Council and of the College on the 4th and 5th February 1805; but the important points precisely mentioned by Dr Hope in his motion, were worth all the others put together, and, in my opinion, were amply sufficient to enable Dr W. to recollect himself, if he had not absolutely lost all memory of his very guarded and reserved conversations with me at that time, and of his reasons for withholding from me the knowledge of one part of the vote of the College, while he told me other parts of it.

Any further prompting of Dr W. on my part, might, very probably, have been misunderstood, and, still more probably, might have been misrepresented, as a kind of solicitation of him, or tampering with him, as a witness, to give his testimony in my favour, though contrary to truth. I am sure he experienced no such solicitation or tampering from me, nor, to the best of my knowledge and belief, from any other person on my account. For my part, I should have thought any such solicitation of him not only dishonourable but preposterous, and likely to frustrate the purpose for which it was intended. I could not propose to bribe Dr W. to say what was not true, or by any other considerations to induce him to act so basely. Any such attempt on my part, directly or indirectly, I presume, would only have tended to irritate him, and might very naturally have been regarded by him as a personal affront. If any prompting of Dr W., or any assisting of his memory, with respect to the circumstances of our conversations, should have been needed, I was sure it would come with the greatest effect, and in the most unexceptionable manner, in the form of a proper series of questions, to be proposed to him by me publicly in the College, and perhaps illustrated and enforced by certain documents which I meant to produce in case of need.

When I reasoned and acted in this manner, I proceeded on the fair supposition, of which I was very confident, that Dr W. is a man of probity and veracity; that he did not intend to bear false witness against me; that the erroneous account which he had given of his conversations with me proceeded entirely from forgetfulness and inadvertency; and that, as soon as he should discover his error, he would be willing to rectify it. But on the very worst possible supposition, that what he had said to Dr Hope was premeditated and determined falsehood, I certainly should not have acquiesced in it, but should have endeavoured to detect and expose it in my own defence. For this purpose I could have had no resource but my series of questions, and my documents; and any attempt at private solicitation or prompting would have been unavailing and absurd.

Even on the most favourable supposition, Dr W's situation was one of the most painful in which a gentleman could be placed. But *Gentilhomme toujours Gentilhomme.* On discovering the unlucky mistake that he had committed, he took at once the manly and decisive resolution to declare the whole truth, without waiting either for my questions, or my documents, to assist his recollection. To be questioned and cross-questioned, like a witness suspected of falsehood or prevarication, is very unpleasant. Nay, I am sure it would have been very painful to myself to have been obliged to question in that manner Dr W. Yet circumstances might have made it expedient for me to do so: nay, to the best of my judgment, it would have been necessary and unavoidable, if he had not more or less completely anticipated me, and precluded some or all of my most distressing and indelicate questions, by coming forwards spontaneously with such a declaration as the College heard from him on the 19th of December 1807.

Of this kind of *dilemma,* either coming forward with an explicit spontaneous declaration to rectify his own mistake, or else being re-

quired to answer a number of very painful questions, which questions could not have failed (even on the supposition most favourable to him, that of perfect *bona fides* on his part, but infinitely worse on the supposition of *mala fides*,) to make known the truth, and shew what a mistake he had committed, I am well convinced that Dr W. must have had some notion; though I am sure he could not know the particular questions that I meant to propose to him.

From my expression of astonishment when I heard Dr Hope read as part of his motion the declaration which he had procured from Dr W. *per fas aut nefas*, and from the complete inconsistency of it with what I had solemnly declared to have been the sum and substance of the information which, in February 1805, I had received from him, Dr W. *must* have been sure that *I thought* at least there was a very great error (if not something worse) in his declaration to Dr Hope; that I would *not* acquiesce in it, and that I would insist on making it a matter of the most public and rigorous discussion.

I shrewdly suspect, that Dr Hope also had some pretty strong notion, though perhaps not a very clear notion, of all those things; that he wished to prevent or frustrate such an examination of Dr W. by me, to tie him down as a partial witness against me, and at least to deprive me of the benefit of his testimony, if afterwards I should be able, by my questions and documents, to recal to his memory, or, still better, if he should recollect spontaneously, the real circumstances of his conversations with me; which I had fairly stated, to the best of my remembrance and belief, referring with confidence, by a delicate allusion, which, I presume, Dr W. heard and understood, to his testimony, to confirm and illustrate what I had stated. I can conceive no good or honourable reason, nor indeed any reason, good or bad, except that most dishonourable one, that Dr Hope *could* have for deviating so far from the regular course of judicial proceedings, and violating so grossly the most obvious principles of equity and

common sense, as to go to Dr W. *a second time*, and get him to sign a paper or declaration; and then, when he desired to get back that paper, having recollected himself, and discovered his mistake, and wishing to speak from his own notes, and give his own testimony *viva voce* in the College, peremptorily to refuse to give it him back, and to insist on reading it as part of his motion, and as decisive evidence against me.

Regarding Dr W. as a man of sense and probity, and withal as a man of a pretty warm temper, I was confident he would feel severely the vexatious scrape into which he had been brought by Dr Hope and Dr Spens; though I did not, at that time, know all the circumstances, nor even the worst of it: I was confident, that as soon as he recollected himself, (for I did not know or suspect that he had already done so,) he would take his resolution, and his choice of one or other of the only two things which he could rationally and honestly do in those vexatious circumstances:—either to come to the College prepared to answer explicitly all such questions relating to the matter at issue, as I should think it necessary to propose to him; or else to come forward with an explicit and spontaneous declaration of his own, to the best of his memory and belief, so as to prevent, by making unnecessary, the most indelicate and most distressing of those questions, which he might reasonably expect to hear from me.

It appeared to me probable, that a gentleman, and a man of sense, would not long hesitate which of the two to choose; and that, for many very obvious reasons, he would prefer the latter more open and manly procedure. This notion, with respect to what Dr W.'s conduct probably would be, was not shaken by the very strange circumstance, that he said nothing on hearing my exclamation of astonishment, when Dr Hope read the declaration that he had procured from him. I was struck with his silence at that time, and, I must

own, was irritated with it: but afterwards, on considering the business coolly, I was sensible, that I had no reason to be irritated at his silence on that occasion, or to infer from it that he was resolved to persist in an erroneous, or in a wilfully false declaration: it was at least equally consistent with the supposition, more rational in itself, and more favourable to Dr W. that he meant to be very cautious in what he should say or do; that he wished to take time to recollect himself; and, finally, to declare the whole truth to the best of his memory and belief. At this time I had not the smallest knowledge or suspicion, that he had previously begun to recollect himself; had discovered the sad mistake that he had committed; and had actually expressed (but in vain expressed) to Dr Stewart, Dr Spens, and Dr Hope, separately, his wish to get back the paper that he had signed, and to be allowed to speak from his own notes, and give his testimony *viva voce* in the College. If I had known these things, my speculations about Dr W., and my preparations for examining him by a series of questions, would have been indeed very easy and short.

A recent occurrence, trivial in itself, but well known to all my brethren, had given me much insight into his character in point of candour; and his willingness, perhaps I should say his eagerness, to correct, as soon as possible, any mistake that he had committed, and to repair any wrong into which he had been betrayed. I allude to his dissent and protest against the vote of censure on me, 26th November 1806. My brethren, by some means or other best known to themselves, had contrived so to bamboozle him, as to get him to concur in that vote, though very different from his own sentiments; just as was the case with the much more important vote, the *virtual decision*, of 5th February 1805. But as soon as he discovered the full import of that vote of censure, and, of course, became sensible of the injustice of it to me, he was eager to acknowledge and to

rectify his error; and to repair, as far as was in his power, the wrong which he had done to me, without intending it.

It was natural and reasonable for me to hope, and almost to expect, that Dr W. would act in the same manly and honourable manner, nay, it would have been unjust to him to have expected that he should act in a different manner, on the much more interesting occasion, which had occurred in consequence of Dr Hope's very strange proceedings.

But as that expectation, though highly probable, did not amount to a certainty, I came to the meeting of the College, on the 19th of December 1807, equally well prepared for every possible contingency in the sentiments and actual conduct of Dr Wright.

But by far the greater part of my elaborate preparations was superseded, and much more of them might well have been superseded, by his own explicit declaration, which he read to the College, and, indeed, shewed peculiar eagerness to read, before I proposed even one question to him.

I cannot say, with truth, that I was much surprised at *that;* for, from the general notion which I had of Dr W.'s character, as well as from the particular circumstances already mentioned, and from the certain knowledge which I had, by distinct memory, of my different conversations with him before and after the 5th of February 1805, I hoped, and almost expected, that he would endeavour to anticipate and to prevent my questions on a most vexatious subject. If the case had been otherwise, and I had really been surprised at Dr W. coming forward with his spontaneous declaration, I certainly should not have said so: for this would have been but a scurvy compliment to him, and a bad return for his very upright and spirited conduct towards me. But I can say with perfect truth, that I was heartily glad to see him produce his papers, and still more glad to hear him read his declaration; which, though it did not specify all

the particulars that I wished to have established, especially with respect to his own sentiments, his wishes as to producing, or preventing, any discussion about my printed papers, and about the proceedings of the Committee, and, of course, his own reasons for not informing me of the *virtual decision*, when he told me the other parts of the vote of the College, yet was to my certain knowledge perfectly true, as far as it went; and, with respect to all the more important facts, tallied perfectly with what I had stated. If I had previously entertained any suspicion of wilful falsehood and malevolence towards me on the part of Dr W., which, in truth, was not the case, his declaration would have removed them; as, in fact, it did remove some apprehensions I had entertained, that he might be very reluctant, or might altogether decline to mention, even when questioned, some things which I wished, and thought it of consequence to myself, to make publicly known. It appeared afterwards, indeed very soon, that I had presumed with too great confidence, and rather too far, on some of these speculations. But I could not be mistaken in thinking, that his declaration effectually superseded, by making unnecessary, many of the most vexatious questions, which otherwise I should have been obliged to propose to him. Even on this account alone, independently of all other considerations, it would have been most acceptable to me.

Dr Wright's declaration contained the following account of what he told me on the 4th and 5th of February 1805, and of some things relating to those conversations with me; which account I give in his own words, as he read them to the College on the 19th of December 1807:

"On the evening of the 4th February 1805, I called on Dr Gregory at his own house, and told him, I had had a visit from Dr Spens; that he appeared to be in the greatest distress and anxiety of mind. He said he was much hurt, and injured, by what Dr Gregory had

" said of him: that he was aware of my sentiments, as well as of " those of several other members of the College, disapproving of the " report of the Committee for revising the laws, and that they had " exceeded their powers. But," said he, " you may call us all the " fools and ideots you please, but do not call us dishonest."

" On the same evening, I reported to Dr Gregory what hap- " pened that day in the Council,—that several of the members sym- " pathised with Dr Spens; that, in order to save his feelings, one of " his friends proposed that a motion should be made in the College " next day, to return thanks to Dr Spens, and to his Committee, for " the great pains and trouble they had taken in revising the laws, " and to declare that they were convinced they had acted from the " purest motives.

" Soon after the meeting of the Royal College, 5th February, I " told Dr Gregory, that a motion had been made in the College, " agreeable to the recommendation of the Council; which, after " much discussion, had been agreed to; and that the College had or- " dered the Vice-President, (myself) to render their thanks, first to " Dr Spens, and then to his Committee, for the revisal of the laws; " and that they had acted from the purest motives.

" *More than this I did not report to Dr Gregory*, of the proceed- " ings of the College, on that day, nor upon any other occasion " whatsoever. No! not even after Dr Duncan had shewed him the " minutes of the College on the 5th February 1805."

The last sentence of the preceding account of what he told me, and of what he did not tell me, of the proceedings of the College at that time, evidently relates to the peculiarity, and a kind of reserve in my conduct, which I intended as a matter of friendship, and of delicacy to him. Even after the discovery, (in November 1806) I never remonstrated with him on the subject of his agreeing to the *virtual decision*, and not informing me of it. He saw my

astonishment and indignation when Dr D. shewed it me in the minute-book. He heard my solemn declaration, at the next meeting of the College, an extraordinary one, before the end of that month, that I had not known nor suspected any thing of that condemnation of myself till the moment that Dr D. made it known to me. He could not possibly misunderstand me so absurdly, and so infamously, as to suppose, as some of my very angry brethren have affected to do, that I meant to declare that I had no knowledge or information whatever of any part of the proceedings of the College on that occasion; for he himself had, at my own desire, given me information, *first*, of a great part of what was intended; *secondly*, of a great part of what was actually done by the College. He must have known, that my strong declaration related only to my not having been informed of that part of the vote of the College, which was a severe, though implicit, condemnation of myself, and a complete contradiction of what I had asserted with respect to Dr Spens, and the Committee for re ising our laws.

I must observe also, that there is a slight inaccuracy in the *expression*, but I am convinced there was none in the *thought*, of the first clause of that last paragraph of Dr W's declaration, which I have given exactly in his own words, as I received them from him in writing; without asking of him to alter them in any respect, or even to explain them more fully. This he may do whenever he pleases, if he shall think there is any occasion for it. His words might convey the meaning, that he told me no more of *any* of the proceedings of the College that day; but I am confident, that he meant only that he told me no more of that part of their proceedings which related to expressing their approbation of the motives and conduct of Dr Spens and his Committee; for I remember well, and I can scarce conceive that he should have forgotten, that he told me the Report of the Committee (meaning, as I understood, that part of it which

related to changing or falsifying our act of 1754) was to be withdrawn. I can even say, with confidence, from distinct memory, that Dr W. at that time, and afterwards, spoke of it as a kind of *compromise;* the withdrawing of that obnoxious part of their Report being *understood* to be the *condition* of the vote of thanks, and the compliment, from the College to the Committee. I am certain that the word *compromise* was used at that time, and, as I understood, in that sense, by Dr W.; which, to the best of my remembrance and belief, it was not at that time, or at any time since, by Dr Hamilton, in conversing with me on that subject; but I equally *understood* from Dr H's conversation, that the Committee were to withdraw (finally) that part of their Report which I had reprehended, and that they were to be thanked by the College for the great trouble they had had in revising the laws, and were to be complimented on the goodness (or purity) of their motives. I am sure also that in the end of that year (1805) my attention was called to that point, the notion of *compromise*, by the proceeding of Dr Duncan senior, in attempting, by his circular printed letter of 19th December, to introduce again into the College the same plan of subverting our act of 1754, by authorising our members to furnish medicines to their own patients,—with only the frivolous variation, that they were not to make any charge for them. I regarded that proposal of Dr D. as a breach even of what I understood to have been the compromise on the 5th of February; and, according to my information, it was considered in the same unfavourable light by some others of our members; among the rest, by Dr Monro senior, who, I was told, had, on that very principle, remonstrated with Dr D. about it; and had obtained from him some kind of promise or assurance that he should not urge it, as he found it was disapproved of by some of our members. Dr D. certainly did not urge it any farther, openly, in the College *at that time;* but it appears plainly, from his own last

printed paper, that he had not dropped it finally, or renounced his purpose; for, in a few months after, he actually consulted, separately, two eminent lawyers, Mr Erskine and Mr Clerk, on that very point, as well as on the most feasible means of taking—*not legal*—but *College of Physicians, vengeance* on me, for having thwarted him in his former attempt, by publishing my *Review* and my *Censorian Letter*. Mr Erskine's good sound legal advice and opinion is dated 2d April, 1806; Mr Clerk's advice, equally good, sound, and legal, as Mr Erskine's, but somewhat different from his, and not quite so agreeable to Dr D., is dated the 8th of August 1806;—the very day on which I received the first intimation of the memorable admonition about secrecy; and this too only in consequence of my own enquiry about the proceedings of the College at the quarterly meeting two or three days before.

It was hardly possible for me not to believe that all those things were somehow connected together, and that they were all referable to the same principle,—an eager desire, and obstinate determination, on the part of some of my brethren, to falsify, subvert, repeal, or one way or another to get rid of our act of 1754, and to give themselves permission to conjoin in their own persons the office of the apothecary with that of the physician, contrary to the plain obvious well-known meaning of that obligation, which was the indispensible condition of their being allowed to become, or to continue, members of this College; which obligation I firmly believe to be very much for the good of the community in which we live, as well as for our own honour and interest; so that the violating of it, or by any kind of craft absolving ourselves from it, would infallibly, and very speedily, bring well-merited disgrace and ruin on ourselves.

But whether my notions of these things were right or not, I *could not be mistaken* in thinking, that if an admonition imposing an unlimited obligation of secrecy were allowed to pass unnoticed, and un-

explained, so as to have the force of a law in our College, and if afterwards that favourite plan of subverting our old law should again be introduced into our College, and carried by a majority of votes, of which those who favoured it seemed quite confident, I and others who disapproved, and in vain opposed it, should have been obliged to acquiesce in it, and keep it secret, or connive at it, however morally wrong and disgraceful we might think it. Such were the sentiments that made me judge it expedient and right to require of my brethren to explain precisely, and either to limit properly, or rescind altogether, their admonition about secrecy, which bore so bad a meaning, of which so very bad a use might easily be made, and which, taken along with Dr D's avowed efforts (at the same time) to subvert our old wholesome law, seemed to me a breach of that *compromise*, which, from what Dr W. told me, I understood to have taken place in the College in February 1805.

My brethren will probably remember, or, if not, they may see by the very words of that part of his *declaration*, that, though he mentioned very precisely and frankly what parts of the vote of the College that day he had communicated to me, and what part of it he had suppressed, he stated merely the *fact*, without the least mention or hint of his reasons for acting in that manner, or of his purpose in calling on me to give me that partial information; or even of his own wishes with respect to producing immediately, or preventing, if possible, for ever, a complete discussion in the College of the merit or demerit of my proceedings, and also of those of the Committee. But as it was of much consequence to me to have these things declared, indeed of almost as much as to have the facts known with respect to what he had, and what he had not told me, I took the liberty to propose to him several questions on those points. His answers to these questions were very explicit, and, to me at least, quite satisfactory. It appeared from them, that he had wished most ho-

nestly and heartily to prevent any further dissension or warfare, and to restore, as soon as possible, peace and tranquillity in the Royal College; that he knew this benevolent wish and purpose would have been frustrated, if he had told me the whole of the vote of the College, including the declaration, that Dr Spens and his Committee had acted in the most honourable manner; in which, from what he knew of my sentiments, he was sure that I would *not* acquiesce; and that, for this reason, he did not inform me of it. As to the very peculiar expression of Dr W. already mentioned, "that I was "not in a proper frame of mind to be informed of it," my brethren may understand it just as they please. It is of no moment either to me or to them, at present, whether Dr W. understood, that I, confident of the truth of my assertions, and the uprightness of my conduct, was coolly determined *not to acquiesce* in such a falsehood, and such implicit injustice to myself; or, whether he found me in such a violent passion, and withal so uncandid and irrational, that it would have been needless and improper to have informed me of that part of the vote of the College. On either supposition of what he thought of *my frame of mind*, at that time, for him to have informed me of that part of the vote, would have been absurd, as he could not fail to know that it would frustrate his own wish and purpose; which, I am well convinced, was at least equally the wish and purpose of every other member of the College: for certainly, if any one of them had entertained a contrary wish, he might have obtained the full gratification of it, very easily and speedily, by the simple expedient, and perfectly honourable procedure, of telling me, either at first what was intended, or afterwards what was actually done, by the Royal College.

Such I firmly believed to have been the pure and honourable motives of several of my brethren for agreeing to that vote, though directly contrary to those sentiments with respect to the proceedings

of the Committee, which they had originally entertained, and had expressed to me repeatedly and strongly. I could not rationally suspect them of any malevolence to me; and therefore, from the hour of the discovery, by Dr Duncan, in November 1806, I had uniformly given them credit for acting, on that occasion, from the best motives that could be supposed for their conduct; though I must own this was such as I should not have *expected* from them; and should not even, without actual experience of it, have thought *possible*. One of my brethren, to whom at present I allude, if he will take the trouble to peruse the 16th page of my *Review*, will find in it wherewithal most effectually to assist his memory, in recollecting the substance of several conversations that we had, in November and December 1804, about the proceedings of the Committee for revising the laws; and will even recognise *two very emphatic expressions of his own;* which I took the liberty to *borrow*, but without any intention of *stealing* them: for I am always willing to give unto Cæsar the things which be Cæsar's. Another of my brethren, to whom I here allude, and to whom I alluded formerly, (pages 90, 91,) cannot fail to remember, though not all the words, and all the sentiments, at least the general tenor of the many keen conversations, that he had with me on that subject, between the 22d of November 1804 and the 29th of January 1805: and I think he must acknowledge, that the sum and substance of what he said to me in those conversations was diametrically opposite to declaring that Dr Spens and his Committee had acted in the most honourable manner. Yet he, as well as all the others to whom I allude as having, about that time, expressed to me the strongest sentiments of disapprobation of the proceedings of Dr Spens and his Committee for revising the laws, and who afterwards (4th and 5th of February 1805) concurred in the declaration, that they had acted in the most honourable manner, must be sensible, and, I dare say, will readily acknowledge, that,

even after the discovery of the *virtual decision* (on the 2d November 1806) I lived, or at least, as far as depended on me, endeavoured to live, with them, all on the same friendly terms as before; without ever presuming to remonstrate with them on their unfriendly, unjust, implicit condemnation of me, and without ever reminding them of the complete, and sudden, and wonderful change of their own sentiments on that point, or asking them to explain to me the reasons of that most extraordinary change; as they ought to have done from the first, in justice to me, and in justice to Dr Spens and his Committee, that I might have had it in my power, if those reasons were honourable and valid, to declare that I too thought them so, to acknowledge the errors that I had committed, and to repair the wrongs that I had done to my colleagues, according to the offer which I had made them. But this mode of proceeding on my part, which was intended as a matter of friendship and delicacy to several of my colleagues, implying, that I thought their very remarkable conduct proceeded from the best possible motives, and not from any malevolence to me, (for on *this* supposition I must instantly have renounced all intercourse with them,) did not, in my opinion, preclude my right of vindicating myself, if I could.

For that good purpose, and for another equally good, and just the counterpart of it, I mean acknowledging the errors and repairing the wrongs that I had committed, as soon as they should be made known to me, I thought I had a right to demand and to obtain, not from the individuals, who for very different reasons might have concurred in the virtual decision, but from the Royal College as a body, whose deliberate act and deed it was, a precise explanation of it; that I might know whether they meant to reprobate, as erroneous, and perhaps irrational, those general principles of what is honourable and right in human conduct, which I had asserted, and on the faith of which I had acted; or whether they meant seriously to contradict

those things which I had stated most confidently as matters of fact, with precise quotations from, and references to, their own record, and the report of the Committee; by such contradicting of what I had stated imputing to me the most deliberate and impudent falsehood and forgery.

My demand, which was expressed in very respectful and modest, but withal firm terms, appeared to me so just and reasonable, that I should have thought my brethren would have complied with it at once, not for my sake, but for their own, and as perceiving that to refuse or evade it would be absurdity as well as injustice. But *this* they have done deliberately, in a manner which I firmly believe to be absolutely unexampled in any proceedings of men of sense, of men of science, or of men of probity; and which is completely repugnant to my notions, and, I believe, to all common notions of candour, justice, and reason.

It became, therefore, a most interesting object to me, to procure from any individual of our number, as for example from Dr Hamilton or Dr Wright, the most authentic explanation and most public avowal of some things which I believed I understood and knew to be true, and earnestly wished, but had in vain required of my brethren collectively to explain in the way that they thought best, and either to avow or disavow. Above all, I wished to obtain from Dr H. and Dr W. that kind of information, publicly in presence of the College; so that my brethren might *feel* the necessity of either admitting it to be true, and sanctioning it accordingly, or else disavowing and contradicting it explicitly by their collegiate authority.

Such was the purpose, in my opinion a perfectly fair and honourable one, and scarce even to be regarded as *foxizing* against other foxes; and such was the obvious tendency of several questions, which on the 19th of December I proposed to Dr W., and of many

more which I intended to have proposed to Dr H. if he had made his appearance in the College that day.

My brethren will probably remember, but if *not*, the minutes of our proceedings that day will sufficiently remind them, that I asked Dr W. pointedly, " At that meeting of the Royal College, [5th Fe-" bruary 1805,] or at the meeting of the Council the day before, " were any particular passages or assertions in my printed papers " taken notice of, as either unintentionally erroneous, or wilfully " false ?

" Did any such passages occur to himself [Dr W.] on reading " those papers?"

Both these questions he answered in the negative, precisely. This I necessarily considered, as I am sure every person of common sense must do, as fully equivalent to declaring, that he believed the general tenor of my printed papers to be true ; and that he understood the Royal College as a body, and my brethren individually, to have believed, and tacitly to have admitted the same ; and of course, as fully implying, that there was no intention on his part, nor, as far as he knew, on the part of any of our brethren, or of the Royal College as a body, to deny the *minor* of my syllogism, to which, as very plain and obvious, and, as I thought, perfectly irrefragable, I had alluded in my letter of 2d November to the President.

Those questions were intended both for Dr W. and Dr H., but most particularly for Dr W. They related to my having asked him, as I distinctly remember, in our conversations, 4th and 5th of February 1805, whether any of my brethren, in the Council, or in the College, had disputed the truth of any thing which I had stated as a matter of fact ; in all which statings, I thought I had been as cautious and as correct as possible, referring uniformly to the most authentic and incontrovertible evidence, for every thing unfavour-

able, and indeed for every thing of importance, which I mentioned of the proceedings of the Committee. At that time (February 1805) my questions to Dr W. were suggested to me by what, to my great astonishment and vexation, I had heard a few days before from Dr Stewart, of Dr Spens having told him, that I was mistaken in thinking, that we, who in 1796 opposed his motion, (for repealing in part our act of 1754,) were the majority; for that he had a majority in his favour. Dr W.'s answers to my questions on that point (the controverting of what I had stated as matters of fact) were in February 1805, just as in December 1807, precisely in the negative; and fully conveyed to me the notion, that my brethren, collectively and individually, did not mean to dispute the truth of the general tenor, or even of any one important article of all that I had said unfavourably of the proceedings of the Committee; or, in logical terms, that they did not deny, and could not rationally pretend to deny, the *minor* of my syllogism.

I do not remember whether I proposed (in February 1805) the same questions to Dr H. or not; but I am sure that they, and my sentiments in relation to that subject, were fully implied in my long letter to him, now printed (page 76.) And I am equally sure, that in December 1807, I fully expected to have received the same precise negative answers to them from Dr H. that I received from Dr W.; and further, I am sure that I was well prepared for the opposite supposition, which I did not, and could not expect from either of those gentlemen. I had not the least remembrance of any intimation from them, that the College as a body, or that any of my brethren individually, chose to contradict, either expressly or implicitly, the general tenor of my assertions, or even any one important assertion of mine unfavourable to the Committee, and I had the most perfect and distinct remembrance of some of their expressions in their discourse

with me, and of the general import of that discourse, which strongly conveyed to me a totally different meaning. But if, contrary to my most reasonable and confident expectation, Dr W. or Dr H., or both of them, had declared publicly in the College, either that they themselves had discovered, or that their brethren in the Council and in the College, (4th and 5th February 1805,) had pointed out to them, some important falsities, whether unintended errors, or wilful falsehoods, in what I had stated as matters of fact, with respect to the proceedings of the Committee, I should have desired that those supposed falsities might immediately be pointed out to me, that it might instantly be ascertained by referring to the proper evidence, whether they were falsities or not; and, if falsities, whether they were wilful malevolent falsehoods, or only *bona fide* mistakes on my part. Even the most angry, and least candid of my brethren will not, I presume, seriously dispute, that I had an interest, and a right, to shew, if I could, that I had been acting *bona fide*, in the business, from first to last; nor will they dispute that I had an equal interest, and right, to prove, if I could, that those who professed to bear witness against me, were, and from the first had been, in *mala fide;* especially if I could shew, which in the circumstances of the case would have been self-evident, that such pretended witnesses were themselves parties in the cause, and so irretrievably implicated in it, that they could not even declare the truth, if it were in my favour, without *ipso facto* bearing witness against themselves, and convicting themselves of that *mala fides;* for which they could have no vindication, no excuse, no screen, but by bearing witness against me, right or wrong; so as to make it be believed, if such an extravagant absurdity could be believed, that I had known from the first, and had deliberately and long acquiesced in, their declaration and virtual decision, false in themselves, and grossly unjust with respect to me.

My brethren will also, I trust, remember, either with or without the help of the minutes of the proceedings of the College on the 19th of December 1807, that I took the liberty, in their presence, to propose to Dr W. the following pretty remarkable and precise questions :—

"Was that declaration of the College (that Dr Spens and his Com-
"mittee had acted in the most honourable manner) understood by
"Dr W. and others to be only a temporary expedient, employed to
"save the feelings of Dr Spens and the Committee, and to restore
"peace to the College?

"When it was proposed in the Council, and resolved in the Col-
"lege, (4th and 5th February 1805,) to declare that Dr Spens and
"his Committee had acted in the most honourable manner, was it
"avowed or understood, that the Royal College *expected* and *required*
"of all other Committees, and of all its members individually, that
"they should act in the same manner, and endeavour to subvert our
"law of 1754 by the same means which Dr S. and his Committee of
"1804 had employed for that purpose?

"If not, why not?

"Did the College, or did Dr W. individually, *not expect*, or *re-*
"*quire*, or *wish*, that all our members, individually, and collectively
"in Committees, should act in the most honourable manner?

"If any individuals of that Committee had acted in a manner *di-*
"*rectly opposite* to that in which Dr S. and his Committee acted on
"that occasion,—had objected to that interpretation of the law of
"1754 as being false, and to any attempt to repeal or subvert that
"law as a breach of faith, and a violation of our charter, and of those
"of the surgeon-apothecaries; and if outvoted in the Committee
"had protested against their proceedings, and, instead of keeping
"the plan a secret, had immediately mentioned it to the different
"members of the College individually, and had laid it fully before

" the Council and the College at their first meeting, or at the first " nominal reading of the Committee's Report, and had declared " their strong disapprobation of it;—Would this have been acting " in a dishonourable manner?

" Would the College have been entitled to censure, or punish " in any way, such individuals, for acting in a manner directly con- " trary to what the College has now repeatedly declared to have " been acting in the most honourable manner?"

I am not sure whether I proposed the preceding questions to Dr W. exactly in that order: but I am sure I proposed them exactly in those words; which I have transcribed from the papers that I used in the meeting of the College on the 19th of December last. My brethren, I presume, would understand sufficiently, even at first hearing them, the fair and rational purpose for which they were intended; but, if not, my brethren will fully understand the import of them, and my intention in proposing them, if they will compare the questions, as here stated, with what I have stated towards the conclusion of my Protest against the admonition about secrecy, which Protest has long been in print, and in their hands. (See pages 51 to 54 of it.)

As the declaration (or *virtual decision*) appeared to me intuitively and most glaringly false, I firmly believed that none of those who concurred in it could think it true; more especially as I knew that several of them had uniformly, for three months before, entertained, and even strongly expressed to me, the contrary opinion with respect to the conduct of Dr S. and his Committee. It was conceivable, however, though to me not easily credible, that the majority of my brethren might long have entertained, and on that interesting occasion might have prevailed on the minority of them to adopt, principles of morals, and, in particular, sentiments with respect to what is *most honourable* in human conduct, totally repugnant to mine. I

thought it would be easy, and I am sure it was of much importance to me, to ascertain whether they were sincere in those principles which they seemed to profess, and at least seemed to have made the ground, or pretence, of their virtual decision against me. I know well that many a proposition or doctrine, which, when stated briefly, in very general or perhaps vague terms, appears rational, nay plausible, or almost self-evident, when explained more fully, and illustrated by proper examples, and traced to some of its necessary consequences, instantly appears to be erroneous; and in some cases so foolish and disgraceful, perhaps even (as in the case at present in question) so immoral, that those who had most confidently asserted it, finding it impossible to admit its necessary consequences, or even to maintain the doctrine in the particular cases or examples stated to them, become ashamed to assert it, and are forced at last, either tacitly, if they are uncandid, or expressly, if they are candid men, to give it up.

No inference of reasoning appears to me more obvious and irresistible, than that to which, in my questions to Dr W., I alluded, and which I had previously stated in my protest, namely, that if the College seriously believed that Dr S., and his Committee, had acted in the most honourable manner, they must also believe that men, who, in the same circumstances, should have done the very reverse of what Dr S. and his Committee did, or should have acted in a manner directly contrary, in every respect to what they actually did, would have acted in the most dishonourable manner. The two propositions appear to me reciprocal, and almost, if not quite, convertible.

But I was not quite so fortunate in the contriving and expressing of those questions, as I had been with respect to some others which I had proposed to Dr W.—He declined to answer them. Even this *declining* seemed to me to imply a great deal: nay, almost all that I

wished him to have declared in presence of the College. I did not choose, at that time, to urge him any further on a subject, which was evidently a delicate one; and, as I suspect, might even have been a painful one to him. I had two very substantial reasons for that kind of reserve. *First*, I was very well pleased with his candid and manly procedure, both in his spontaneous declaration, and in his explicit and satisfactory answers to many of the questions which I proposed to him. *Secondly*, I had in my pocket, what he did not know of, several documents, among others a letter of his own to me, written just one week *before* the declaration of the Royal College, but after he had read my *Review* and *Censorian Letter*, which fully convinced me, as, indeed, many *vivâ voce* conversations that I had had with him in the three preceding months (November and December 1804, and January 1805,) would have done, that the declaration of the College was contrary to his own sentiments; that he had concurred in it merely as a temporary expedient, to soothe the feelings, and save, in some measure, the credit of Dr S. and his Committee; that he did not wish, or expect, or require, of other Committees, or other members of the College individually, to repeat the same attempt, either by the same, or by any other means; and that he did not think it would have been blameable, or dishonourable, in any of us, or even in any members of that unlucky Committee, to have acted in a directly contrary manner.—I firmly believe, that *these were*, and to *this hour are*, the sentiments of *many others* of my brethren, who concurred in the *declaration:* nor *can* I believe otherwise of any of them, till they shall explicitly declare the contrary; namely, that the *declaration* was *not* a temporary expedient, employed, on a very urgent occasion, to serve that particular purpose, which I supposed, and have specified; but their serious, permanent opinion, which therefore ought to be the rule of conduct, and the standard of honourable and right, to all our members;—

that they wish, expect, and require of their brethren, individually and collectively, in Committees, to do, whenever they have an opportunity, just as Dr S. and his Committee did, that is, to excite dissension in our College, by introducing, and endeavouring by stratagem to accomplish, plans formerly tried very fully, urged most keenly, but reprobated by many of us, as not only inexpedient, or foolish, but morally wrong and disgraceful;—above all, that they wish, expect, and require of all our members, to endeavour to subvert, repeal, falsify, or some how or other get rid of, our act of 1754, and absolve themselves from the obligation imposed by it; which obligation was the indispensible condition of their being allowed to become, or to continue, members of this College;—and, lastly, that they seriously think that any members of the College who should act in the directly contrary manner, by objecting to such a plan, when first proposed in a committee, or in private conversation among our members, by protesting against it if they were outvoted, by making it publicly known, as soon as possible, so as to put their brethren on their guard,—would not be acting in an honourable manner, and might reasonably and justly be censured, or otherwise punished by the Royal College, for acting in a dishonourable manner, contrary to what the College is entitled to expect, and to require of all its members.

As soon as these marvellous things shall be declared, either by the College as a body, or by some of our members individually, it will be easy to form a very fair and accurate estimate, and probably no very favourable estimate, of the principles, intellectual and moral, of those who shall avow them as their own deliberate sentiments: but, in the mean time, I should think it uncandid, as well as irrational, to impute to any of my brethren such foolish, immoral, disgraceful sentiments; and very little, if at all better, to impute to any of them the *absurdity*, and, I may safely add, the *immorality* al-

so, of professing to hold at the same time the *two inconsistent opinions* which I have stated; that is, maintaining both that Dr S. and his Committee had acted in the most honourable manner, and also that any of us, who should have done in every respect just the contrary, as already fully specified, would equally have acted in the most honourable manner.

I conceive it, therefore, to be, with respect to my brethren, the most candid and favourable supposition, and, with respect to myself, the safest course, to extend to all of them that notion, which I firmly believe to be true, with respect to Dr H. and Dr W.; namely, that the *declaration* was but a temporary expedient, employed to serve a particular purpose, which they thought a good one; that they never meant it to be a rule of conduct, or the standand of what is honourable and right to our members; and that they were sensible, that if any of us had on that occasion done just the reverse of what Dr S. and his Committee did, or should on any similar occasion act in a manner directly contrary to what the College had declared to be the most honourable, we should *not* thereby act in the least dishonourably, that the College would not be entitled, and could have no decent pretence, to censure, or otherwise punish us for such conduct, but that, on the contrary, we should be doing what is most honourable and right, and should deserve, though very probably we should not receive, the approbation and thanks of the Royal College, for acting in *that* most honourable manner.

I need scarce say, that all this is to be understood with a *salvo jure* to all my brethren; including even Dr H. and Dr W.: for I solemnly declare, that I have not, even in the most private and confidential conversation, ventured to urge either of them to answer explicitly those questions which I had prepared and intended for them both; and actually did propose to Dr W. in presence of the College. I was restrained from doing so, by those considerations of delicacy

and friendship to which I formerly had occasion to allude: and I thought it wrong, as well as unnecessary, to persecute them with disagreeable and embarrassing questions on so very plain a matter; which to me appeared to speak for itself. If, in this judgment of their sentiments, I have erred and done them injustice, I trust, that Dr H. Dr W. and indeed all my brethren, whom it may concern, will take the trouble to set me right, as soon as they shall have read these pages; or, at least, that, for their own sake, not for mine, they will have the goodness to contradict me in the most public manner, and in the strongest terms, by declaring that they have all along entertained, and now deliberately and solemnly assert those sentiments, which I should think it absurd, as well as illiberal and unjust, to impute to them. Such a vindication of themselves, will be to me a very high gratification.

In the mean time, I have the pleasure of knowing, that those questions, which I proposed to Dr W. in the College, and which he would not answer, have not been altogether useless. I know that they attracted some attention: and I understand that one of my brethren declared, that, for his part, he had no difficulty in answering those questions; and declaring, that he should think any of us, who should have acted in the manner which I had specified, (directly contrary to what Dr S. and his Committe had done,) would also have acted in the most honourable manner. But there may have been some misunderstanding about it; and therefore I will not name, nor, by any kind of insinuation, make known the person to whom I allude, as having expressed that wonderful sentiment. Besides, as I understand, it was expressed soon after those questions became known to my brethren; and, before they saw the point clearly stated, and fully illustrated in my Protest (page 50 to 54 of that series;) the perusal of which, I may reasonably suppose, will make my learned brother think again, and perhaps more rationally, before he

venture deliberately to assert two such extravagantly inconsistent propositions. If not, he is heartily welcome for me to assert them both; I mean the declaration that Dr S. and his Committee had acted in the most honourable manner; and also, that any of us, who, in the same, or similar circumstances, should have done, in every respect, just the contrary of what they did, would equally have acted in the most honourable manner. It will be very gratifying to me to hear that he persists in asserting both those opinions; and it will be an additional and decisive proof, which now is hardly needed, that there is a complete and irreconcileable difference between some of my brethren and me, with respect to the principles of reasoning, as well as of morals.

It appears to me very doubtful what degree of faith *can* be given, and still more doubtful what degree of charity *ought* to be extended, to men, who, with respect to the most plain and obvious principles of moral conduct, profess to hold opinions repugnant to those which are maintained by wise and good men, and commonly admitted as unquestionable by mankind in general. I can scarce think any person entitled to belief in point of veracity, and still less, if possible, to esteem and confidence in point of probity, who should, either expressly, or by implication, assert, that he thought falsehood, chicane, and breach of faith, most honourable: the directly contrary opinion being generally, if not universally, adopted by mankind, and being the common rule of conduct with wise and good men. But some allowances must be made for the wonderful varieties and perversities of human nature; for original depravity in some individuals, and for accidental corruption in others, in consequence of bad education, and the baneful influence of pernicious example.

It is a matter too certain to admit of doubt or dispute, and too common to be thought strange or wonderful, that many men, not deficient in understanding or knowledge, have long persevered in

the practice of several notorious vices; as, for example, drunkenness, gaming, in various modifications, and adultery, under the elegant name of gallantry. As many of them have practised these vices, not secretly, but very openly, nay, boastfully; it should seem, that, by some strange perversion of their faculties, they have come to regard those vices as genteel accomplishments, and persisting in the practice of them as acting in the most honourable manner. Yet there is some reason to doubt whether such be their sincere opinion: and there can be no doubt at all, that when men of gallantry are prosecuted for adultery under the legal name of *crim. con.* neither they nor their lawyers ever venture to plead their peculiar philosophical opinions in morals as a justification of their actual conduct, or even in mitigation of damages.

I remember well some five-and-twenty years ago to have heard a man of considerable talents, and well known in this city as a very useful election agent, tell, boastfully, many strange stories of his own address and knavery; such stories, that, supposing them all true, or nearly so, as he told them, I should have thought he deserved the pillory, at least, if not the gallows, for what he had done. My curiosity was so much excited, by the spirit, and drollery, and exultation, and impudence, with which he told those infamous stories of himself, that I enquired of several different persons, whether they were true or not; and I was assured that several of them, at least, were true in substance, but perhaps somewhat embellished in his way of telling them. I never took the trouble, nor indeed had I the means of ascertaining, whether he really thought he had acted in the most honourable manner in those achievements of which he boasted so highly; or whether he wished to be regarded as a very clever thorough-paced knave, and to be respected and employed accordingly by the many honourable and right honourable gentlemen, who had occasion for the professional services of such a knave: but I

have reason to think, that the latter opinion, with respect to him, and his system of morals, prevailed very generally.

I remember long ago to have heard, and I have ever since believed, though I do not now recollect my authority for it, that several wise and good men, especially magistrates, in consequence of what they had observed in the exercise of their public duty, had seriously remonstrated against such dramatic representations as *The Robbers* of the German, and *The Beggar's Opera* of the English theatre. They were convinced, that some young men were misled and corrupted by the bad examples set before them, and the principles of action avowed by the *dramatis personæ* in those plays; that they admired those heroes of the highway, and burned with desire to emulate what they admired. If these observations and apprehensions were just, they must be regarded as affording a most wonderful proof and instructive lesson of the perversity of human nature.

That there is at least some foundation for such apprehensions cannot be doubted. One very extraordinary instance of such depravity occurred in this city, about twenty years ago, in a man, who, from his birth, education, and connections, was entitled to hold, and, for several years, actually held, a respectable station among his fellow-citizens; nay, had the honour of a seat at the Council Board along with the Magistrates of Edinburgh. Yet, with all these advantages, and without the excuse of poverty, or urgent necessity of any kind, he adopted the principles and the ambition of the leader of a gang of thieves; committed many nocturnal depredations on his honest fellow-citizens, in a new and grand stile, was at last detected, made his escape, was with much difficulty taken in a foreign country, brought back as a prisoner to Scotland, and finally brought to justice. The extraordinary history of this man, and particularly his adopting of those peculiar principles in morals, and his unlucky notions about *meum* and *tuum*, which the judges and jurymen of this

country seem to have thought altogether heterodox, were attributed to his having studied, for some months, in the flourishing university of Newgate; whither he had been sent, for improvement, in his younger days, on account of some prank that he had played, which was not quite approved of by the grave Judges of England. But whatever might have been the beginning of his system of morals, I know well what was the end of it: for I had the honour of seeing him hanged; which, I believe, has been the fate of many great philosophers of the same school: but I must do him the justice to say, that "he hung like a hero, and never would flinch."

I must own, it would require the utmost stretch of my faith to make me believe, that any of those philosophers seriously believed that they were doing right, or acting in the most honourable manner, even if they had deliberately declared that such was their opinion, or system, in morals; and though they had never expressed in words, or shewn by their actions, that they held a different opinion. I should think the common sense of mankind almost decisive evidence of their *mala fides*, even on that simple, and, with respect to them, most favourable supposition. But it would greatly surpass the utmost measure of my faith, and of my charity, to believe any man sincere, who should openly profess to think robbery and theft most honourable, and should, at the same time, publicly declare, that he thought strict honesty, and much care and pains to prevent theft and robbery, and to bring to justice thieves and robbers, also most honourable. The complete inconsistency of the two opinions would be, with me, decisive evidence, that no man could *bonâ fide* hold them both.

This point, the importance of which my brethren cannot fail to perceive, may be well illustrated by the parallel case of inconsistent religious tenets; with respect to which, all men, who are not intolerant bigots, admit a much greater latitude, and *bonâ fide* difference of

opinion, than ever was heard of with respect to the principles of morals.

There can be no doubt that a man may be perfectly sincere in his professed religious belief, as a Presbyterian, or as a Papist, or as an Anabaptist, or as a Quaker; nay as a Jew, or as a Mahometan; as of the religion of Brama, or as of that of Fo. We should not even be entitled to call in question a man's sincerity, who had changed, perhaps repeatedly, his system of religious faith; who, from being an orthodox Presbyterian, had become a bigotted Papist, then a zealous Quaker, then a furious Anabaptist, then a Mahometan, then a follower of Brama, then a disciple of Fo, and who had returned at last to what he was at first. We should certainly be well entitled to regard such a man as thoroughly crack-brained; but not to consider him as insincere in that belief, which he maintained *pro tempore*. Not so with respect to any person, who should declare that he held, at one and the same time, the inconsistent doctrines of the Presbyterian and the Papist, the Anabaptist and the Quaker, the Christian and the Mahometan, the worshipper of Brama and the worshipper of Fo. Such inconsistencies would be complete evidence of falsehood in those who professed to believe them. Not more favourably, in point of veracity as well as understanding, must every person of sound sense and probity think of men who shall profess to believe inconsistent, or directly contrary propositions, with respect to what is honourable and right in human conduct. The several particulars which I have stated fully in my Protest, (page 50. to 53.) and which I specified more briefly in some of my questions to Dr Wright, that he declined answering, are, in every respect, the contrary of what was done by Dr Spens, and his Committee for revising the laws. The Royal College has repeatedly declared, that, on *that* occasion, they acted in the most honourable manner. If this be true, it would certainly have been acting in the most dishonourable manner to have

done just the contrary. My brethren may now consider, whether they will admit this plain necessary inference from their own most deliberate assertion, or whether they will boldly assert the two contrary propositions, as one of their number seemed ready to do. Either that admission, or this assertion, will equally answer my purpose; will equally be an outrage on the common sense and common honesty of mankind, and will equally afford complete evidence of their own disingenuity.

I am sure my brethren, without any assistance from their minute-book, will remember distinctly, that, on the 19th of December last, Dr Wright concluded his declaration with some dry remarks on the proceedings of Dr Hope, Dr Spens, and Dr Stewart, in obtaining from him that declaration which Dr Hope read as part of his fifth proposed resolution; and particularly, on the very extraordinary conduct of Dr Hope, in refusing to give him back the paper which he had signed, and which he wished to get back, and to speak from his own notes. This he wished to do; having by that time recollected himself, and become sensible of the mistake which he had inadvertently committed in that declaration; and conceiving, very rightly as I should think, that his personal appearance, and the *vivâ voce* declaration which he was ready to give, not only rendered unnecessary, but absolutely superseded his former inaccurate declaration; which, at any rate, if it were to be regarded as evidence, was liable to the sad objection of being taken *ex parte*, and in circumstances which had at least a very bad appearance, and seemed to admit but of one, and that one a very unfavourable interpretation.

If such an attempt had been made in the course of any regular judicial proceedings, especially in any criminal matter, there can be no doubt what the consequences of it would have been; first, in vitiating and setting aside any evidence so obtained; secondly, in bringing on

those who had employed such unhallowed means to obtain evidence, the most severe animadversion of the court to which it was offered.

If my learned brethren had the misfortune to be tried at York for horse-stealing, or at Jedburgh for sheep-stealing,—in either of which cases, from the well-known local circumstances, and the nature of the offences of which they were accused, which are regarded with peculiar abomination and horror by all who dwell in the neighbourhood of York and Jedburgh respectively, and withall, are found to be the sins most apt to beset them, my honourable brethren, though just as innocent of horse-stealing and sheep-stealing as they are of witchcraft, would infallibly be hanged; just that horses and sheep might not be stolen: nor would they, I presume, be so unreasonable as to complain of any injustice in such a case. Certainly they might well save themselves the [illegible] such idle complaints; as they would only be laughed at for their pains. Every body knows, that, in those circumstances, at those places, hanging goes by destiny, as a matter of regular course, which no man can escape. But they would, no doubt, think they had very hard measure, and probably would almost suspect some kind of foul play, if they were convicted, not by the testimony of witnesses who appeared in court, and gave evidence against them *vivâ voce*, and whom they might have an opportunity, by cross-questioning, either to convince of their mistake, or to convict of wilful falsehood and perjury,—but by hearsay evidence at second hand, or by a written declaration, which the person who had inadvertently given it, had soon afterwards discovered to be erroneous, and had endeavoured, but in vain, to get back, before it could be produced in Court.

The hardship and the injustice of such a proceeding would be pretty evident, even if the prosecutors, who had procured and endeavoured to employ that kind of evidence, had no interest to serve, and no passions to gratify, by convicting the prisoners: but would be still more

glaring, and would be thought atrocious and infamous, if the prosecutors had themselves been strongly suspected, or perhaps accused, of stealing those very horses or sheep, for the stealing of which they wished to get other men hanged; as the most likely or only means by which they themselves could hope to escape detection and punishment.

The supposed case is not, in every respect, exactly parallel to the real one: for though it is plain that my very angry brethren cannot escape conviction themselves, unless they can convict me of falsehood, it is by no means clear, that if they should contrive, by some *ex parte* and false evidence, to convict me of falsehood, they would by so doing, escape conviction, of the same peccadillo themselves. On the contrary, it is perfectly clear, that, though they should, by such evidence, or by any evidence, if any other evidence could be got of what is not only false, but incredible, contrive to convict me of that absurd falsehood of which they have accused me, and for such falsehood should hang me on a gibbet an hundred and fifty yards high, according to the statute of the Royal College in that case made and provided, it would avail them nothing, as to vindicating themselves, unless they could contrive to hang at the same height, or still better to burn, but at least some how or other to make away with, their own record, and the report of their Committee of 1804, from which I had made such unlucky but decisive extracts. While those documents remain, no decision against me can vindicate, or in the least tend to vindicate them, but will probably make bad much worse, by affording additional proof and illustration of what I had said most unfavourable of their principles and of their conduct. Their decision against me, in such circumstances, might in some measure gratify their vindictive malevolence against me, by representing me as the author of a most absurd falsehood, useless and disgraceful to myself, but highly gratifying to them; and at the same time representing me as such a pusillanimous

wretch, as to have acquiesced for a year and nine months in their former *virtual decision* against me ; and withal as such a desperate madman, that while I acquiesced, with fear and trembling, in that decision, I continued, day after day, during all that time, openly to bid them defiance, by continuing to distribute my printed papers, thereby persisting in the most public manner, and in the strongest terms, to charge them with breach of faith, chicane, and falsehood, at the same time always repeating my offer to acknowledge my errors if any, and to repair any wrongs that I might have done to my brethren as soon as they should be pointed out to me. If such marvellous things should be decided either by a vote of nine to three, or by an unanimous declaration of my brethren, it would require more faith than most men can boast of, to enable impartial men to believe them : and of course some little curiosity, perhaps not of the most charitable kind, would be excited to know what evidence of them had been found.

With respect to the general maxim, recognised in all judicial proceedings in this country, as the most important and comprehensive principle in questions of evidence, it is so plain a suggestion of common sense and justice, that it can require no proof or illustration, and can admit no exception. The rule of law, to which I allude, is, that, in every case, the best evidence that can be obtained is to be taken. On this principle, (and some others equally obvious,) evidence taken *ex parte* must always be reprobated ; no written declaration can ever be received as evidence against a person, when the author of it is alive, and can be produced in court, and examined as a witness *vivâ voce*, and, in case of need, cross-questioned ; even a preceding formal examination, or precognition, in writing, taken by a magistrate, cannot be received as evidence, when the witness who gave it can be produced, and examined personally. I understand that a witness may be allowed to avail himself of such a precognition to assist his recol-

lection, or that he may demand as a right to have it destroyed, that it may be no restraint upon him in giving his testimony upon oath. Nay, I understand it to be a settled point, that a witness, who has actually given his evidence on oath, if he discover that he had inadvertently committed any mistake in what he testified, must be allowed to correct any such mistake in his own declaration or evidence. The absurdity and injustice of refusing that permission to such a witness would be glaring. It would be equally absurd and unjust to the witness himself, who would thereby be compelled to bear false witness against his neighbour; and to his injured neighbour, who might lose his property or his life by a kind of testimony of so strange a nature, that language affords no word, nay, hardly a circumlocution, to express it;—a testimony which the person giving it declared to be erroneous from his own inadvertency, though not wilfully or malevolently false. My very angry brethren must no doubt have had some strong reasons for deviating so much from the plain and well known path of reason, truth, and justice, as to go to take *ex parte* evidence against their neighbour, and then to endeavour to tie down their witness to that evidence, so illegally taken, by getting him to subscribe a paper to that effect: and Dr Hope must have had some still stronger reasons, peculiar to himself, for refusing to give back that paper to the witness who required to have it back, and who actually appeared in person, ready to give his evidence *viva voce*. It is but justice to Dr Stewart and Dr Spens, to state, that they had no share in that refusal; and that Dr Stewart had no share even in the former step of the same proceeding—going to get the witness to subscribe that paper.

It happens that I am a little acquainted with some long-tongued lawyers, who, I have some reason to believe, would think it a very good joke to regale some of my brethren, or the Royal College as a body, with a short philippic on those topics. But this, I presume, is hardly worth their while. The individuals who had the honour to be

the agents in those very honourable, though certainly very unusual proceedings, I am well convinced will not be in any hurry to repeat them: nay, I shrewdly suspect that they would not have thought it honourable, or even expedient, to attempt them at the time when they did so, if at that time Dr Wright had been but fifty, or two-and-fifty years younger than he is. Their second visit to him, and their requiring him to subscribe that paper which they had written for him, might well have been considered as a personal insult to Dr Wright; but Dr Hope's refusal to give it him back, when he, having discovered his mistake, wished to recal it, before any harm could be done by it, appears to me a perfect outrage, not only on Dr W., but on reason, truth, and justice. I am convinced that Dr W. felt it as such; which indeed his strong expressions of indignation, in that paper which he read to us a fortnight after, amply testify.

I find much edification in considering, that those very honourable proceedings which my angry brethren probably regarded as master-strokes of that left-handed wisdom, on which they seem to plume themselves, had effects directly contrary to what they intended, and confidently believed they had insured. The noble expedient of going to Dr W. a second time, and getting him to subscribe such a paper as they wanted, seems to have roused his attention to what was doing, and, as I conceive, suggested to him the notion that Dr H. and Dr S. wished to take an unfair advantage of some mistake that he had committed, and to tie him down to what he had inadvertently said; and prompted him to recollect, as well as he could, some of the particulars of his conversations with me in February 1805, and even induced him to consult our record, and to look into his own papers, to obtain such assistance as they could afford him, in recollecting some of the circumstances, which gave occasion to those conversations. The bold and perfectly new measure of refusing to give him back that paper when he desired to have it back, and endeavouring

to avail themselves of it as an article of evidence against me, when he had discovered what a mistake he had committed, and wished to prevent that unfair use from being made of it, could not fail to confirm that suspicion; and, as I conceive, produced that keen indignation, which he afterwards expressed very strongly. I have good reason to believe that Dr W. felt very severely, and resented the illiberality and injustice of their proceeding, with respect to himself, as well as me; on this principle, that he thought it tended to bring into question his probity and veracity, at least as much as mine; for, as soon as he had recollected himself, with those helps which I have mentioned, he could not fail to know that his declaration was to be opposed, not only to my most solemn declaration, but to some documents, the authenticity of which could not be disputed, and the force of which could not be evaded; and withal that his declaration, from mere unassisted memory, the inaccuracy of which he had by that time discovered, was to be weighed against the most complete and uniformly consistent moral internal and circumstantial evidence that could be conceived. The consequence, at any rate, was, that instead of having to persecute Dr W. with a number of very indelicate and vexatious questions, some of which he might have refused to answer in any way, and others of which he might have answered in a very dry, imperfect, unsatisfactory manner, I had the pleasure to see him come forward of his own accord, and to hear him read his declaration, which though incomplete (according to my memory of our conversations near three years before) was explicit and satisfactory, with respect to some of the most important points at issue. My brethren, whose own grand master-stroke recoiled on themselves so suddenly and so severely, can never forget the practical lesson, which on that occasion they received: nor can they, for a long time to come, need the help of lawyers to explain, and inculcate, the vulgar maxim, that honesty is the best policy.

I am not quite so sure what the Royal College, as a body, may think, or how it would act, on occasion of any discussion about those proceedings: but I own I should like much to see a little *sparring* on that ground, between my brethren, collectively, and a reasonable number of lawyers: I mean only in a friendly way, just as a trial of skill, and a display of the noble art of *foxizing* against other foxes. From some things which I know for certain, by most decisive experience, and from some other things of which I have had only slight and imperfect hints, I shrewdly suspect, that the foxes, in wigs and black gowns, would come off only second best in such a skirmish; and would find the foxes, without wigs or gowns, too sharp for them. I can have no doubt, that the first choke-pear they would meet with would be a strong (but probably not just an unanimous) declaration of the Royal College, that Dr H. and Dr S., in their proceeding with Dr W., had acted from the purest motives, and in the most honourable manner; and if the lawyers should choose to ask the Royal College to explain that declaration, and to say, whether they meant to assert that it was acting in the most honourable manner to take *ex parte* evidence, to endeavour to tie down a witness to such *ex parte* evidence, by obtaining from him a written declaration to that effect, and then to refuse to give him back that paper, the error of which he had discovered, and wished to correct by appearing personally, and giving his evidence *viva voce*; or only to testify, that Dr H. and Dr S. had not acted in that manner;—I can have no doubt that they would immediately, as a matter of course, receive for answer, that the Royal College declared its adherence to its former declaration. Thus far I can go with confidence, on the sure ground of former experience: but I suspect, that if the lawyers should urge them a little farther, and remonstrate with them on such a declaration, as contrary to the uniform practice of law, as well as to every principle of equity, of reason, and of common sense, the Royal College would

soon tell themthat it had nothing to do with their principles, or pretended principles of law and equity, as it was not a court either of law or equity, and did not pretend to be one, or to act as such in the case at issue; that it could neither compel the attendance of witnesses, nor examine them upon oath, nor oblige them to answer questions; that it should proceed upon such evidence as it could get, and, in default of any evidence, upon its own knowledge or belief with respect to the matters in question; that it should give itself no concern with the lawyers' principles of reason and of common sense, being perfectly satisfied with its own notions of those matters; that it was a body corporate, having essentially a certain jurisdiction and superintendence over its own members, especially for the good purposes of preserving or restoring peace, and punishing and restraining contumacy among them; that the Royal College had found it expedient or necessary to exert that power with respect to me; who had, without ceremony, charged some of my brethren with falsehood, chicane, and breach of faith, and had most wickedly and impudently stated the evidence of what I had asserted, offering to acknowledge any errors, and repair any wrongs to them that I had committed, as soon as those errors or wrongs should be made known to me, declaring, that I was ready to answer in a court of justice for the general tenor of my conduct, and the truth of every thing of importance or unfavourable to them which I had stated; and, lastly, with unparalleled insolence and contumacy, declaring, that if the Royal College should sanction as true those assertions which I reprobated as false, and of course should adopt the proposed measure which I had treated as mere chicane and breach of faith, I should immediately bring their proceedings under the revision of the Court of Session; that the individuals, whose conduct I had censured so harshly, and those who favoured their plan, who were a majority of the College, and that the Royal College, as a body, not choosing to engage in such a discus-

sion with such a contumacious, violent, wrong-headed person as myself, had behaved in the most exemplary, gentle, and peaceable manner, and with the greatest delicacy to me; that the individuals chiefly and ostensibly concerned in the business, had asked leave, and that the College had given them leave to withdraw and reconsider their proposal, that they had withdrawn it accordingly, had reconsidered it, and finally retracted it; that they, out of their great tenderness and respect for me, had not accused me of having done any wrong, or cited me to answer for my conduct, or given me the trouble either of vindicating what I thought right, or acknowledging and repairing what might be found erroneous in my assertions, or wrong in my conduct, as by my explicit and public offer I was obliged to do; that in their proceedings they had expressed no censure on me, or disapprobation of my conduct, and had not even mentioned my name, or said one word about my conduct, but had only thanked their President, and some of their members, for the great trouble which they had taken in revising the laws, and had declared that they had acted from the purest motives, and in the most honourable manner; that this was a very gentle and friendly way of declaring virtually, that my printed papers were a false and scandalous libel, and that I was a liar and a knave; that they were sure, from the first, that I knew of all those things, as I avowed that I did of some of them; that it was plain that I had acquiesced in their declaration, that Dr S. and his Committee had acted in the most honourable manner, implying virtually that my own printed papers were a false and scandalous libel, and that I was a liar and a knave, forasmuch as I had submitted silently to it for a year and nine months, without presuming to complain of it, or to remonstrate against it; that this sufficiently shewed that I knew of it, and had nothing to say in my own vindication, but was, to all intents and purposes, pleading guilty; that they were sure, from their own knowledge, that Dr W.'s first declaration of what he had told me was

true and accurate; that he had no occasion to recollect himself; but that, though he is a man of probity and veracity, they were much afraid that he might afterwards act most knavishly, and give a false account of what he had told me; that, to prevent such falsehood and knavery on his part, they thought it right and necessary to tie him down to his first declaration, by getting him to sign a paper to that effect; and that, for the same good reason, it was expedient to refuse his request of getting back that paper, and to lay it before the College; that as to me, my conduct towards the Royal College, for more than a twelvemonth, had been so disrespectful, so contumacious, so insolent, so atrocious, that in dealing with me the common principles of law and equity and evidence were as much out of the question as the laws of brag, or the principles of spherical trigonometry; that I had persecuted them with queries of the most embarrassing and vexatious kind, with respect to their admonition about secrecy, and had most wickedly pressed them to explain it precisely, and to say whether it extended, or did not extend, to things morally wrong and dishonourable done or proposed in the College deliberately and obstinately; that I had pestered them with protests of the most disrespectful and provoking kind, to which they could see no end; that I had at last, most impudently and knavishly, desired the Royal College to explain its own vote, declaring that Dr Spens, and his Committee in 1804 for revising the laws, had acted in the most honourable manner, which vote was avowed to be virtually deciding that my printed papers were a false and scandalous libel; that from the manner in which I had stated and urged that request, it was plain that I intended to convict the Royal College of deliberate falsehood in that proceeding; that I had urged them to say, whether they meant to deny those general principles of what is honourable and right in human conduct, which principles I had most confidently asserted as self-evident and unquestionable, or only to deny the particular asser-

tions which I had stated of the proceedings of that Committee, with precise references to its *Report*, and to the Records of the College, in proof of every such thing which I had asserted; that I had most unreasonably invited them to take their choice of denying either the *major*, the *minor*, or the *conclusion* of a plain syllogism which I suggested to them; that it was altogether unsuitable to the dignity of the Royal College, and in other respects, and for many good and valid and honourable reasons, too tedious to mention, would be very disagreeable and inconvenient to the College as a body, and still more so, to the several members of it individually, to enter into such discussions with me; that it was abundantly evident, and hardly concealed or disguised by myself, that my chief or only purpose in endeavouring to prevail on the Royal College to answer such questions as I proposed, and to take their choice of denying either the *major*, the *minor*, or the *conclusion* of the syllogism which I suggested to them, was, under the specious but false pretence of vindicating myself, to convict them of falsehood and knavery; that, in these circumstances, it would have been dishonourable, as well as foolish, for the Royal College either to answer my questions, or to begin to chop logic with me, which, at any rate, could do no good, and would not soon, if ever, come to an end; that it was absolutely necessary for the welfare, or perhaps for the very existence of the Royal College as a body, as well as for the honour and interest of many of its members individually, whom I wished to convict of falsehood, to stop my mouth as soon and as effectually as possible; that they could not contrive a more effectual choke-pear for such a contumacious fellow as I am, or one better suited to all the circumstances of the case, especially as they did not wish to have the trouble and expense of law suits, than to retort, and, by a vote of the Royal College, to fix on me the imputation of falsehood; that they were confident no member of the College, who had concurred in the preceding measures

with respect to me, could rationally, or consistently, refuse to agree to such a vote, as it was self-evident that either they, or I, must stand convicted of falsehood: that in this intended proceeding, the Royal College meant to behave to me with the greatest possible delicacy and tenderness, and not to attempt to convict me of perjury; though they meant to establish, by a vote, that what I had solemnly declared upon oath was absolutely false, but only to express their strong disapprobation of the violation of truth, of which I had been guilty, and in the most friendly way to express their sorrow at finding, that any of their members should have acted in such a manner, but by no means to inflict any punishment on me for such a peccadillo, or in the least to infringe my civil rights, even as a fellow of the Royal College, or to give me the vexation of a lawsuit, or put me to any expense or trouble, by *splendid writing* and printing, or any other way, to vindicate myself; that what I was pleased to call an *Accusation*, was in fact no *accusation*, as it did not infer any punishment of me for my violation of truth; that it was only a very innocent and proper motion made by Dr Hope, and seconded by Dr Spens, much needed to restrain such contumacy as mine, and to restore peace, and preserve good order in the Royal College; that whether the Resolutions moved by Dr H., and seconded by Dr S., were true or false, I could have no reason to complain of the College if it should adopt them; that if they were true, I ought, for my own sake as well as theirs, to acquiesce in them, and to thank the Royal College for its great lenity, and especially to thank Dr H. and Dr S., for their very liberal and friendly conduct towards me; that if I thought the resolutions false, still it would be absurd for me to remonstrate against them, as they would not be injurious to me; that, in the eye of the law, taxing a man with falsehood is not an injury to him, and accordingly is no more actionable than declaring, that he is of the middle size, of a dark complexion, and about forty years of age;—but that if I thought

otherwise, and conceived myself injured by such resolutions of the Royal College, I might seek redress in a court of justice, and should soon be convinced of my mistake.

How many of these very just and honourable sentiments my brethren would choose to avow, and in what terms they would choose to express them, I really do not know: but I presume they would not choose to express them in such plain terms as I have employed; and I am well convinced, not only by the general tenour of their conduct, but by several particular proceedings of theirs, and from several remarkable expressions which I have heard directly from some of themselves, and others which have been reported to me, that of all the characteristic sentiments which I have stated in the preceding paragraph, there is not one which has not been entertained, and probably very few, if any, which have not, more or less plainly, been expressed by some of my brethren.

What a few thorough-bred lawyers would find to say in reply to such arguments and sentiments, I really cannot guess: but I am sure they would completely pose me. Instead, therefore, of attempting to convince my very angry brethren, that they did shamefully wrong in their very strange proceedings with respect to Dr Wright, in which attempt I take it for granted that I should not succeed, I shall content myself with viewing their conduct, in that business, in the calm light of mild philosophy; and endeavouring to investigate the causes of that wonderful phenomenon in morals. For this good purpose, as it is really *dignus vindice nodus*, I have endeavoured to avail myself of all those *instrumenta mentis* with which I am acquainted, and can contrive to apply to the matter in question; chiefly *inductive* and *demonstrative* reasoning; not neglecting even the use of that most vile and detestable instrument called the *dilemma*. By investigating the causes of such a phenomenon, I mean ascertaining the sentiments, considerations, and motives, which (as we commonly express that re-

lation) *induced them to act in that manner:* or, more accurately, *for the sake of which they chose to act* in that extraordinary manner. For I hold myself bound in candour and justice to them, to believe that they had some strong motives, intelligible at least, though, perhaps, not altogether honourable, or such as they would choose to avow, for acting in a manner altogether unusual, and so repugnant to the common notions of reason, truth, and justice, that it could not fail to bring on them the severest animadversion, and to give me such an advantage over them, as it would have been unmanly and dishonourable in me to have wished for; nay, hardly possible for me to have thought of. I declare seriously, that I should think it *irrational*, as well as *unjust to them*, to suppose that they acted in that strange manner merely to gratify me, and to give me that extraordinary advantage over them; and not one jot better, to suppose that they did so without any motive or reason whatever. But they will please to observe, that in their own proceedings, with respect to me, they have fallen into that sad complication of absurdity and injustice; *first*, In maintaining that I knew of their *virtual decision* against me, and had acquiesced in it, by submitting to it in silence for a year and nine months, not only without any rational or conceivable motive for doing so, but in direct opposition to every honourable and rational motive that can be conceived; *secondly*, In maintaining, that I, equally without any valid or rational motive, nay, without any motive at all, that they have chosen to specify, or, as I suspect, have been able to conceive, or fancy, for my conduct, and in opposition to the most obvious, most honourable, and strongest considerations of prudence, truth, and probity, falsely declared, that I had no knowledge or suspicion of that *virtual decision*, and that I could not even have thought it possible. I can conceive nothing that should make them more clearly perceive the absurdity and injustice of their own proceedings with respect to me, than to consider what they would

have thought of me and my conduct towards them, if I had taken it into my head to maintain, that in their proceedings with respect to Dr Wright, they acted without any motives at all, and in direct opposition to the well known principles of truth and justice, according to which they ought to have acted.

I cannot say, with truth, that my strict philosophical investigation of the causes of the phenomenon in question, has *led* me to that very unfavourable conclusion with respect to their *motives* for acting as they did; which conclusion I shall soon have the honour to state to them: for I must own, that I had a very strong anticipation, if not even a clear perception of it, from the very moment that I heard Dr Hope read his string of resolutions, which he proposed to the Royal College.

Qui aliquid quærit, id ipsum quod quærit generali quadam notione comprehendit: aliter qui fieri potest, ut illud, cum fuerit inventum, agnoscat? Idcirco quo amplior et certior fuerit anticipatio nostra; eo magis directa et compendiosa erit investigatio.

With respect to the matter in question, my *anticipation* was so ample, and so certain, that I had no more occasion for induction, demonstration, dilemmas, or any other *instrumenta mentis*, to let me *see the thoughts* of my very angry brethren, than I had for a solar microscope and a reflecting telescope, to enable me to see their faces and persons. The certain knowledge which I had, not only on the force of *negative memory*, but also, as formerly explained, on that of *positive memory*, that Dr W. had never given me any such information as that which Dr H. had stated, and, on the contrary, that the information which he gave me had conveyed to me a totally different meaning, according to which I had uniformly regulated my conduct towards the Royal College for a year and a half, and the equally certain knowledge which I had, that my brethren knew what that conduct on my part had been, not only made it impossible for me to be-

lieve *that* declaration which Dr H. read as what he had obtained from Dr W.; but made me think it hardly possible that Dr H. and Dr S. should themselves have believed it; and even enabled me to judge, with a degree of probability approaching very near to certainty, that they understood it to be a *bona fide* mistake, not any deliberate falsehood, or intended malevolence towards me, on the part of Dr W.

The fact that Dr W., no matter whether wilfully or inadvertently, gave them that information, contradictory of what I had most solemnly declared, *must* have convinced them, that I had not instructed him what to say, and that there was no plan of deceit or falsehood concerted between us. The fact that I had, by very plain allusion, referred to Dr W. as a person who could fully testify of the truth of what I had stated as the sum and substance of the information which had been given me of the proceedings of the College in February 1805, *must* have convinced them that I was acting *bona fide*, fully confident of the truth of what I asserted. They *could not* rationally think me, or honestly profess to think me such an ideot, as deliberately and confidently to refer them to a witness, who, if he were to speak the truth, would instantly convict me of falsehood. They might, no doubt, have had reasons of their own, quite unknown to me, for distrusting the accuracy of my memory, in what I declared that I remembered of that information; and some of my brethren either had, or at least very confidently professed to have reasons, best known to themselves, and almost incomprehensible to me, for distrusting the soundness of my judgment, in what I declared that I understood to be the import of the information which I had received. They cannot have forgotten, that some of their number maintained, most arrogantly, that acknowledging the purity or goodness of a person's motives, was fully equivalent to declaring that he had acted in the most honourable manner: (see page 150 to 187.)

They could not suppose me such an ideot, as to believe, that Dr S. and his Committee had been fully acquitted, without even being tried, or tried without their accuser (myself) being cited, and required either to make good his charge or to retract it; and they were perfectly sure that I well knew there was no time for any such trial of those whose conduct I had reprehended; that no intimation of any such intention was ever given to me; and that I had never been cited either to substantiate or to retract what I had publicly said of them; or to answer for my own conduct, as I had professed myself willing and ready to do. They certainly could not think me such an ideot, or rather such a stock or stone, as to hear with indifference, and without reply, or animadversion, or enquiry, or demand of explanation, that kind of information, which Dr W. inadvertently said he had given me, and which, I firmly believe, he had given to many other persons; probably to every other person with whom he had occasion to converse about the same business. They *could not* believe that Dr W. had given me that explicit information of the most complete contradiction of all that I had deliberately and solemnly asserted, at the same time telling me that he concurred in it, unless they also had believed that he had resolved to quarrel with me for ever; which, they well knew, was not the case; and, even on that supposition, they *must* have had an eager and very rational curiosity to know how I received that very extraordinary intimation, which was to be decisive of my fame and fortune for life.

In those circumstances, there was one rational and candid mode of proceeding, on the part of Dr Stewart, Dr Spens, and Dr Hope, even at their first visit to Dr Wright: a proceeding so important in its consequences, and so decisive, with respect to the credibility of what I, and what Dr W., had said, and withal so plain and obvious, and so much in the common course of human affairs, that it is hardly conceivable that any of those three persons, still less conceivable

that all three of them, should not have thought of it, or should *bona fide* have omitted it, even at that first visit, and utterly incredible that Dr S. and Dr H., in the course of a whole day, and after writing out a paper for Dr W. to sign, and going to him a second time to get him to sign it, should not have thought of it, or should not have seen its decisive importance, or should have omitted it from mere negligence, without any particular motive or purpose.

The obvious and honest proceeding on their part, to which I allude, as what they ought to have followed, and could not *bonâ fide* neglect, was merely asking Dr W. how I received his very strange information; what I said in reply to it; what questions I proposed to him about it, whether I said I acquiesced in it, or the contrary; and what I told him I intended to do in consequence of it.—The proposing, and even *urging*, to Dr W. such questions, would surely have been the most natural and reasonable of all expedients, and withal the easiest, to assist his memory, to confirm it if it was right, to correct it if it was wrong, and to make known to them several things, which it was of the greatest importance to them to ascertain, especially things most unfavourable to me, which therefore they must have eagerly wished to prove, and which, if they had seriously believed what Dr W. had said in contradiction to my declaration, they must with confidence have expected to prove by his further testimony.—But, to the best of my knowledge and belief, it is not even pretended by Dr Stewart, Dr Spens, or Dr Hope, that they put any such questions to Dr W., nor yet that he gave them, unquestioned, such explicit and ample information, on those interesting points, as to supersede, by making unnecessary, any such questions. I am sure I have not yet heard of any such questions being proposed by them to Dr W., or any such information being given to them by him unasked.

In their very peculiar circumstances, according to my system of metaphysics, not to *choose* to propose such questions, when this was in their power, was not to *dare* to propose them; implying that they strongly apprehended, or knew, that the answers to them would frustrate their immediate purpose, and be ruinous to their cause. I trust they will think it a very intelligible paradox, when I state to them, that though the *falsity*, the unintended mistake, was Dr W.'s, the disingenuity, the malevolence, the *mala fides*, was altogether their own. They certainly wished to take advantage of that information which they had obtained from Dr W., the inaccuracy, or the total error of which they *must* have suspected at least, and might have ascertained in a few minutes, if they had chosen, or had dared to propose to him the easiest, the most obvious, and the most decisive questions about it. Yet to that information they wished to tie him down, by making him sign a paper to that effect; and one of them, Dr H., refused to give him back that paper, when he, having discovered his error, desired to have it back, and to be allowed to give his evidence *viva voce* from his own notes.

If such questions as I have suggested had been proposed by them to Dr W., there can be no doubt what the ultimate result would have been, whether he remembered, or had forgotten, what I well remember to have said to him, on receiving that information which he gave me.

If he should not have been able to recollect the whole, or even any considerable or interesting part of what I said to him, on receiving from him that very strange information, both he and they *must* instantly have become sensible, that his memory of our conversation was very inaccurate and imperfect, and not fit to be trusted in so important a business, unless by further questions to him, or by other helps to his memory, such as either he or they could contrive, he should be made to recollect at least some part of the rest of our con-

versation, especially the counterpart of what he said he had told me. Any such attempts to assist his memory by questions with respect to what I had said in reply to him, or by any other expedients, *must* either have shewn that he had irrecoverably lost all memory of what I had said to him, and indeed of the greater part of our conversation; or it *must*, by rousing his attention, have enabled him to recollect what I had said in reply to what he told me, and of course would have made him remember distinctly the great difference between what he chose to tell me, and what he had been accustomed to tell other people, of the proceedings of the Royal College on that occasion:—just as actually happened, (almost immediately, as I understand) in consequence of Dr H. and Dr S. going to him a second time, and getting him to sign a paper containing the inaccurate, and evidently very imperfect information, which they had obtained from him the day before.

If, on the other hand, on being more particularly questioned, as he ought to have been, by Dr Stewart, Dr Spens, and Dr Hope, he had immediately remembered, and had told them what I had said to him, in reply to the information which he gave me, or even that part of what I said, which I should have thought most likely to have made a lasting impression on his memory, and which certainly would have been very interesting and gratifying to them,—"That it was all very "right; and that, if I were at the meeting of the College, I should "agree to it myself," (or words to that effect); the result would have been very curious, and totally different with respect to Dr W. and to Dr H. and Co.—They, I presume, would have eagerly caught at that expression of mine, and would have insisted on regarding it as a complete proof, not only that I was informed of the *virtual decision* of the College, but that I had fully acquiesced in it, nay, had explicitly acknowledged that it was just.—But I am almost confident, that if Dr W. had remembered that expression of mine, in re-

ply to what he told me of the proceedings of the College, it would have conveyed to him a very different meaning, and would have made him recollect distinctly what part of those proceedings he had communicated to me, and what part of them he had suppressed; and what his reasons were for acting in that manner: all which he would, of course, have mentioned to Dr H. and his two friends.—From what passed between Dr W. and me, in repeated and very free conversations, both before and after the proceedings of the College in February 1805, as well as in our conversation that day, and, indeed, from the whole tenour of my conduct, which was well known to him, it was impossible that he should have thought that I ever meant to acquiesce in such a complete contradiction of all that I had asserted, and such a severe condemnation of myself, as is implied in the *virtual decision.* If he had remembered what I said to him, which I am sensible I was not entitled to expect, but which, in fact, I did expect of him, as the business in question was almost as interesting to him as it was to me, he *must* have *known*, that my strong expression of acquiescence, nay, of approbation, could relate only to the returning thanks to the President, and his Committee, for the great trouble they had taken in revising the laws, and to the declaration of the Royal College, that they had acted from the purest motives. This surely would have made Dr W. recollect, that such was the amount of the information which he gave me.—These things, and his reasons for acting as he did towards me on that occasion, I am convinced he would have recollected, and would have explained to Dr H. and Co., if they had ventured to propose to him those most natural, obvious, rational, honest questions, which I have specified.

These things will, I trust, give my angry brethren some notion of the very strong anticipation which I had of the moral cause of their extraordinary conduct towards Dr W. That anticipation seems to me to come so very near to perfect knowledge, that I scarce know

how to draw the line of distinction between them. But, *scire tuum nihil est, nisi te scire hoc sciat alter.* It is not enough, (for my purpose at present,) that I have such knowledge of the thoughts and motives of my brethren in that strange business: I wish that others should have equal knowledge, that they were perfectly aware of the inaccuracy, and even of the error of what Dr W. had said, but wished to avail themselves of his mistake, instead of getting it rectified; and for this honourable purpose endeavoured to tie him down to what he had first said, and not even allow him to correct his own mistake.

My investigation, inductive and demonstrative, by which I think my anticipation may be fully established, though truly metaphysical, is neither so abstruse, nor so long, nor so difficult, as my brethren may suppose. Such as it is, I hope they will not think it unworthy of their attention; for it concerns them much more than me. If they cannot, or will not, shew some error in my investigation, they must stand convicted of that unparalleled malevolence and disingenuity. I shall give them all fair play, by stating to them my investigation as clearly, and fully, and precisely, as I can.

From the day on which my *Review* and *Censorian Letter* were published, the situation of Dr Hope and Dr Spens became so miserably perplexing, to say no worse of it, and there appeared so very little, if any, prospect of its ever growing better, that I can have no doubt that both of them most heartily wished me at the devil: and less than the tenth part of what I find in Dr Hope's motion, seconded by Dr Spens, with respect to me, would have been amply sufficient to convince me, that they would gladly go much more than half-way to the devil themselves, to obtain the accomplishment of that most natural and reasonable wish. But great as my faith and charity with respect to them are, as to both those points, and as to all matters connected with them, my faith and charity towards my brethren have certain limits; nor do they extend so far as to allow me to

think it *possible* that Dr H. and Dr S. should, even for an hour, have *believed* that Dr Wright had really given me that explicit intimation of the *virtual decision*, which is stated in Dr Hope's fifth resolution.

If Dr Wright's original and inaccurate declaration had stood opposed simply by my most solemn declaration, as they first heard it from me a twelvemonth before, and much more lately, only one month before, had seen repeated by me in writing, they might very reasonably, and would most naturally, have weighed the one declaration against the other, and Dr W.'s means of knowledge against mine; or, if they had chosen, (which I presume would have been the case,) to be very uncharitable to us both, they might have weighed my temptations to falsehood against his. In such fairly supposable circumstances, it would not have been very wonderful if they had adopted the opinion unfavourable to me; on the generally admitted principle, that *positive* memory is more to be trusted than *negative* memory: for I am sure, that, in the supposed circumstances, they could not have had any reason to suspect me of wilful falsehood; nor could they even have supposed any rational motive or temptation on my part to be guilty of such falsehood. On the contrary, they must have known that I had the strongest possible motives for availing myself of that information, and regulating my conduct according to it, if I had ever received any such from Dr W.

But, in fact, Dr H. and Dr S. never were placed in those circumstances; and, whatever their inclination might have been, never had an opportunity of weighing simply Dr W.'s declaration against mine, and adopting or believing his in opposition to mine. They were obliged to weigh his declaration, not against mine by itself, but against mine fully confirmed and illustrated by many striking and interesting facts, which had long been well known to them, and must have attracted their attention. Nay, they were, in some measure, obliged to weigh his declaration against certain familiar, and, I

believe, indefeasible, principles of human nature, with respect to reason, to belief, and to actual moral conduct; which principles they must have felt in themselves, and ought to have acknowledged, and respected, in me, and in others. But if, for reasons best known to themselves, they had chosen to think me a man of such a strange disposition, and withal of such a violent and untractable temper, as to regulate my belief, and my actual conduct in the most important concerns of life, on principles repugnant to theirs, and different from those adopted by mankind in general, still they would have been obliged to weigh Dr Wright's declaration against their own notion of my peculiar and most perverse disposition, and to judge of the credibility of it by its consistency with what they knew of my actual conduct, and with what they believed of my peculiar temper and principles.

That I, as well as other men, have some peculiarities of temper; that on many points, both of speculation and action, I am more stubborn and untractable than most men; that these things are well known to most of my brethren of the Royal College, I admit, and firmly believe. I believe also that they are particularly well known to Dr Hope and Dr Spens, both of whom had been my pupils, and both of whom had been intimately acquainted with me from their earliest youth. I believe also, that in all their proceedings in the attempt to subvert our act of 1754, and in all matters connected with it, from the first suggesting the propriety of appointing a Committee to revise our laws in February 1804, to the memorable declaration by the Royal College in November 1807 of their adherence to their vote of 5th February 1805, including the declaration that Dr S. and his Committee had acted in the most honourable manner, without condescending to explain what they meant by it, to answer my questions, or to attend to the plain syllogism which I had suggested to them, they had, in a great measure, regulated their own conduct by what they knew of my temper and principles. I believe that they

kept me ignorant of their plan as long as they could, because they knew that I should think it morally wrong and dishonourable; that, for this reason, I should oppose it keenly; and that no arguments, or entreaties, which they could employ with me, would ever induce me to agree to it. I believe also that they knew perfectly that no considerations but those of truth and justice would ever induce me to acquiesce in their declaration, that Dr S. and his Committee had acted in the most honourable manner, the record of which Dr Duncan senior, in their presence, shewed me in their minute book; and that, having no *such* considerations, or arguments, to suggest to me, in support of their declaration, they made no attempt to prevail on me to acquiesce in it, but employed the miserable expedient of declaring their adherence to their former vote, and the still more miserable and most disingenuous expedient of pretending to think that I was brought into a *dilemma*, by their declaration; when they *must* have known that I was in no dilemma, and no difficulty whatever; that nothing could be easier or more agreeable to me than to deny their declaration, and not only to *declare* it, but to *prove* it false, by the simple and familiar process of resolving either it, or the proposition directly contradictory of it, into the form of a regular syllogism: nay, though they *must* have known, and felt severely, that the difficulty was altogether on their part; and that they could not, without infamy, as well as absurdity, deny the general principles (the *major* of my syllogism) which I had asserted, or, without the certainty of being instantly convicted of falsehood, deny the particular facts which I had stated,—the *minor* of my syllogism. I believe that they were perfectly conscious of the disingenuity of their own proceeding, in declaring their adherence to their former vote, and knew that it was equivalent to admitting that they could not or durst not explain their own vote, or deny either the *major* or *minor* of my syllogism, the conclusion of which was directly contradictory of their deliberate de-

claration. I believe also, that, bad as this proceeding was on their part, they thought it a less evil, and less disgraceful to themselves, than denying either the *major* or the *minor* of my syllogism; that is, either asserting explicitly that falsehood, chicane, and breach of faith, were most honourable, or asserting that the declarations of the Committee, with respect to our act of 1754, were true, and of course adopting and sanctioning them as the proper genuine meaning of that act, with the certainty of having the whole of that honourable proceeding brought under the revision of the Court of Session; for when those three sad evils were fairly set before them, and they were obliged to choose one of the three, they deliberately, after three weeks consideration, chose the first of them.

But I do not believe that they thought I had been informed of their declaration, contradictory of what I had stated on the most complete evidence; or that they ever expected, or even thought it possible, that I should acquiesce in such a false declaration, and such an unjust decision against myself.

On the contrary, I am convinced, that Dr H. and Dr S., from their intimate acquaintance with me, must have known, that, far from acquiescing in such a decision for a year and nine months, I would not have acquiesced in it for an hour and nine minutes, nor even for the odd nine minutes, to have saved them, and all their friends of the Committee, and all their adherents in the Royal College, from being tossed in a blanket like Sancho Panza.

In point of fact, they knew perfectly, even from the day and hour of the *virtual decision*, that I did *not* acquiesce in it. Acquiescence, on such an occasion, especially after the explicit irrevocable offers that I had repeatedly made to them, implied much more than silent submission to their decision. It implied, that I should fully acknowledge the errors, and repair the wrongs to my brethren that I had committed; and that I should completely suppress my printed pa-

pers, by not only ceasing to distribute any more copies of them, but also by recalling and destroying all the copies of them which I had previously distributed. With respect to these things I could have no choice: they would have followed necessarily, as matters of course, if I had known of their decision, and had meant to acquiesce in it. Nay, my brethren would have been well entitled to have required of me to do all those things; they *must* certainly have expected all those proceedings, on my part, if they believed that I knew of it, and acquiesced in it; and they ought to have required of me to act in that manner, and I am convinced they would have done so without delay, if they had thought it prudent, or even safe, (I mean consistent with their own purpose,) to intimate to me their *virtual decision*, taking their chance of my remonstrating against it, and making it the subject of the most rigorous and public discussion. But that reserve and forbearance on their part, strongly implies, that they were convinced that *I did not know*, and that *they did not wish me to know* their *virtual decision*.

They could not fail to know that I continued after it, just as freely as I had done before it, to distribute my printed papers. They could not fail to know that every copy of my Censorian Letter contained a repetition of my candid offer to acknowledge any error that I might have committed, and to repair any wrongs that I might unknowingly have done to any of my brethren; as soon as such errors or such wrongs should be made known to me. They could not fail to know that every copy of that paper contained a repetition of my reprehension of some of my brethren for breach of faith, chicane, and falsehood; a repetition of my offer to answer judicially for the general tenor and substance of what I had stated; and a repetition of my assurance or threat to them, that if they should persist in that plan, which I reprehended so severely, and should carry it by a vote in the

College, I should instantly bring it under the revision of the Court of Session.

I have not imagination enough to conceive, and I am convinced none of my brethren have genius enough to contrive or specify any mode of proceeding, on my part, which would have afforded more complete evidence that I knew nothing of their *virtual decision*. To me it appears morally impossible, that is utterly incredible, that any man, not absolutely insane, who knew of such a *virtual decision* against him, should have acted, even for one hour, as I deliberately continued to do for more than a year and a half; indeed till all the copies of my printed papers were distributed. If any of my brethren think they can contrive more complete evidence, in point of actual conduct, of my total ignorance of their *virtual decision* than what my mode of proceeding, without any contrivance at all, afforded, I wish they would state it: or if they think they can account for my conduct in that interesting business, in which my fortune, fame, and life were at stake, on any other principles than those which I have explicitly avowed, I heartily wish they would try the experiment, just for their own satisfaction. I am sure they will soon be convinced of their mistake, and of the truth of what I have repeatedly and solemnly declared.

In the mean time, I do not scruple to say, that if I had not lived to give any such declarations, but had died of an apoplexy the moment that Dr Duncan shewed me the record of the *virtual decision* in our minute book, after hearing me read my queries at the meeting of the College, 5th November 1806, any intelligent and candid man, especially one who had been personally acquainted with me, would have judged, with confidence, that I had not, till that moment, been informed of it; and that I had not even suspected it. From my having continued for a year and nine months, to distribute my printed papers, without taking any notice of the virtual decision, and from

my having at last, on hearing of the admonition about secrecy, put such queries to the Royal College, every man of common sense, judging according to the generally acknowledged principles of human reason and moral conduct, would have been well entitled to infer, and I think *must* have inferred, that I knew nothing of the *virtual decision.*

Every such person, whether he took the trouble to express his thoughts in the form of a dilemma, or not, would have understood, that, if I had known of it, I must either have acquiesced in it, or not have acquiesced in it; and would have seen that my actual, and most overt conduct, was inconsistent with both these suppositions. He must have seen, that if I had acquiesced in the *virtual decision,* or, in other words, thought it true in itself, and just with respect to me; nay, that if I had meant, from some incomprehensible, if not infamous, considerations of prudence, to submit to it, though I knew it to be false and unjust, I should instantly have ceased to distribute my papers,—should have recalled and destroyed all those copies of them which I had previously distributed,—and should have acknowledged the errors which I had committed; and that I should have repaired, or endeavoured to repair, the wrongs that I had done to my brethren. All this I was bound to do, both by the general principles of truth and justice, and by my own explicit and repeated declaration and offer. On the same supposition too, that I acquiesced in the virtual decision, every person of common sense must have known, that I should never have presumed to call my brethren to account, for their admonition about secrecy, in the manner that I did in my queries.

On the contrary supposition of the dilemma, that (knowing of the *virtual decision)* I did not acquiesce in it, or, in other words, that I regarded it as false in itself, and grossly unjust with respect to me, and that I wished, and was resolved, to vindicate myself from that falsehood and injustice, every candid person of common sense must

have judged that I should have done a great deal more than I did; that I should not only have continued to distribute my papers as before, but should have remonstrated, in the most public manner, and in the strongest terms, against the *decision*, should have dissected and anatomised it *secundum artem*, and without mercy, and should have made known to others all the particulars of falsehood and injustice which I perceived, or thought I perceived, in it.

Both those *contradictory suppositions*,—one or other of which *must* have been *true*, if the assumed proposition, that I knew of the virtua decision, had been true,—being so easily shewn to be false, every candid person of common sense, nay, every person of common sense, however uncandid, *must* have seen that the assumed proposition was false. I believe that some of my brethren are very deficient in candour; but I do not believe that any of them are absolutely destitute of common sense; and as all the facts and circumstances, to which, in the supposed case, I have alluded, were, in the real case, perfectly well known to them, and *must* have attracted their attention for more than a year and a half, and *probably* had been a frequent subject of speculation and discussion among them, I firmly believe, that, before they heard my declaration, and certainly not less after hearing it, they were well convinced that I had not been informed, and that I had no knowledge, or suspicion, of the *virtual decision*.

All these considerations, resulting from the uniform tenour of my conduct, and the inference to which they lead, appear to me obvious, irresistible, and decisive with respect to the point at issue; but they are fully confirmed, and well illustrated, by the corresponding, and no less remarkable, tenour of the conduct of my brethren individually, and of the Royal College as a body.

All of them, surely, *must* either have wished, or not have wished, to enforce their own decision, and to make me respect it, and submit to it. All of them, surely, *must* either have wished, or not have

wished, to make me own that their declaration was true, and their decision just, and to make me acknowledge the errors that I had committed, and repair the wrongs that I had done to my brethren; if they really thought I had committed any errors, or done any wrongs. They *must* all either have wished, or not have wished, me to suppress my printed papers, by ceasing to distribute any more copies of them, and by recalling and destroying the copies of them which I had previously distributed. None of these things *could be* matters of indifference to any of my brethren: and my conduct, in continuing to distribute my printed papers, instead of suppressing them, and making the proper acknowledgments to those whose most honourable proceedings I had severely reprehended as breach of faith, chicane, and falsehood, must have appeared to them the most atrocious and infamous aggravation of my original offence, if they had really believed that I knew of their *virtual decision*;—they *must* have thought me guilty of falsehood, and injustice, and contumacy, and disingenuity, absolutely unexampled, and almost beyond belief or comprehension; they *must* have thought my conduct required the most speedy and strongest animadversion, and well deserved the severest punishment which they could inflict: and all of them, from the honourable considerations of truth and justice, and a great majority of them, from the less honourable, but more powerful, considerations of personal resentment, *must* have eagerly wished to inflict on me that punishment.

The negative suppositions of the several dilemmas, which suppositions I have stated *pro formâ*, require no discussion or refutation: they are palpably absurd and incredible. The contradictory positive suppositions, therefore, and the plain necessary inferences from them, *must be true*, if my brethren seriously believed that I knew of their *virtual decision*. In point of fact, Dr Duncan senior's Memorial and Queries to his lawyers in 1806, and the company letter of Dr

Spens and Dr Hope to me, 29th January, 1805, amply testify what their sentiments and their wishes were with respect to my conduct, and myself personally: and I am sure my answer to that letter, (printed page 70.) as amply testifies what my intention was in printing and distributing my papers. These were my words: "The pur-" pose of my printed papers was *not* to get your proposal *dropped* at " present, but to prevent any such proposal ever being attempted " again, or any other proposal from being attempted in our College " by such means; (secret party-work,)" &c. In the same letter, too, I referred Dr S. to those passages in my Censorian Letter, in which I had stated, explicitly, my reasons for thinking that the obligation of secrecy in our College, could not rationally, or honestly, be construed to extend to such proceedings as those of the Committee, or to any things morally wrong and dishonourable, or even to things extravagantly foolish, when deliberately and obstinately done, or proposed, and urged in the College. This last reference I was necessarily led to make, in consequence of Dr S. and Dr H., in their joint letter to me, having referred to our law of secrecy, as forbidding such publications as mine; which reference on their part I conceived to imply two things, both of them very important: *first*, that the proceedings of the Committee were wrong and dishonourable, so that divulging them would tend to the prejudice and defamation of the College, and chiefly of the individuals who had acted in that manner; which I admitted to be true: *secondly*, that our law of secrecy extended to such things when done deliberately and obstinately; which I do not admit, and am confident never was intended by our predecessors when they enacted, or by ourselves when we subscribed, that obligation. I also, in that letter to Dr S., referred to the passage in my Censorian Letter, in which I had stated my strong reasons for regarding, or rather for disregarding, as nugatory and deceitful, the intimation to which, in his letter, he alluded, and which I had

received, that " Dr Hamilton mentioned to me that he believed the " measure would be dropped, *if it appeared to be disagreeable to the* " *College:*" and that " Dr Home mentioned to me, more particu- " larly, that he understood the gentlemen of the Committee had had " a meeting to consider of it, *and would not urge it at present, if* " *they found it was disagreeable to the College.*"—And I concluded my letter to Dr Spens, by telling him, most explicitly, (see page 72.) " *I am conscious of no wrong; and I wish my conduct to be scrutini-* " *zed as rigorously and as publicly as possible. If unknowingly I* " *have erred, I shall most cheerfully acknowledge my error when point-* " *ed out to me: and if, without intending it, I have injured any indi-* " *vidual, I shall be happy to make him the most ample and honourable* " *reparation.*"

In the beginning of my letter I had told Dr S., in answer to his very strong request to me to suppress my printed papers, " Your re- " quest *cannot* now be complied with. Many copies of my printed " papers were distributed before I received your letter. The rest " must follow." My letter would, of course, be communicated by Dr S. to Dr H. and all others whom it concerned. There could be no ignorance, nor even any decent pretence of ignorance, on their part, with respect either to my resolution of continuing to distribute my printed papers, or the reasons and purpose of that resolution. Both my resolution on that point, and my reasons for it, I had mentioned explicitly several days (almost a week) before the *virtual decision* was heard of in the College, or even suggested in the Council. My brethren all *must* have known that I continued, after that decision was pronounced, to act towards them, especially with respect to distributing my papers, just as I had declared to Dr S. I should do, and actually had been doing for several days before, without taking the least notice of their decision. They could not rationally, or *bona fide* believe that I should have acted in that manner, if their de-

cision had really been intimated to me. If so, it *could not* have been indifferent to me. I *must* have taken notice of it one way or another. I *must* either *have acquiesced* in it, or *not have acquiesced* in it. There *could be no* intermediate or third sentiment, or mode of conduct, on my part, with respect to it. If I acquiesced in it, I *must*, of course, have suppressed my papers, and made all proper acknowledgments and reparations to my brethren, whose conduct I had so severely reprehended. If I did not acquiesce in it, I *must* immediately, for my own sake, have objected to it, and remonstrated against it, in the strongest terms, as false and unjust. If *this* had been my wish and intention, the opportunity afforded me to gratify such a wish, would have been irresistibly tempting. The *decision* (supposing that I had known of it) was all that I could have wished; and much better, for my purpose, than any thing that I could have contrived or supposed. The negative fact, that I took no notice of it for a year and nine months, shewed that I had no thoughts of objecting to it, or remonstrating against it: the positive fact, that I continued to distribute my papers, always repeating my offer to answer for the general tenor of my conduct, if any of my brethren thought themselves injured by it; but withal, declaring myself ready to acknowledge any errors, and repair any wrongs that I might unknowingly have committed, *must* equally have shewn my brethren that I had no thoughts of acquiescing in their virtual decision. The facts were well known to them all: and the inference from them was so obvious and irresistible, that it seems to me incredible at least, if not absolutely impossible, that they should have overlooked it even for one day. As it appeared, by my actual and most deliberate conduct, that I *neither acquiesced nor did not acquiesce* in the *virtual decision*, one or other of which things I must have done if I had known of it, my brethren, if they had chosen to exert in the least their rational faculties, or rather if they had not been obstinately resolved not to exert those faculties, but to act irrational-

ly, uncandidly, and malevolently towards me, *must* have inferred, just as every impartial person of common sense, equally well informed of the *decision*, and of my conduct subsequent to it, must have done, that I did not know of that decision.

But if, without any reason that I can conceive, and in opposition to the strongest possible internal and moral evidence, they had chosen to distrust, or to pretend to distrust the validity of that most obvious inference from the plainest facts, well known and deeply interesting to them all, they might, in a moment, and with the utmost ease, have ascertained the truth. For this purpose, which *must* have been very agreeable to them, nay, would have been a plain, and, as I should have thought, an indispensible duty, on their part, if they really believed their own declaration, and thought I ought to acquiesce, or could rationally and honestly acquiesce in it, nothing more *could* have been wanted, but merely to give me regular or official information of it. Without the indelicacy and vexatious embarrassment and restraint of a *viva voce* communication with me, without the possibility of any personal altercation or quarrel, the most complete and decisive intimation of the sentiments, and the decision of the Royal College might have been given to me by their directing their clerk (Mr Boswell) to send me a certified copy of that part, or of the whole, of the record of the proceedings of the College on the 5th February 1805. This, in the ordinary course of business, would not have been done without an order from the College, or at least from the Council, or the President. Such an order, however, might, without any difficulty or impropriety that I can see, and, as I should think, might, with the utmost ease and propriety, have been given, on such an important occasion. But after the partial extract of the record of the proceedings of the College that day had been printed, and authenticated by the subscription of Mr Boswell, and distributed very freely, there was no longer any occasion for the trouble or the ceremony of an order to inform me of it. Any member of the College who wished me to know it, and believed

that it was true and just, and of course that I could and would acquiesce in it; nay, any friend of any member of the College who had received a copy of it, and who entertained such a wish or expectation with respect to me, might easily have obtained the gratification of them, by merely sending me a copy of that printed extract, in a blank cover, by the penny-post. This proceeding I should have thought fully as rational and candid, and as well suited to the dignity of the Royal College as a body, and of its several members individually, as the proceeding, actually adopted, of giving a copy of it to Mr Blackwood the bookseller, to lie, as it did for a long time, on his counter, for the amusement of his customers, and the edification of the public at large.

On the supposition stated, (that my brethren really believed their own *virtual decision*,) they *must* have expected, that the effect and result of sending me, in either of those ways, a copy of it, would have been immediate, conclusive in their favour, and highly gratifying to them all, but especially to those individuals whose conduct I had reprehended. There *could* no longer have been any ignorance, or any pretence of ignorance, on my part, with respect to the fact, the words, and the import of the decision. My brethren *must* have expected with confidence, if they conceived me to have the smallest particle of common honesty or common sense, that I should instantly have acquiesced in it, have suppressed my printed papers, should have recalled and destroyed the copies of them previously distributed, and should have made the most public acknowledgments, and most ample reparation in my power to the College as a body, and to my much injured brethren in particular. All these things, surely all my brethren, but most chiefly Dr Spens and his Committee, *must* eagerly have wished me to do; and *must* have thought themselves well entitled to expect and to demand from me. Yet though all of them, on the supposition stated, *must* have believed that they had it in their

power to make me act in that manner, not one of them, in the course of a year and nine months, ventured even to make the attempt to prevail on me to do what they all *must* have thought right in itself, and what certainly *must* have been highly agreeable to them. On the contrary, they deliberately permitted, and *tacitly authorised* me to continue, day after day, for more than a twelvemonth, to do what was most disagreeable to them all, and what they professed to think highly injurious to the College as a body, and to some of them personally, by continuing to distribute my printed papers.

None of my brethren can be so stupid, or so perverse, as not to understand the force, and acknowledge the truth of a well-known maxim, *Qui non vetat peccare cum possit, jubet.* How far this maxim is admitted in law, I really do not know; but, in plain common sense, I think it may be applied very generally. In one very common case I believe it is admitted in law: I mean in the case of *crim con.* A husband who knows of his wife's adultery, and connives at it, or acquiesces in it, though he cannot with strict logical propriety be said to cuckold himself, is considered as accessory to his own cuckoldom; and can hardly recover damages from the adulterer, or obtain a divorce from his wife. On the same principle, I should think any persons accessory to all wrongs, especially to all wrongs done to themselves, which they knew of, and could have prevented, and yet did not prevent. On that plain ground, I should have thought all my brethren individually, and the Royal College as a body, accessory to the wrongs (if any wrongs there were) done to some of them personally, and to the College altogether, by my continuing to distribute my printed papers, even if these had contained no such explicit and honest offer as that, often quoted already, in the third, and in the hundred-and-twentieth pages of my Censorian Letter. But with that offer staring them full in the face, the case is infinitely stronger, almost to absurdity, as I should think. They not only had it com-

pletely in their power to prevent the continuance or repetition of wrong, on my part to them, and to obtain from me the most complete acknowledgment, and the most ample and honourable reparation of any such wrong; but they were strongly invited to do so, which invitation, I must presume, for very substantial reasons, well known, and fully considered among themselves, they did not choose to accept.

I cannot conceive that *John a Nokes* should have a good action against *John a Stiles*, or even think himself entitled to complain of *Stiles* for a trespass, if *Stiles* had declared from the first that he did not think he was trespassing on *Nokes*, and had uniformly offered, whenever he repeated that supposed trespass, to desist from it for ever afterwards, and to repair the wrongs that he had done, if *Nokes* thought it was a trespass, and would specify what wrongs he *(Stiles)* had done him; and if *Nokes* for a year or two had disregarded this offer, and acquiesced in the pretended trespass.

But what should we think of *John a Nokes* if he had been the aggressor, had trespassed against his dear friend *John a Stiles*, and had attempted to make him a cuckold; and if *Stiles*, not acquiescing in such trespasses, and such intended cuckoldom, had gone to the house of his friend *Nokes*, and, in a quiet friendly way, had intreated him not to persist in such trespasses, and such attempts to make him a cuckold; and, finding his gentle and friendly intreaties disregarded, had publicly admonished and severely reprehended *John a Nokes* for those trespasses and those attempts, and had threatened him with the animadversion of the law if he persisted in what he was doing; and if *Nokes* had told, not *Stiles* himself, but some of his other friends, who communicated the information to *Stiles*, that he should not repeat those trespasses, nor *urge the attempt* (to make him a cuckold) just *at present, if it was disagreeable to Stiles*, and had told *Stiles* himself, that he *saw little objection to what he proposed, except that it did*

not meet with the approbation of *Stiles*, and had at last desisted from his trespasses and his attempts, but at the same time had got some of his friends and associates, who had been equally engaged in the same trespasses and in the same attempts, formally to *declare, that he and they had acted from the purest motives, and in the most honourable manner*, and *that he and they deserved the warmest thanks of John a Stiles, for the very great trouble which they had taken in trespassing against him, and in attempting to make him a cuckold*, and should print this declaration, and distribute it very freely, like a circular letter or a hand bill, taking care not to send *Stiles* a copy of it, and not to inform him of it; and if *Nokes*, and those friends, had prevailed on some others of their and *Stiles's* friends, just for the sake of peace and a quiet life, to concur in that wonderful declaration, though they all knew well that *Nokes* and his associates had equally been trespassing against them, and had equally been attempting to make them cuckolds, and had strongly expressed to *Stiles* their disapprobation and resentment of such proceedings on the part of *Nokes* and his associates; and if *Stiles*, having received certain information that *Nokes* and his associates were again taking very strong measures, and had even been consulting some great lawyers, with silk gowns, to know how they might most effectually and safely accomplish their former purposes, and also enforce his secrecy, his silence, his acquiescence in those proceedings, and moreover take exemplary vengeance on him (*Stiles*) for having formerly thwarted them in their preceding similar attempts, and for having publicly and severely reprehended them, should have again begun to call them publicly to account for their conduct, and to demand an explanation of some of their proceedings; thereby amply testifying, that his sentiments, with respect to them and their proceedings, were the same that he had formerly avowed in his public and frequently-repeated admonitions and reprehensions?

In these supposed circumstances, which, though different in some particulars from the real case in question, yet, in many others, are the same with it, and, on the whole, bear a very strong resemblance to it, would it have been possible for *Nokes* and his associates to believe that *Stiles* had known of their wonderful declaration, or had, even for an hour, acquiesced, or thought of acquiescing in it?

If any of *Stiles's* friends, who had concurred in it, had declared to *Nokes* and his associates that they had informed *Stiles* of it, and that he had acquiesced in it, or at least had said nothing against that declaration, and expressed no surprise at it, would it have been *rational*, or even possible, for them to have believed such information, even though *Stiles* had never *declared* to them any thing contradictory of it? Would not the complete inconsistency of that information, with the whole tenor of *Stiles's* conduct, *necessarily* have produced in them doubt with respect to that information, and some distrust either of the *bona fides* of those who gave it them, or of the accuracy of their memory?—Would not *that* inconsistency have instantly suggested to them the expediency of putting many questions to those who gave them such information, in order to ascertain whether there was any falsity, and, if so, what kind of falsity there was in it?—*Could* they, even for a moment, suppose, that the internal, circumstantial, and moral evidence, resulting from the uniform tenor of *Stiles's* conduct towards them, was to be set aside, or annihilated at once, by such information, however positive?—Could they fail to perceive, that the one kind of evidence was to be weighed against the other?—Could they doubt which of the two was of the higher authority?—Could they *bona fide* suppose either the facts, the overt actions of *Stiles*, or the sentiments and intentions necessarily implied in those overt actions, to be disproved by the testimony of any person who should declare that he had informed *Stiles* of all that *Nokes* and his friends had been saying and doing?—Could they fail to per-

ceive, that the truth, or credibility of any such testimony, was to be tried and ascertained by its consistency with those previously well known facts, and with the plain necessary inferences from them; not the truth of these well known and interesting facts, and the inferences from them by its consistency with such testimony? Could they fail to perceive, that the testimony *might* be either unintentionally erroneous from some confusion and imperfection of memory, or wilfully false from some malevolence, or private interest, or other bad motive on the part of the witness, whereas the overt actions of *Stiles*, and the plain necessary inferences from them could be neither erroneous nor wilfully false?—Could men, deeply interested in those actions, and in that testimony, *bona fide* omit the most natural and obvious expedient for ascertaining what regard was due to the testimony, and what was to be thought of the conduct of *Stiles*, by asking the witness what he (*Stiles*) said when he was informed that *Nokes* and his friends had declared that he (*Nokes*), in all his proceedings, in his trespasses against *Stiles*, in his attempt to make him a cuckold, had acted from the purest motives and in the most honourable manner, and deserved the warmest thanks of *Stiles* for the great trouble he had taken in that attempt; and that he had actually received the warmest thanks of several of his other friends for his trespasses against them, and for his laborious and persevering attempts to make them cuckolds; which attempts, though they highly approved of, and thanked him for them accordingly, they would not allow him to accomplish?—Could any reason, except a most obvious and disgraceful one, namely, that *Nokes* and his friends suspected, or knew, that the testimony was erroneous, but yet wished to avail themselves of it, be supposed for their neglecting to ask the witness what *Stiles* had said when the witness gave him that most wonderful intelligence, which evidently implied that *Nokes* and his associates were at least permitted and authorised, if not absolutely required, and bound in

duty and honour to continue their trespasses against *Stiles*, and to make him a cuckold the very first good opportunity?

The imaginary case, which I have here stated so fully, will at first sight appear too absurd and extravagant to be employed even for the purpose of illustration. But the real case, which I have in view, though not quite so ludicrous, is in fact much stronger, and, in one very important circumstance, is much more iniquitous, if possible, than the imaginary one.

When Dr Stewart, Dr Spens, and Dr Hope, went to Dr Wright to take his evidence *ex parte*, they knew perfectly what account I had given of the kind and degree of information which I had received with respect to the proceedings of the College on the 5th of February 1805; they knew that I had declared that I had been informed of part, but not of the whole of their proceedings that day; of the retracting those parts of the report of the Committee which I had severely and publicly reprehended; of the vote of thanks to the Committee for the great trouble which they had taken in revising the laws; of the declaration that they had acted from the best (or purest) motives; but *not* of the declaration that they had acted in the most honourable manner. Knowing well all these things, they *must* have seen that my conduct towards them corresponded perfectly with *my* declaration, and was absolutely inconsistent with what Dr W. had told them; they *must* have seen that in *that* very small compass lay the whole of the question at that time at issue between them and me, and between Dr W. and me respectively; yet, to the best of my information and belief, they neither stated that question to Dr W., nor proposed any such queries to him as might have led him to endeavour to recollect precisely what information he had given me. For example, if they had shewn him the whole record of the proceedings of the College on the 5th of February 1805, (which he very wisely and honestly consulted, in order to assist his memory, as soon as his

attention was roused, and he had begun to recollect himself,) nay, if they had shewn him only a printed copy of the partial extract from that record, which had been distributed very freely a year and a half before, and had asked him precisely, " Did you inform Dr Gregory " of any or all of these proceedings of the College in February 1805? " If you informed him of all of them, what did he say, and how did " he behave, when you gave him that information? If you informed " him only of some of them, what did he say, or how did he behave, " on receiving that partial information? What were your reasons for " informing him of only part, and concealing from him the rest of " those proceedings, in all of which you had equally concurred?"

These plain and obvious and most decisive questions, *must*, I think, have occurred at once to any man of common sense, engaged in such a business as Dr Stewart, Dr Spens, and Dr Hope had most eagerly undertaken. If they had thought Dr W.'s declaration *true*; nay, if they had thought it *wilfully false*, from some malevolence on his part towards me, or from his desire to screen himself from any animadversions, for the share that he had in those proceedings, which they well knew, and by their vote of *adherence*, 24th November 1807, had plainly shewn that they knew, could not bear discussion, they *must* have expected that his answers to all such questions, and to all others which might naturally have grown out of his answers, would be most gratifying to them, decisive in their favour, and absolutely fatal to me. They *must* have been eager to obtain, and to proclaim triumphantly, all such answers; even on the supposition the most favourable to me, (stated page 415, line 21,) that I have some small portion of common sense and common honesty; though I had erred very much in my conduct towards them, and had done them great injustice.

But if they conceived that I was absolutely destitute of common sense and common honesty, and was resolved, if I could, by false-

hood and knavery, to do them every mischief in my power, their inducements to propose such questions to Dr W. would have been infinitely stronger; in my opinion, quite irresistible. They *must* have expected that Dr W.'s answers to them, whether his first were true or wilfully false, would have operated instantly to their own complete vindication, and my detection, conviction, and exemplary punishment. Such a proceeding, on their part, would therefore (in the very peculiar circumstances in which they were placed) have been an indispensible duty, to themselves, to the Royal College, and to the public at large; at the same time that it would have afforded the easiest, the safest, the most complete, and the most honourable gratification to their vindictive malevolence towards me. On either of those suppositions, I can conceive no valid or rational motive, (for all thoughts of what would have been honourable and right must here be out of the question,) on their part, for *not* proposing to Dr W. those obvious and decisive questions, which *must* have occurred to them, but their painful apprehensions that his answers would be favourable to me, and fatal to their cause.

Such apprehensions, if any such were entertained, *must* have proceeded from a strong, and, all things considered, a very natural and irresistible suspicion, that his declaration proceeded from some mistake or inadvertency; and of course, that whenever he came to recollect himself, or to be cross-questioned by me, one or other of which things was inevitable, he would immediately correct his own mistake; and that there would *ipso facto* be an end of their much wished for evidence against me, and something very like conclusive evidence against themselves.

I have no wish to do them any injustice; but quite the contrary. I wish them, for my own sake as well as theirs, to have the strictest justice; and therefore, if they shall think my investigation and inference unjust, as it certainly is very unfavourable to them, I hope they

will endeavour to set me right, to vindicate themselves, and to disprove, or at least to render doubtful, my *inductive* investigation. There is one, and, to the best of my judgment, but one way in which *that* can rationally be even attempted: I mean by assigning other valid or rational motives for acting as they did on that very interesting occasion; for *not* proposing to Dr W. those obvious, fair, decisive questions, which, if they thought there was *no mistake* in his declaration, they *must* also have thought would have procured from him such answers as it would have been most agreeable to them, and most for their honour, their interest, their immediate purpose, and the ultimate gratification of their passions, to have obtained without delay, and to have proclaimed to the world. They will also see the necessity of accounting, either by the same or some other valid and rational motives, no matter whether strictly honourable or not, for their very strange conduct in endeavouring to tie him down to his first declaration, the inaccuracy of which they had so many and such strong reasons to suspect, by getting him to sign a paper to that effect; and lastly, in refusing to give him back that paper, when he desired that it might be returned to him, and was ready to give his evidence *viva voce*.

In the mean time, I shall take the liberty to suggest to their consideration another view of the same subject; which view appears to me at least as interesting as the former, and perfectly decisive with respect to the important questions at issue, of my having received information of their *virtual decision*, and having for a year and nine months *acquiesced* in it.—By *acquiescing*, I here mean submitting to it in silence, without complaining of it, or remonstrating against it, or endeavouring to vindicate myself from the strange injustice which my brethren had done me by that decision. If they will attend to the matter calmly, impartially, and strictly, I think they will soon be convinced of two very curious things with respect to it: *first*, that I never *could* have acquiesced in it; *secondly*, that neither they, nor

any men of competent understanding and knowledge, I mean particularly knowledge of human nature, or metaphysics, *could ever believe* or *expect* that I should acquiesce in such a decision; so that in fact they had no occasion for any laborious investigation, by induction, or reasoning *a posteriore*, from the facts that they all knew with respect to my conduct, to convince them that there was a mistake in that declaration which they had obtained from Dr W., and would not allow him to correct. The reasoning which I have here in view for their edification, is a kind of argumentum *a priore*, or *demonstration*, in as far as *demonstration*, contradistinguished from *induction*, may be applied to human conduct. Whether the two kinds of evidence will ever be set in opposition, I really do not know; but I think it very improbable that this should ever happen. If it should happen, I suspect the demonstrative reasoning would be found of higher authority than the inductive. But, in the case at present in question, there is no such opposition between them: on the contrary, they both lead irresistibly to the same conclusions; and of course mutually confirm and illustrate one another.

For the purpose of that intended demonstration or *argumentum a priore*, I must now beg leave earnestly to call the most serious attention of my brethren to a strict dilemma, which I think it right to state to them explicitly, and to illustrate pretty fully, so as to preclude, on their part, all attempts to evade it, and all possibility, and all pretences of their not understanding it, or not seeing the force and application of it. The dilemma to which I here allude, I have kept steadily in view, from first to last, in writing my Defence; and to it all my observations and arguments relate, more immediately or more remotely. I presume, therefore, that it will be no great surprise to any of my brethren, when I now state it to them in the most precise terms that I can find for that purpose; and at least I expect with

confidence, that as soon as it shall be fairly stated to them, and they shall understand it, and see the force, and tendency, and ultimate conclusion of it, they will, without hesitation, take their choice, either individually, or as a College, of one or other of the two suppositions, or horns of my dilemma. The two suppositions which I am to state to them, completely exhaust the subject of the dilemma. There can be no other conceivable supposition with respect to it. In that first and essential part, therefore, the dilemma is complete and irrefragable. I really do not know which supposition the College as a body, or the several members of it individually, will choose, as being most favourable for themselves. I think it highly probable, that the several members of our College individually, and especially my accusers, and those who think their accusation just, or at least plausible, and likely to be true, will not all choose the same supposition. Of course, I must think it probable, that, if the College, as a body, were to choose one of them, disclaiming the other supposition, the question, on this preliminary point, would be determined not unanimously, but by a vote; and perhaps by a very small majority. But one or other of those only two possible suppositions, with respect to the subject of the dilemma, *they must take:* I mean, that in point of candid and good reasoning, they *ought* to take one or other of them; and that if they will not explicitly make that choice, they must be held as acting disingenuously as well as irrationally. It is no doubt physically possible, and even easy for them; but it would be very foolish and unavailing, and what is worse, it would be morally wrong and disgraceful, to refuse to make a choice of the fair alternative proposed to them, and instead of doing so, to declare that they adhere to their former opinion and assertion, just as in November 1807, they took good care *not* to deny either the *major* or the *minor* of my syllogism, which they unluckily mistook for a dilemma, and dreaded accordingly; but thought it right to declare their adherence to their

former vote, (of 5th February 1805.) These preliminaries I state to my brethren precisely, that they may attend to them candidly, and in good time, for their own sake, not for mine. I solemnly assure them, that I do not care one farthing which alternative of my dilemma they shall choose, collectively or individually. I am equally well prepared, and equally strong on both of them, as they shall soon see. And as to the very improbable, though still possible, but most disgraceful supposition, that my brethren will not choose either part of the alternative set before them, but endeavour to shrink from the discussion, and escape both horns of the dilemma, by declaring that they adhere to their former assertion, they cannot do me a greater favour than to act in that irrational and uncandid manner. It will afford additional, and, of itself, complete evidence of that disingenuity, and *mala fides*, on their part, of which I have long been convinced, and of which I mean to convict them. As I do not know which supposition of the alternative they will choose, or whether they will not rather attempt what they never can accomplish, to evade my dilemma altogether, I must not only state both the suppositions of it, but also trace the necessary consequences of each of them to a plain inference, which is intuitively false at least, if not absurd, incredible, and impossible. The chain of reasoning, necessary for this purpose, is very short and simple, as always must be the case on moral subjects; and the ultimate conclusion is irresistible, that the *proposition* on which the dilemma is founded, as necessarily implying one or other of those two suppositions, both of which are found to be false, must itself be false, though it has been very confidently asserted.

The subject of my dilemma is, the confident assertion of some of my brethren, that I knew, and for a year and nine months had acquiesced in, the declaration of the College, 5th February 1805, that Dr Spens and his Committee had acted in the most honourable man-

ner; implying, that my *Review* and my *Censorian Letter* were false and scandalous libels, and that I myself am a liar and a knave.

I maintain not only that *that* very confident assertion is *false*, but that it *could not be true*, and that none of my brethren *could believe it*. As the last two propositions involve the first, and are at present more interesting to me, the first being abundantly proved already, I shall take, as the immediate *subject* of my dilemma, (the thing assumed as true, in order to be disproved by shewing that it necessarily implies consequences, which are notoriously false at least, if not absurd and impossible,) the last proposition, that some of my brethren believe, as they assert, that I knew of their declaration, or *virtual decision*, 5th of February 1805, and that I acquiesced in it for a year and nine months.

If they believed this of me, they *must* also have believed that I did so, either believing and knowing that their declaration was *true*, or else not believing it, but knowing that it was *false*.

This is properly my *dilemma*, one or other of the suppositions of which *must be true*, if the proposition, that some of my brethren *believed* me to have acted in that manner be *true*; and if both these suppositions shall be found, either intuitively, or, in their necessary consequences, *false*, or *absurd*, and *impossible*, then the proposition, which necessarily implied one or other of them, must itself be false. The dilemma is complete: forasmuch as there can be no third supposition about it, different from my believing or not believing that declaration. There could be nothing intermediate between the two: no kind of doubt on my part. My general principles of what is honourable and right in human conduct, and also the particular facts and circumstances of the Report, and of all the proceedings of the Committee, and the well known meaning of our act of 1754, and the proceedings of the College with respect to it in the course of fifty years, were well known to me. Of one or other of those two *contra-*

dictory and *only possible suppositions*, if they really believe what they assert, I wish and require my brethren to take their choice.

If they shall choose the former supposition, that *I believed*, and *knew to be true*, the declaration, or *virtual decision* of the College, this is not only *false*, to my certain knowledge, and theirs also, but it is *impossible*. They *must* have seen, by my *Review* and my *Censorian Letter*, that I held certain general principles with respect to moral conduct; the justness of which principles my brethren have not yet chosen to dispute, and to which they have not ventured even to allude in their declaration. They *must* have seen also, from the same papers of mine, that I was accurately and minutely acquainted with the proceedings of the Committee of 1804, as well as of the College, for fifty years before, with respect to our act of 1754. Even from those documents and evidences of my belief, and of the grounds of it; but still more from the passage in my letter of 2d November 1807 to the President, quoted page 99 to 101 of that series, to which passage their attention had been strongly called for some weeks before Dr Hope's accusation was preferred against me, as appears by the record of the proceedings of the College, 24th November 1807, especially from their uncandid and irrational attempt to evade my *syllogism*, by declaring their adherence to their vote of 5th February 1805, without venturing to deny either the *major* or the *minor* of my syllogism; and now, best of all, from considering the same argument, as stated page 267 of this Defence, they *must* see that it was *impossible* for me to have *believed* their declaration. Nay, however unwilling they may be to acknowledge this, they *must* see that it was *impossible* that they themselves should have believed their own declaration, *unless* they either held, with respect to what is honourable and right in human conduct, principles totally different from mine,—that is, in terms of logic, denied the *major* of my *syllogism*;—or else had discovered, that the particulars of the conduct of Dr Spens and

his Committee of 1804, which, in my *Review* and *Censorian Letter*, I had stated as matters of fact, were falsehoods and forgeries; that is, in terms of logic, had denied the *minor* of my *syllogism*. For *me*, or for *them*, to hold those general principles, and admit those particulars as true matters of fact, and at the same time to *believe* their declaration, or *virtual decision*, is evidently just as impossible as it is for *me*, or for *them*, to believe that a man may be in Edinburgh and in America at the same moment; that a part may be greater than the whole, and that two and two are equal to ten. The fundamental and indefeasible principles of human reason, effectually preclude all possibility of such a belief, either in them or in me, or in any other body who is not absolutely insane. The supposition, therefore, of me having, for a year and nine months, acquiesced in the declaration of the College, believing or knowing it to be true, *must* be *false*; such a belief, on my part at least, but I more than suspect on theirs also, being *utterly impossible*.

Next, I must consider the other supposition of the dilemma, implied in the proposition of my brethren, that I acquiesced in the declaration 5th February 1805; namely, that I did so, believing or knowing it to be false. If their *proposition* be *true*, this most ungracious supposition (ungracious with respect to them, and absurd with rsspect to me) must be as true as any proposition in Euclid: for the *only other possible* supposition of the alternative has been already discussed, and set aside as not only *false*, but *impossible*. My brethren, therefore, must not be rash in setting aside this ill-looking supposition: for if any thing can save them from being convicted of deliberate and malevolent falsehood, in asserting that I knew of their virtual decision, and acquiesced in it for near two years, it must be this very supposition, at which, when first stated to them, they will all be apt to turn up their noses. If *it* shall be set aside, as shewn to be false and incredible, or shall be disclaimed by my brethren, as dis-

graceful to themselves, as well as to me, and withal of such a nature, that it cannot rationally be maintained by any individual, or by any set of men, or imputed to any person who has the common intellectual and moral faculties of human nature; then the ultimate conclusions which I have in view will follow necessarily. These are, that not only I did not know of the declaration of the College, and did not acquiesce in it, but that my brethren, who have asserted that I did, and who have insisted on convicting me of falsehood, in solemnly declaring the contrary, *did not, and could not believe their own assertion.*

The supposition now to be discussed, that I acquiesced in the declaration of the College, 5th February 1805, though *I did not believe it*, but *knew it to be false*, is not exactly on the same footing with the former supposition, that I acquiesced in it, *believing it*, and *knowing it to be true.* Such belief, contrary to complete evidence, well known to me, as well as to my brethren, was *impossible.* But the *voluntary conduct* of acquiescing in a declaration, which I knew to be false in itself, grossly unjust to me, equivalent to a decision that my printed papers were false and scandalous libels, and that I am a liar and a knave, and withal of such a nature, and given in such circumstances, that *I could easily prove it false*, and vindicate myself, though very strange and marvellous, is physically possible. It is, however, a possibility of the same kind with that of my going away and hanging myself, just to gratify my adversaries; or that of my taking a full dose of ratesbane for the good of the Royal College, and to restore peace in a society of men, who had done me the most foul injustice, by giving that false declaration, or *virtual decision*, against me.

Such acquiescence, though strictly speaking *possible*, I hold to be *utterly incredible;* as being repugnant to the most familiar and indefeasible principles of human nature, and to all experience of human conduct. It would have been to devote myself to ruin and infamy,

not only without any possible motive, good or bad, honourable or base, but in opposition to every honourable, every rational, every powerful, motive that can be conceived.

In the course of a long life, I have never known any person act in such an absurd and disgraceful manner. I have never even heard, or read, of such conduct. If my brethren, in their own experience of human nature, or in their reading, or in their conversation with others, have met with any such examples of folly and baseness combined, let them be specified particularly, for the honour of human nature, and as an excuse at least, if not a vindication, of my brethren in supposing, or pretending to suppose, that I had acted in such an infamous manner. If any of *themselves*, in the same circumstances, keeping steadily in view, *that they believed and knew to be false* the declaration, or *virtual decision*, against them, which is the supposition of the dilemma at present under consideration, would have tamely acquiesced in it, they surely ought to say so. If they know any men who are supposed to have but common sense, and common honesty, waving here all thoughts of the high indignant spirit of a gentleman; and if they really believe that those men would have acquiesced in such a declaration, or *virtual decision*, against themselves, in such circumstances, they should state the question fairly to those men, and declare the result.

Above all, if, in *my* conduct through the whole course of my life, they have known *any instances*, or even *one instance*, of such baseness, and folly, and pusillanimity, I heartily wish they would declare it; and they ought to do so. It will tend greatly to convict me, and to vindicate themselves. It will *almost make it credible that they believed their own assertion* of my having long known and acquiesced in their declaration; though I knew it to be false, and could prove it so.—As to the supposition of my having acquiesced in it, *believing or*

knowing it to be true, that is now out of the question, as having been shewn to be *impossible.*

I understand that some of my brethren wish to have it believed, that my principles of moral conduct are erroneous at least, if not even reprehensible or criminal; and that my stubborn temper is not only odious in itself, but on many occasions injurious to my brethren: but surely they cannot believe, or rationally pretend to believe, that either my peculiar principles of morals, or my stubborn temper, would make me more apt than they themselves, or than other men would be, to acquiesce in such a decision as theirs, knowing it to be false and unjust, and having it in my power easily to shew that it was so. On the contrary, I believe that they, if they chose to speak the truth, would unanimously declare, that they do not know any man less likely than myself to act in that peaceable, submissive, dishonourable manner. If no such instances can be found, either in myself individually, or in mankind in general, of tame acquiescence in a false declaration, and unjust decision, which might easily have been shewn to be false and unjust; the supposition that I acquiesced in the declaration, or *virtual decision*, of the College, 5th February, 1805, *believing and knowing it to be false*, I *must* hold to be not only *false*, but *utterly incredible.* Still however as it is physically *possible*, in the same sense, and in the same degree, as the supposition, that, immediately on hearing of their declaration, and knowing it to be false, I went away and hanged myself, not from any ill will to myself, but purely to gratify my adversaries, whom I had most severely and justly reprehended, and at the same time to restore peace to our College, which had done me that foul injustice, my brethren are heartily welcome, if they shall think it worth their while, or any way favourable to their cause, to enquire what evidence there is for or against the supposition of such acquiescence on my part, considered simply as a matter of fact. But certainly they are not entitled to assume as true such acquiescence, any

more than to take for granted, and confidently assert such hanging on my part, merely because they wished it, without any evidence, and contrary to the most complete evidence of their own senses.

The fact, well known to them all, that I continued to distribute my Review and my Censorian Letter, instead of suppressing, retracting, and destroying them; instead of acknowledging the errors, and repairing the wrongs, which my brethren pretend to think I had committed; is evidence that I did *not acquiesce* in their declaration. The fact, that I did not remonstrate against their declaration, and shew, as I easily could have done, (see pages 266. and 267.) that it is not only false, but *absurd* and *incredible*, as well as *unjust to me*, is evidence that I did *not know it*. Every copy of those papers, so distributed, contained a *repetition* of my original and most explicit and candid *offer* to acknowledge and rectify, as soon as they should be made known to me, any errors that I might have committed: and also a no less explicit *repetition* of my strong *declaration*, that on the truth, and validity, and justness, of the general tenour of my discourse, on the purity of my motives, the uprightness of my intentions, and on the candour and openness of my conduct, in the very strong measure which I had adopted, I chearfully staked my fame and fortune; and that I should be curious to see any, or all, of the Committee do as much on their part.

The fact well known to all my brethren, that neither the College as a body, nor any member of it individually, accepted that offer, or that challenge, is evidence that they did not choose, and did not dare, to make either their own conduct, or mine, a subject of public and rigorous discussion.

The fact, that they *did not restrain*, or *attempt to restrain, me* from distributing those papers, and that they did *not even admonish me* of the danger of disregarding their declaration, or *virtual decision*, is evidence that they *did not choose*, and *did not dare, to enforce it;*

that *they did not believe I knew it;* nay, that *they were sure I did not know it;* and that *they did not even wish me to know it.* I can conceive no reason, on their part, for acting in that manner, but a strongly felt consciousness, that *their declaration* was false; that it was *impossible* that I should either think it *true*, or *acquiesce* in it, *thinking it false;* and that if I knew of it, I should instantly make it a subject of the most rigorous and public discussion.

But taking merely the simple unquestionable facts, well known to my brethren, apart from all speculations about *their reasons* for acting in that very strange manner, those facts tally perfectly with the conclusion, previously established by fair and strict reasoning. Those facts, taken by themselves, amount to a very strong argument, in my opinion they amount to a conclusive argument, *a posteriore.* The first horn of my dilemma is a very strong argument *a priore*, if not a complete demonstration. The exact coincidence of the facts, (or argument *a posteriore)* with the reasoning in the second part of the dilemma, (the argument *a priore)* makes the conclusion, that my brethren *did not believe* that *I acquiesced* in their declaration, *knowing it to be false*, just as irresistible as the conclusion of the first part of my dilemma, that they *did not believe* that I *acquiesced* in the declaration, *knowing it to be true.*

The two contradictory propositions, *one* or *other* of which *must be true, if the assertion* of my brethren, that they believed me to have known of their declaration and to have acquiesced in it, be true, are thus found to be both *false*, nay *incredible;* and one of them, that one which alone my brethren could wish to have believed, is found to be *impossible:* It follows, therefore, that their assertion, which, if true, *necessarily* implied one or other of those propositions, must itself be *false.* Which was to be demonstrated.

Although I have thus, for the strong reasons mentioned in page 425, stated explicitly, and illustrated very fully, the preceding argument *a*

priore, the conclusion of which tallies perfectly with the inference obtained by induction, or reasoning *a posteriore*, from those facts, with respect to my own conduct, which were perfectly well known to all my brethren, and though I am convinced they all knew *a priore*, from the moment when the *virtual decision* was first proposed to the College, that I was not informed of it, and would not have acquiesced in it for one hour, if I had known or suspected it; I do not mean to say, for I really do not believe, that all or any of them took the trouble to reason in the way that I have done about it, by resolving the question into the form of a dilemma, and tracing the necessary consequences of the two contradictory suppositions, *both of which could not be true;* but *one* or *other* of which *must* have been *true*, and the other false, if the supposition assumed, namely, that I knew of the *virtual decision*, had been true. I am convinced that none of them ever thought it worth his while, or had any occasion to take the trouble to reason in that strict and tedious manner. In plain good faith and common sense, the matter must have been as plain to them, without the help of the dilemma, as the common enthymems of geometry are to men of sense, without the help of the formal syllogisms, into which they all may be resolved. I am well convinced that without the help of dilemma, or syllogism, or any discourse of reason, they foresaw or knew, long before they had any experience of my actual conduct, that I would never acquiesce in their virtual decision; that I *could not believe it true*, and certainly would not submit to it in silence, or acquiesce in it, knowing it to be false. I believe also, that the corresponding experience which they soon had of my conduct fully confirmed their preconceived belief *a priore*, and would have produced in them nearly the same belief, if it had not taken place before; and that these considerations, implying the certainty of my making their *decision* the subject of most public and rigorous discussion, as soon as I should know of it, were their reasons

or motives for acting as they did; *first* in proceeding in the quickest and most summary way to pronounce that *virtual decision*, without calling on me, either to vindicate myself, or to acknowledge the errors, and repair the wrongs to my brethren and to the College, which their decision implied that they thought I had committed; *secondly*, in never intimating to me their decision, or enforcing it, and requiring of me completely to suppress my printed papers.

If any of them shall doubt, or even pretend to doubt, the justness or truth of my notion of their sentiments on that point, he may in a moment get rid of his doubts, real or pretended, by availing himself of the dilemma which I have stated. The negative fact, that I did not complain of the *virtual decision*, or remonstrate against it, or take any notice of it, for a year and nine months, is just as certain, and as well known to all my brethren, as the positive facts that such a *decision* was pronounced by the College, and that I continued to distribute my printed papers, always repeating my original and most candid offer to my brethren, after the decision, just as I had done before it. If any of them shall profess to think that I knew of the *decision*, either at the time when it was pronounced, (4th and 5th of February 1805,) or at any time afterwards, till Dr Duncan senior shewed me the record of it in our minute book, (4th November 1806,) let them fairly take their choice of one or other of the contradictory suppositions of the dilemma;—either that I believed and knew the decision to be true, or that I believed and knew it to be false. They *must* be sure that I *could not do both*, and that I *must* have done *either the one or other of those things*. They cannot even pretend to think otherwise of me.

I own I should like much to see the man who should seriously declare, that he was convinced that I believed and knew the decision of the College to be true; and next to that, I should like to see the man, especially one of our own members, who should declare that he

was convinced I knew it to be false, and yet took no notice of it for a year and nine months.

One of my brethren, Dr Duncan senior, has already, of his own accord, gone so far, even in print, declaring that it could not be doubted that I was informed of that decision of the College, that he cannot decently, or without the most glaring disingenuity as well as absurdity, refuse to take his choice of one or other of the contradictory suppositions of my dilemma;—but which of the two he will choose I own I cannot guess.

By this time, I presume, Dr Hope and Dr Spens have begun to suspect that my dilemma is intended partly for their edification. It really is so; nor can they escape from it, even if they should be willing to renounce all pretensions to reason, as well as to candour, veracity, and probity. They may, if they choose to act irrationally and uncandidly, refuse to take their choice of one or other of the contradictory suppositions; but they will not thereby escape from my dilemma. In their assertion that I knew of the *virtual decision*, of which I took no notice for a year and nine months, there is necessarily implied one or other of the two contradictory suppositions;—either that I believed it to be true, which is not only false, but absolutely impossible; or else that I acquiesced in it, believing and knowing it to be false, which is not only false, but incredible, or morally impossible.

The same dire dilemma, with unabated force, awaits *every one of my brethren*, who shall choose to concur, as I believe many of them are eager to do, in Dr Hope's resolutions, seconded by Dr Spens. Every one of them who shall do so, must *ipso facto* assert a proposition which in itself appears credible, but which, as they *must* all clearly see, necessarily involves another proposition, that is not only false but absurd, incredible or impossible.

If all these strong considerations shall not be sufficient to engage the strictest attention of my brethren to the dilemma which I have proposed to them, I have yet one other argument to urge, which I am confident will insure that point. The dilemma, of which I have endeavoured to avail myself, was suggested to me (unknowingly on his part) by our president, Dr Stewart, in a very keen and long conversation, that we had, about College matters, on the 6th of November 1806; just two days after the discovery of the *virtual decision*. That conversation, begun at an accidental meeting in Prince's Street, continued in my library with much eagerness on the part of Dr S. and with some warmth on my part, and ended at last in a manner altogether unsatisfactory to us both, I had occasion formerly to mention: but I declined stating any particulars of it, especially any of Dr S.'s precise expressions, though I remembered some of them very well; because I thought any account that I could give of them might be distrusted, and perhaps would be regarded not only as fiction, but as burlesque. I am sure Dr S. cannot have forgotten, and will not deny, that he had with me, at that time, and in those circumstances, a very particular and interesting conversation about the state of matters in our College; and not only about the *Admonition*, and what had passed about it, I mean my *queries*, and the conversation to which they gave occasion two days before, but about the *discovery* and the *virtual decision*, and my *Review* and *Censorian Letter*. As I have had pretty good evidence, that his memory is abundantly correct with respect to such matters, when he chooses to attend to them, as I am sure he must have done with respect to that conversation, I presume, with confidence, that he will remember, and acknowledge, without hesitation, that the conversation, on his part, consisted chiefly of the most earnest and pathetic entreaties to me to desist from the discussion on which I had entered with my brethren, and from all discussions about what was past: by which I understood that he

wished me not only to submit to an unlimited obligation of secrecy, connivance, and acquiescence, with respect to all things proposed or done in the College, however morally wrong and dishonourable I might think them, for the words and the import of my queries, which he had heard me read only two days before, *must* have been well known to him; but also, that I should acquiesce in the *virtual decision*, which he *must* have known, and had heard Dr Duncan senior loudly declare, to be deciding that my printed papers were a false and scandalous libel. To enforce those earnest entreaties, Dr S. urged many considerations and arguments, which I had not the honour fully to understand; some which I thought I understood, but which I could not think either rational, or honourable, or of any weight; and some, which appeared to me absolutely incongruous and inconsistent with one another.

I could not discover, from his conversation, that he meant to admit any limits or exception whatever to the obligation of secrecy imposed by the Admonition: and I am sure he neither said, nor insinuated to me, that he thought the attempt of Dr Spens and his Committee to subvert our act of 1754 was honourable and right, or that their declarations of the extent and import of that act, and of the doubts, which they pretended had been entertained about its meaning, were true; which declarations I had severely reprehended as chicane and falsehood, employed to accomplish, and at the same time to cloak, a breach of faith. On the contrary, he told me repeatedly, and most expressly, that he disapproved of that attempt; reminded me, that he had strongly opposed Dr Spens's attempt, in 1796, to get that act repealed; and assured me, that he still was of the same opinion: nay, he seemed to lay great stress on these explicit declarations of his own sentiments, and to expect that they should have great weight with me. But I could not, in any degree, reconcile

them with his own conduct, and the proceeding of the College in the virtual decision.

By his account of his own sentiments and conduct with respect to those matters, it was plain that he thought our brethren had been doing wrong, in endeavouring, even by an avowed direct repeal of that law in part, to get rid of the restraint which it imposed on them, by prohibiting them to practise pharmacy, even privately, so as to furnish medicines to their own patients. It was equally plain, that he must have considered the proposed partial repeal of our law as a bare-faced attempt, on the part of some of our brethren, to absolve themselves from that restraint and obligation which had been the express and indispensible condition of their being allowed to become or to continue members of this College. It was equally plain, that such an absolving of themselves from that obligation would have been a downright open breach of faith; and that even on this account alone, independently of all other considerations, some of which are very strong and obvious, their attempt to accomplish it was wrong, and very properly disapproved of and opposed by Dr Stewart. It was equally plain, that he *must* have thought as I did, that the declarations of Dr Spens and his Committee about the extent and application of our old law, and about the doubts entertained with respect to its meaning, were downright falsehoods; which indeed the members of the Committee seemed to have admitted, by calling the proposed declaration not a fair interpretation, but an alteration or change of the law, and by retracting it when it was reprehended as false. And lastly, it was equally plain, and *must* have been well known to Dr Stewart, for it had been avowed by Dr Spens from the chair (November 1804) in answer to the enquiry of Dr Hamilton senior, that the declarations of the Committee, and the corresponding changes which they proposed to make in the words of our enactment, were intended

to permit our members to practise pharmacy privately, and to furnish medicines to their own patients.

This was precisely the same object which eight years before Dr Spens had proposed to accomplish by an open repeal of our old law in part. Such an expedient, employed for such a purpose, I had reprobated as mere falsehood and chicane, employed to accomplish, and at the same time to cloak, a determined breach of faith. But Dr Stewart, with the same perfect knowledge that I had of all the facts and circumstances, and, as far as I could understand from his conversation, with the same opinion and sentiments that I entertained of most or all of those facts and circumstances taken singly, had concurred in the declaration, and, as I was informed two days afterwards, had himself proposed the declaration, or *virtual decision*, that the individuals who had done those things had acted in the most honourable manner. Those strange inconsistencies in his words and actions I could in no measure reconcile. As little could I reconcile his many strong and pathetic expressions of good will and friendship to me, with his eager and often repeated intreaties to desist from the discussion with my brethren, which I had begun with them two days before, and to acquiesce in that declaration and decision, which he *must* have known from the first, and which he had heard Dr Duncan senior declare to be deciding that my printed papers were a false and scandalous libel;—implying of course that I was a liar and a knave. His discourse seemed to me inconsistent not only with itself, but with all my notions of sound reason or moral conduct. It certainly would have borne two very different interpretations; either that he believed falsehood, chicane, and breach of faith to be most honourable conduct, which is immoral, disgraceful, and utterly incredible; or else that he admitted both the *major* and *minor*, but yet denied the conclusion, of a regular syllogism, (such as mine, page 268,) which is absurd and impossible. As to his earnest intreaties to me to acquiesce

in the *virtual decision*, firmly believing, or knowing, as I did, that every thing of importance, and every thing unfavourable to my brethren, which I had asserted was strictly true, and that the general tenour of my conduct had been perfectly right, they seemed to me absolutely inconsistent with reason, or probity, or friendship and good will, (of which he said a great deal,) on his part towards me. I could not even understand those considerations of prudence which he repeatedly suggested to me; and probably if I had understood, I should have despised them. What he urged me so strongly and so often to do, appeared to me as foolish and as base as it would be for me, on being assured of his majesty's most gracious pardon, to confess myself guilty of sheep-stealing, which I had never committed. If the case were put with respect to some gentlemanlike crime, such as high treason, or rape, some men might think it worth their while to consider whether they would have the credit of such crimes, on being assured that their necks were safe: but with respect to such pitiful sneaking offences as sheep-stealing, or publishing a false and scandalous libel on my own brethren, there could be no occasion to consider what was to be done.

When Dr Stewart had gone away, and when I began to reflect on what he had said to me, while many of his expressions were yet fresh in my memory, as some of them are at this hour, it occurred to me that the incongruity and confusion of his discourse, which had at first appeared to me quite inextricable, proceeded, at least in part, from his unconsciously blending the two inconsistent suppositions, that the *virtual decision* was true, and that it was false,—that I believed, and that I did not believe it. Even at this day I could easily specify some of his expressions which seemed to imply the former, and others which at least as plainly implied the latter supposition. I do not choose to mention any of them particularly, lest he should have forgotten them, which is probable with respect to *some*, but barely possible, and very improbable with respect to all of them. Many of

them he repeated to me over and over again, in the course of urging his very strange intreaties: and the greater part of his conversation, in my library, was conducted with most extraordinary emotion; an emotion, as I thought, resembling much more the frantic agitation of an hysterical woman, than the rational discourse of a grave physician, and a sedate elderly man.

If he shall choose to recollect and to state the general tenour, and as many as he remembers of the particular expressions of that curious conversation, I shall, with much pleasure, point out to him those which I conceived to imply, that he thought the declaration and decision of the College was true, and those which I conceived to imply that he knew, and was sure that I would know, that it was false. But it is altogether unnecessary, and indeed would be unreasonable and unjust, in such a discussion, to limit him to what he may remember of his discourse with me on the 6th of November 1806, or even to the whole of that discourse, if he should chance to remember it all. He and all his brethren are heartily welcome to state every argument which in the course of three years and a half, reckoning from the 5th of February 1805, the day when the *virtual decision* was pronounced, has occurred to them, and which they can rationally and honestly suggest to me, in order to induce me to acquiesce in that decision. In such a stating, they *must* either *evade*, or *not evade*, the important question of the truth or falsehood of the decision. If they shall evade this question, which it would be completely disingenuous, and, as I should think, very difficult to do, I shall shew them that they evade it. If they shall not evade it, I shall shew them whether they uniformly proceed on the supposition that the decision is true, and that I must believe it, or, on the contradictory supposition, that it is false, and I cannot believe it; or whether they sometimes assume the one, sometimes the other of those contradictory propositions; as it seemed to me that Dr Stewart had done in his discourse with me.

It was that most illogical proceeding, on his part, that suggested to me the dire, but fair dilemma, which, in the preceding pages, I have proposed and urged to my brethren for their consideration.

In another point of view, and for another reason, I seriously think it is incumbent on Dr Stewart, and on all my very angry brethren, to state those considerations, which, they think, ought to induce me to acquiesce in the virtual decision. It is a matter of justice to themselves as well as to me. They know well the explicit and candid offer, which I made from the first, and have often repeated to them. They *must* perceive, that I thereby placed myself in such circumstances, that if I had previously been ever so much disposed to act uncandidly, it was morally impossible that I should do so, or wish to do so. But if this had been possible, and I should actually have done so, it would have fully vindicated them, and would have given them a decisive advantage over myself.

All possibility of any difference between them and me, as to the particular facts, which I have stated, with precise references to their own records, and the report of Dr Spens's Committee of 1804, is absolutely out of the question. They know that the *minor* of my syllogism is true and undeniable. It is impossible that they should admit both the *major* and the *minor*, and yet deny the *conclusion* of it. They *must* perceive, therefore, that the supposition most favourable to them, nay, the only *possible* supposition, with respect to the nature and cause of the complete difference between their decision and the sentiments which I had expressed in my printed papers, is that they hold principles in morals quite different from mine: implying, that they think my principles with respect to moral conduct very erroneous at least, if not worse, perhaps mischievous, or dangerous, or even criminal.

It is very strange, and very little to their credit, that, on a subject so important in itself, and so deeply interesting to them personally,

they have never yet taken the trouble even to attempt, by reason and argument, to convert me to what they must have thought the true faith. They must surely have wished me to be converted to it; and they could not rationally expect that I should be converted, by a miracle, instantly on learning that such was their faith.

In this respect, I do not scruple to say, that if I had had to deal with a parcel of the wildest fanatics in Europe, I should have experienced from them more *rational*, as well as more *candid* proceedings, than I have met with from my learned brethren, the President and Fellows of the Royal College of Physicians in Edinburgh. If ten, or a dozen, Anabaptist preachers had wished to convert me to their faith, and to have the pleasure of ducking me *secundum artem*, as absolutely necessary for my welfare in this world, and my salvation in the world to come, and had proposed to me that I should allow them to duck me accordingly, over head and ears, in cold running water, and if I had declined that honour, as most probably I should have done, and had told them that I was perfectly satisfied with the baptism which I had received more than fifty years ago, and that I wholly disapproved of their mode of baptising; not one of those fanatics, I am confident, would have expected that I should instantly be converted to their faith by a miracle; and probably all of them would have been eager to instruct and convert me by what they thought argument and reason. Yet they might have had some excuse for expecting, or hoping at least, that I should be converted to their faith by a miracle: for we all know, that many miracles have been wrought to convert men to the true faith in religion; but no miracles were ever yet heard of to convert men to the just principles of morals, any more than to instruct them in the just principles of logic and mathematics. From this it may reasonably be inferred, that miracles are not needed, and have not even been supposed to be needed, in morals, any more than in mathematics and logic. In truth, plain com-

mon sense, and the candid use of reason, are sufficient in them all. Of this my brethren will soon be convinced, with respect to their own system of morals, if they will fairly try the expedient which I have suggested, on me, or on any other person, or even on themselves.

I was astonished at the very extraordinary emotion, with which, in our conversation on the 6th of November, 1806, Dr Stewart expressed, and repeatedly urged, his intreaties to me, to desist from any further discussions with the Royal College, implying evidently that I should acquiesce, both in their admonition about secrecy, and in their *virtual decision* that my printed papers were a false and scandalous libel; and at his seeming to expect that he might prevail on me to act in that manner, without shewing me any error, or falsehood, or wrong, in what I had most deliberately said and done; and which he well knew had been revised and approved by a man of the highest character for probity, understanding, and knowledge of law. Dr S. therefore could not, even from the first publication of my papers, suppose, or pretend to suppose, that the general principles of moral conduct, which in them I had so strongly asserted, however different they might be from those which he, and some others of our brethren, had adopted, were peculiar to me. If I may presume to judge of what he has heard, by what I myself have heard, from many other persons with respect to those principles, which to him appeared so obnoxious, I should not scruple to hazard a bold conjecture, that he found them so generally approved of by men of sense and probity, not of our College, that to have denied them, or attempted to argue against them, would have been reckoned infamy as well as insanity; and that his strong conviction of this truth was his reason for not denying them, and not venturing to argue with me about them, but endeavouring by intreaties, without argument, or reason shewn, to induce me tacitly to renounce them, by acquiescing in a declaration,

or *virtual decision*, which was a complete, though indirect, contradiction of them all, and a severe condemnation of myself.

The fact, that he was the author of the admonition, which I had heard him avow two days before, and the fact, which at the same time I learned from our minute-book, that he had concurred in the *virtual decision*, did not appear to me fully to account for such almost frantic emotion on his part, as that which I had seen. But, two days afterwards, on my mentioning to a friend Dr S.'s strange intreaties to me, and the still stranger emotion with which he had urged them, the matter was fully explained to me. My friend told me, at once, that he did not wonder at Dr S.'s agitation, and at his great eagerness to prevail on me to desist from all discussions with the College; for it was generally understood that he (Dr S.) was the author of the *declaration*, which had been proposed in the Council, and by the Council had been recommended to the College in February 1805, and that he had been at great pains to get it adopted.

I firmly believe that Dr S. most sincerely and anxiously wished to sooth the feelings, and save, as far as possible, the credit of Dr Spens and his Committee, even at the very time when they found it expedient to desist from their attempt to subvert our law of 1754, and to retract those strong declarations which they had advanced, in order to accomplish that favourite purpose, without incurring the reproach of downright breach of faith, by openly repealing it, either in whole, or in part, as Dr Spens had proposed and urged seven or eight years before. I believe also that Dr Stewart was truly desirous to restore and to preserve peace in the Royal College; else certainly he would not have taken so great pains, and gone such lengths, to attain those objects. Of course, I must believe that he rejoiced in the wonderful and apparently complete success, which, for a year and nine months, seemed to have crowned his endeavours. On the same principles, and as just the counterpart of that joy, and probably too of some

exultation which he might naturally feel as the author and contriver of those stratagems which had accomplished his purpose so speedily and so quietly, his sorrow, and disappointment, and mortification, must have been very great, when he found that all his peace-making projects were frustrated, all his hopes of peace at an end, and discord and war, more inveterate than ever, kindled among us, partly by his own indiscretion in attempting to impose on us all an unlimited obligation of secrecy, partly by the indiscretion of Dr Duncan senior, who, in an unguarded moment of violent passion, had at last made known to me the virtual decision, and had illustrated, or rather prefaced it, by a very luminous, but altogether needless commentary. But when he saw that all those efforts of left-handed wisdom, which he had exerted with such apparent success; that the sad violation of reason, truth, and probity, in the decision itself; that the wise precaution of not informing me, that he intended, or even that he had accomplished such a measure; that the noble expedient of proposing that declaration, or decision, to a society of men, the majority of whom, as he well knew, favoured at least, perhaps something more than favoured, those proceedings which they were invited to declare most honourable, though they did not choose to adopt and sanction them, when they knew that, if they did so, their proceedings would immediately be brought under the revision of the Court of Session; and that the still more noble expedient of proposing the decision in such terms, that those who disapproved of it, as well as of the proceedings of the majority of their brethren, could not object to it, or refuse to concur in it, without engaging in an implacable personal quarrel with those individuals, of whose honour and probity they were desired, in their presence, to declare their opinion;—when Dr Stewart saw that all these master-strokes of sinister wisdom, on which he must have greatly valued himself, would avail nothing; that they would all recoil with tenfold force on himself, and on his friends; and

that they would soon become subjects of the most public and rigorous discussion, probably even of reproach and ridicule,—his feelings must have been painful beyond expression, beyond what his nerves, or any ordinary set of nerves, could bear, and would fully account for the singular emotion, and violent agitation, which I beheld.—I certainly can never believe that the strong emotion, which he displayed in his conversation with me, proceeded from his good will and tender concern for me, whom he had deliberately, by irresistible implication and craft, falsely and unjustly, represented to his fellow citizens as a liar and a knave: and far from believing, I cannot even understand his strong expressions of esteem and friendship for me, if he really thought me such a liar and knave as he had chosen to represent me, and wished me to represent, and tacitly acknowledge myself, by acquiescing in the decision which he proposed, without my ever having an opportunity of either vindicating myself, or acknowledging the errors, and repairing the wrongs, that I had committed. The inconsistencies of his words and actions are so great and glaring, that it would be absurd for me to attempt to reconcile them: it will be well for Dr S. if he can shew how they may be in any measure reconciled.

My brethren can scarce have forgotten, but if they have, the minutes of their proceedings will effectually remind them, that, on the 19th of December, 1807, as soon as Dr Wright had read his declaration, and I had proposed to him such questions as I thought necessary, they, with astonishing eagerness, set about persecuting him with a vast number of captious questions; the general tendency of which was to impeach the credit of their own witness. The success that attended their wise and honourable attempt was just what, if they had not been quite blinded by the most rancorous passion, they might easily have foreseen, and what they richly deserved.

Among other questions strongly characteristic of their disappointment, vexation, and rage, some were urged in words which I do not remember exactly, about his having concurred in the declaration, or *virtual decision*, 5th February, 1805, and having been the person who, in the name of the College, returned their thanks to Dr Spens, and his Committee, for what they had done. The purpose of those questions, which Dr W. answered with evident pain and reluctance, seemed to be to establish, that as he concurred in the declaration, and actually returned thanks to the President and his Committee, those were his genuine sentiments, and to convey by innuendo and implication, that any thing inconsistent with them, which he said or did, was to be regarded as falsehood and disingenuity. I knew well, and I am convinced that those who proposed such questions to Dr W. knew equally well, what to think of those matters. Dr W. was at that time vice-president, and, of course, took the chair when Dr Spens, the president, left it. In that situation, whatever his own sentiments might have been, he could not refuse to return the thanks of the College to Dr Spens and his Committee, without quarrelling for ever with them and with all his brethren. He certainly was, in that respect, merely the organ of the College; just as much as the secretary or the clerk would have been, if they had been directed to return the thanks of the College to any persons by letter. Nor was he, or any member of the College, who disapproved of the conduct of Dr Spens and his Committee, much more a free agent in considering the resolutions as recommended by the Council, or as first proposed in the Council by Dr Stewart. Their freedom of action seems to me to have been nearly the same with that of a simple traveller who freely gives his purse to a highwayman, who civilly asks for it, and shews him a small pistol. From the very peculiar terms of that proposed resolution, and the still more peculiar circumstances in which it was proposed, it is plain, that no member of the College could refuse to

concur in it, without the certainty of a personal quarrel with several of his brethren, and a great probability of the danger of a pistol.

The situation of the Royal College at that time bore a striking resemblance to that of the Roman senate, *not* in its happiest times.—*Quis loqui, quis hiscere audebat, præter miseros illos qui primi interrogabantur? Cæteri quidem, defixi et attoniti, ipsam illam mutam et sedentariam assentiendi necessitatem, quo cum dolore animi, quo cum totius corporis horrore, perpetiebantur? Unus solusque censebat, quod sequerentur omnes, et omnes improbarent, imprimis ipse qui censuerat: adeo nulla magis omnibus displicent, quam quæ sic fiunt, tanquam omnibus placeant.*

If the Royal College had *unanimously* believed, or even if Dr Spens and his Committee had themselves believed, that they had acted from the purest motives, and in the most honourable manner, nay, if they had believed only that the declarations of the Committee, with respect to the meaning of our act of 1754, and the doubts entertained about it, had been true, there would have been no occasion for such a vote of the College, and hardly a possibility of proposing such a vote. The Committee certainly *would not* have retracted those declarations, on which the individual members of it had irrevocably staked their credit in point of probity and veracity, and the College could not have refused or hesitated to adopt and sanction those declarations. This *must* have been done immediately and *unanimously*: and the College might, very rationally on that supposition, and probably would, without delay, have proceeded to call me to a strict account for my conduct; for which, as my brethren all knew, I had declared myself willing and ready to answer. By their actual proceedings on the 5th of February 1805, it appears, that the College, even in a plain question about the meaning of one of their own laws, either would not declare or admit what they all knew to be true, or

else unanimously declared that to be most honourable which they all knew to be false, and accordingly would not adopt and sanction. This is another sad dilemma: but, luckily, it is of their own contriving; not mine: and it is one of many proofs and examples which, in the course of this thorny business, they have already seen, that nothing but truth is consistent with itself, and with other truths, and that falsehood may generally be detected by its own inconsistency.

As to the simple matter of fact, with respect to Dr W.'s own genuine sentiments of the conduct of Dr Spens and his Committee, it happened that I *knew* perfectly, that both before and after he had read my printed papers, and both before and after the *virtual decision* of the College was pronounced, they were diametrically opposite to what the College had declared in that decision. It happened, even that on the 19th of December 1807, I had in my pocket, among several other very curious documents, all of which were to have been produced in case of need, a letter, written by Dr W. to me on the 29th of January 1805, after he had read my printed papers, and a few days before the *virtual decision* was proposed by Dr Stewart to the Council, and by the Council recommended to the College. I here insert a copy of that letter, conceiving that it is perfectly decisive evidence of what Dr W.'s own genuine sentiments were with respect both to my papers and to the proceedings of Dr Spens and his Committee.

" Dear Doctor, *Edinburgh, 29th Jan.* 1805.

" I have, with great satisfaction, read the two papers you kindly " gave me. Had you not known my sentiments before, I should, on " perusal, have told you, *Me tuum facias.*

" Are you sending any copies to London? If so, I pray you inscribe " a set to our friend ———. And I also request you will favour me

" with one or two copies for some friends in the country. I have " the honour to be, with the greatest esteem and respect,

" My dear Sir, your's,

" Wm. Wright.

" *Dr Gregory.*"

I need scarce say, that both Dr W.'s requests in that letter were complied with. He received from me, at that time and afterwards, several copies of my papers for his friends. In the course of the three preceding months, he had repeatedly expressed to me, in still stronger terms, as some others of my brethren had done, the most complete disapprobation of the proceedings of Dr Spens and his Committee. Dr W. was the *person*, who, about ten days before he received his copy of my papers, and when, I am sure, he could have had no suspicion that I was writing any such papers, had told me, at an accidental meeting, behind the Register Office, after some little conversation about College matters, " *If they* (*those lads*, as he had previously called them) *persist in their plan, they shall be left to their meditations.*"

My brethren may now judge for themselves, according to their own system of metaphysics, including morals, whether it is in human nature, that in those circumstances, Dr W. should have come to my house, and told me, that he meant to concur, or that he actually had concurred, with all his brethren, in declaring, that Dr Spens and his Committee had acted in the most honourable manner. They may also, if they please, judge from their notion of my temper and character, whether such intimation could have been given by him to me without exciting my utter astonishment, as well as my keenest indignation; and producing instantly from me some very strong questions and remonstrances to him, and as soon as possible a complete

discussion, and explanation, with the College as a body, and with some of my brethren individually.

They will probably agree with me in thinking it a very curious and interesting circumstance, that *that* very letter, which I have here printed, in justice to Dr W., and as an important, though not just a necessary document in his favour, I had taken in my pocket to the meeting of the College, on the 19th of December 1807, as a kind of document against him, to be produced, in case of need, to assist his memory in recollecting what his sentiments were, with respect to Dr S. and his Committee and their proceedings, and what kind of information he had given me on the 4th and 5th of February 1805. But it, and some other documents, and a great many very disagreeable questions, were precluded, and made unnecessary, by his own explicit declaration.—When I saw him persecuted with those vexatious questions about his concurring in the vote, and actually returning thanks to Dr S. and the Committee on the 5th of February 1805, I felt a very strong inclination to produce and read that letter, in explanation of his conduct on that occasion. But several obvious considerations restrained me. I doubted even whether it was strictly proper or competent for me to interfere in that stage of the business. My brethren, with their usual candour, and good will to me, would have thought I was prompting him what to say, and probably would have maintained, that Dr W. and I were acting in concert. But the most powerful of all considerations, indeed quite decisive with me at that time, was, that I had not a copy of my answer to his letter to produce, as I probably should have been desired to do, and certainly ought to have done, and should have wished to have done, to make that article of evidence complete, with respect to my sentiments, as well as his. Next day, when I asked him to let me have back the answer to that letter, which I had discovered among my papers, I found he remembered his own letter very well: and he immediately reminded me, for I had quite forgot-

ten, that he had, at my own desire, given me back my answer to it at the time of our correspondence. As I cannot, after the most diligent search, find it among my papers, I presume I had destroyed it: perhaps, or as my brethren will be very apt to say, *certainly*, because I thought it improper to be seen. I think it very *probable* that such may have been the case: and they at least are heartily welcome to think and to say so, uncontradicted by me. I cannot, from memory, venture to state any of the particular expressions, or even the general tenor of it, because I am unable to distinguish between what I said in writing in that answer to Dr W.'s letter, and what I said to him *viva voce* in several different conversations, before and after that time, on the same subject. As far as I can remember, my answer to Dr W. was a short one; not exceeding two of *my* pages, (or one half of one of these printed pages;) but it may have contained some very strong, and not very proper expressions. If it had been extant, they should have seen it with all its imperfections on its head: but as it is no more, they must do as they best can without it. They cannot rationally or *bona fide*, suppose that it contained any sentiments repugnant to those which I had strongly expressed in my printed papers, in my letter to Dr Spens, (written the very day and hour when I received Dr W.'s letter,) and in my long letter to Dr Hamilton, written just five days after; or any sentiments inconsistent with those which I continued publicly and strongly to express, by continuing to distribute my *Review*, and my *Censorian Letter*.

My brethren will now, I presume, be able to judge what Dr W.'s situation *must* have been, if, on the 19th of December he had acted uncandidly and dishonourably; if he had persisted in saying that he had informed me, that the College had fully acquitted Dr Spens and his Committee, and had declared, that they had acted quite honourably, and that he concurred in that vote; if he had not been able to specify, or had not chosen to tell what reply I made to him, what

questions I proposed, what sentiments and intentions, with respect to my future conduct towards the College I expressed, what his purpose was in giving me that information; or if he had declared that the vote of the College expressed his own genuine sentiments, that he really thought Dr Spens and his Committee had acted in the most honourable manner, that my printed papers were a false and scandalous libel, that on reading them he had discovered many falsehoods in them, and that many others had been pointed out to him in the Council and in the College by his brethren; that the general tenor of what I had stated of the proceedings of the College, for fifty years, with respect to our act of 1754, and of the report of the Committee, was absolutely false; that my pretended quotations and abridgments from that report, and from the records of the College, were either downright forgeries, or gross and wilful misrepresentations; that this was the notion of them generally entertained by his brethren; that he had pointed out to me several of the most glaring of those falsehoods, not one of which I could even attempt to vindicate; that he and his brethren of the College highly disapproved and publicly reprobated those pretended principles of morals which I had asserted; that he and they eagerly wished me, and the purpose of his visits to me was to invite me, to enter on the discussion of those matters with them, which I had declined; that I had told him the vote of the College was quite right, and that I acquiesced in it; that afterwards, on finding that I continued to distribute my printed papers without taking any notice of the vote of the College, he had strongly and repeatedly remonstrated with me on that point, and had endeavoured to prevail on me to desist from such conduct, and to recal and suppress my papers, by admonishing me of the impropriety and the certain bad consequences of my continuing to distribute those papers, false in themselves, and cruelly injurious to my brethren, whose conduct towards me had been very gentle and friendly, but that I would not listen to any of his remon-

strances, and from my words and actions seemed to be either perfectly insane, or absolutely unprincipled, so that he soon found it necessary to avoid any further intercourse with me;—in short, if he had either refused to answer, or had answered perversely and falsely, any one of an hundred fair rational questions, which I certainly should have proposed to him, either originally, or as naturally growing out of his answers to the questions first proposed to him. My brethren also will be enabled to understand, though perhaps they will not altogether approve, those strong sentiments of indignation, which he expressed in pretty hard words, at the proceedings of Dr Stewart, Dr Spens, and Dr Hope, but especially of Dr Hope, in getting him to sign such a paper, and then refusing to give it him back, when he wished to recal it, having recollected himself, and become sensible of his mistake.

They will also understand, though probably they will not relish, those sentiments which made me treat with such sovereign contempt Dr Hope's very formidable string of resolutions. They cannot have forgotten, that as soon as they were moved and seconded, and it was proposed that *two copies* of them should be made out for the use of the College, I immediately moved that they should be *printed*. This I did, not knowing whether I should have Dr W. as a witness for or against me; but knowing perfectly what was the truth, knowing that I could produce some important documents in proof of it; knowing that the whole chain of internal, moral, circumstantial evidence on my side was complete and irresistible; knowing from what I had just before heard Dr Hope read, that his attempt to find any inconsistencies in my words and actions was not only impotent and absurd, but in other respects, I mean particularly disingenuity and false insinuations, would be disgraceful to himself, and fatal to his cause; and perfectly confident that Dr Wright, when I should be prepared with my documents and a series of proper questions, must either have declared the truth, or been convicted of falsehood.

They will remember also, that on the 19th of December, at the end of their meeting, instead of expressing any anger at what had passed, I contented myself with wishing them all a very merry Christmas. By that time I was well prepared for them, as far as documents, and a proper series of questions, and a clear view of the internal evidence could go; and Dr W.'s upright and manly conduct, his own spontaneous declaration, and his explicit and satisfactory answers to most of my questions, had removed my painful apprehensions of being obliged to treat as a false, or at least as a strongly suspected, witness, my venerable friend, whose probity and veracity had never before been called in question.

I presume that less than the hundred and twentieth part of what is contained in the preceding hundred and twenty pages would be much more than enough to convince those of my brethren whom it most concerns, that, if there be in this world any thing *ab omni parte beatum*, taking *ex parte* evidence, in an accusation of falsehood against me, is not that thing. I have such confidence in their intellectual faculties, I wish I could add in their moral faculties also, as to presume to hope that they will never try the same experiment again. But, if they shall think this expedient or necessary for their favourite purpose, I trust, that, not for my sake but for their own, and for the sake of truth and justice, they will take the trouble to put to their own witnesses a few of the most obvious and decisive questions to assist their memory, to confirm and verify it if it be true and accurate, to prompt it if it be imperfect, and to correct it if it be in any respect erroneous. On this point I shall urge only one short but conclusive argument with my brethren—*If they won't, I will.*

As to the more important and general point, I mean their right to charge me with falsehood, which they seem to have so much at heart, I think it can admit of no dispute; and certainly I shall never dispute it with them. They are heartily welcome to do so every day,

and on every subject that they shall please. They surely will not refuse me this plain dilemma. They *must* either *state* or *not state* the evidence which they are pleased to fancy they have of falsehood on my part.

If they shall *not state* their evidence of it, any such assertion of my brethren, individually or collectively, will do me no harm, and will not require either refutation or animadversion. A very short and pithy contradiction of it will be amply sufficient for my purpose; and they cannot surely expect that I should acquiesce in a direct and explicit, any more than I did in a *virtual* decision, when I know of it, and know that it is false. But as calling one another liars and knaves, without any evidence on either side, is but an unprofitable occupation, and a very scurvy amusement, I should think it would be fully as well for all parties to abstain from such ignoble proceedings, and to state explicitly the evidence on which they rest their assertions, and stake their own credit in point of understanding, probity, and veracity; as I did in my *Review* and in my *Censorian Letter*, and as Dr Hope and Dr Spens have done in that string of resolutions, which have given occasion to this long discussion.

If my brethren, collectively or individually, shall choose to state the evidence on which they wish to convict me of falsehood, on any point or circumstance, they are more than welcome to do so. They cannot do me a greater favour; for they will thereby give complete evidence of their own falsehood. I know perfectly, and they too shall know to their sorrow, my own strength on that point, and on some others connected with it. Though they cannot be restrained by law from falsely and unjustly charging me with falsehood, without evidence, and contrary to evidence, nor even punished by law for acting in that dishonourable manner, they must not hope to have it all their own way. They may almost be expected to discover by their own sagacity, and at least they shall soon be convinced, that, *a for-*

tiore, I cannot be restrained from vindicating myself from such an infamous charge, or justly reprehended for doing so. But in such a case to vindicate myself, is, *ipso facto*, to convict of falsehood those who had unjustly and falsely declared, that I had been guilty of that peccadillo. For example, in the case at present in question, " from " the nature and terms of the accusation, and from the manner in " which it has been preferred, it is plain, that either I or my accu- " sers must have been lying abominably," as I had the honour to state to my brethren in the beginning (page 2.) of this Defence. That proposition being self-evident, and of such a nature that they themselves cannot deny, or even wish to deny it, requires no proof or commentary. What I immediately subjoined to it, may, however, need some illustration.—" But this obvious dilemma comprehends " and expresses only a very small part of the truth. It is equally " certain, that either I or my accusers, and a large proportion of my " brethren, who, of course, are to be my judges on this occasion, " must have been lying abominably, and acting most knavishly, on " a very interesting subject, for more than three years past."

The allusion in this passage, as they all must have known, was to the conduct of Dr Spens and his Committee in giving in a certain Report, to my own conduct in printing and distributing my Review and my Censorian Letter, and to the subsequent proceedings of the Royal College in relation to those matters.

What I asserted in those papers, with respect to the proceedings of the Committee, must have been either strictly true, or wilfully, deliberately, malevolently false. On the latter supposition, I must have been lying abominably. On the former supposition, some of my brethren must have been doing so, in those proceedings which I so severely reprehended; and some more of them must have been doing just the same, when they declared, that those who had concurred in such proceedings had acted in the most honourable manner.

I do not see how or why any of my brethren should wish to object to that dilemma or alternative, as they are well entitled, till some evidence of the contrary shall be produced, to choose the supposition most unfavourable to me. Then they may proceed to enquire, in point of fact, and it will be a fine amusement to them to investigate,

1. Whether I or my brethren were guilty of a great violation of truth, when they *declared, that doubts had been entertained respecting the purpose and extent of the act of the College, of date* 11*th April* 1754;—it being certain and self-evident, even from the words of the enacting clause of it, still more from the words of the preamble of it, from the discussions that preceded it, from the questions about it proposed to counsel by the College, from the explicit answers of the lawyers to those questions, from the proceedings consequent upon it, from the uniform understanding of it by all our members for fifty years, and most of all, from the persevering, but unsuccessful attempt of Dr Spens in 1796 to get it repealed in part, that no such doubts *were* or *could be* entertained about the purpose and extent of it;

2. Whether I or they were guilty of a violation of truth, when they *declared, that the restrictions therein mentioned apply solely to such persons as keep, or may set up public apothecaries or druggists shops for the common sale of medicines by retail,* implying, as was avowed by Dr Spens, when the question was put to him by Dr Hamilton senior, that our members were to be permitted to practise pharmacy privately, and furnish medicines to their own patients;—it being certain and self-evident, from the considerations stated briefly in the preceding paragraph, and more fully pages 52 and 53 of this Defence, that the act *bona fide* was meant to prohibit any of our members from practising pharmacy publicly or privately, so as to furnish even their own patients with medicines, according to the tenor of the

charter of the Royal College, and of the previously existing charters of the surgeon-apothecaries; it being certain also, that some of those who declared that such was the extent and application of that act, admitted that this was a change or alteration of our old law; of which change, as they well knew, several of their brethren greatly disapproved;

3. Whether I or they were guilty of a violation of truth, when they represented to the College on the 5th of February 1805, 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 [*preceding*,] met together, and formed the resolution of moving for leave once more to revise the laws, in order to withdraw those parts of the Report, which were likely to divide the College;—it being certain, that at that very time (the middle of December 1804,) they made that Report be circulated among the members of the College individually, which seems to be just the reverse of withdrawing it, and precisely the way to discover whether they could carry it by a vote in the College, and which at least one of them, Dr Duncan senior, has avowed to have been done, because "the Presi-"dent, in particular, was anxious, that every member should be "thoroughly acquainted with all the alterations proposed by the Committee;"—it being certain also, that Dr Duncan junior, another member of the Committee, protested strongly, and on the 5th of November 1805 gave in his reasons of dissent, against the proceeding of the College in not adopting the proposed alterations of our old law;—it being certain also, that in December 1805 Dr Duncan senior, by a circular printed letter, with a written request subjoined to it, endeavoured to accomplish the same plan, with only the trifling variation, that our members furnishing medicines to their own patients should make no charge for them;—it being certain also, that at two

different times in the following year, 1806, he, not in his own name, but in the name of Dr Spens and some other members of the Royal College of Physicians of Edinburgh, consulted some great lawyers to know how that favourite plan might be accomplished, as appears by the opinions of the Honourable Henry Erskine, and of John Clerk, Esq., the former dated 2d April, the latter dated 8th August, 1806; both which opinions Dr D. has now printed;

4. Whether I o r they were guilty of a violation of truth, when they declared in their admonition about secrecy, 5th of August 1806, that it was not intended to have particular reference to what may have happened at any former period;—it being certain, and even self-evident, as a *necessary truth*, that is, such a truth that if the human faculties of reason may be trusted, no power in heaven or earth can alter it, that it *must* have had particular reference to what had passed just a year and a half before, and that it *must* either permit, or not permit but prohibit such publications as my *Review* and *Censorian Letter;* it being certain also, and even self-evident, as a matter of fact, that it was intended to prohibit such violations of secrecy, or any violations of secrecy with respect to the proceedings of the College, and thereby to impose on us all, by implication and craft, an obligation so illegal, immoral, and disgraceful, that it cannot be expressly avowed, which the College has not yet (in the course of two years) chosen to disavow, though strongly required to do so, and which, at one time, in the 5th paragraph of their deliberate answers to my queries, (see pages vi and vii of that series,) they have come very near to avowing; much nearer than I should have thought any set of men would have ventured to come to avowing that they meant to impose an unlimited obligation of secrecy, implying connivance and acquiescence, with respect to things though the most extravagantly foolish, or even illegal, immoral, and dishonourable,—unless, or until, the College had determined that they should be communicated to the public, and

should direct them to be announced in the newspapers, or to be otherwise made known.

5. Were they or I guilty of a violation of truth when they declared in the 8th paragraph of their answers (or no answers) to my queries, "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;"—it being certain, and even self-evident to every person of candour and common sense, that there was no such design in the first part of my queries, that the words of them convey no such meaning, but a meaning totally different from and inconsistent with that absurd and disgraceful meaning, which some of my brethren have chosen arbitrarily and forcibly to put upon them, and which I disclaimed as soon as I heard of it;—it being certain likewise, and almost self-evident, that the design of all my queries was to prevail on the College to explain properly their own admonition, and to disavow and for ever to renounce the immoral, illegal, and dishonourable intention of imposing on us all an unlimited obligation of secrecy, which I had very strong reasons for believing to have been intended, as it certainly was the meaning obviously conveyed by the words of that admonition, which meaning the College, though strongly urged to do so, has not yet disavowed;—it being certain also, that the first part of my queries was *bonâ fide* intended to preclude the necessity of proposing the last part of them, by obtaining from the College, without my using any expression which could give the smallest offence, a proper explanation and limitation of their admonition;—it being certain also, and even self-evident, that if the College had answered explicitly, ra-

tionally, and candidly, the first six or seven of my queries, so as to disclaim the very bad meaning which the words of their admonition conveyed, and to admit those necessary exceptions from the obligation of secrecy with respect to things either extravagantly foolish or morally wrong, deliberately proposed or done, for which exceptions I had strongly contended, and on the faith of which I had openly and deliberately acted on a very important occasion, not one of my subsequent queries, at which alone any of my brethren could be supposed to take offence, would have been proposed, or could, without absurdity, have been proposed to the College.

6. Were some of my learned brethren, or I, guilty of a great violation of truth, when they asserted, that I had solemnly declared that I had no knowledge of the proceedings (*innuendo*, any of the proceedings) of the College on the 5th of February 1805;—it being certain that I never expressed and never entertained such a thought, and that my words in my letter of 2d November 1807 to the president do not convey or imply such a meaning, being limited by the context of my discourse to something in morals, about which there seemed to be a great, perhaps an irreconcileable difference of opinion between my brethren and me, which difference was only, and could rationally be supposed only to be about that proceeding, the declaration or *virtual decision*, which was a contradiction of what I had stated in my printed papers;—it being certain also, that Dr Hope, in his 3d proposed resolution, has chosen most unwarrantably and disingenuously to substitute the comprehensive expression *their proceedings* (in the plural number) for my precise and limited expression *that proceeding*, (in the singular number,) abundantly explained by the context;—it being certain also, that Dr Hope, in his resolutions, has taken no notice of my still more precise and strong expression, on the 26th of November 1806, when I first declared, *viva voce*, my ignorance of *that proceeding*, which I characterised as condemning me to infamy,

unheard, uncited, not allowed to vindicate myself, nor even according to the offer which I had made, to acknowledge the errors and repair the wrongs that I might unknowingly have committed, and absolutely ignorant of what was intended, or doing, or done against me; which sentiments and expressions evidently *could relate only* to the declaration of the College contradictory of what I had asserted, with respect to Dr Spens and his Committee;—it being certain also, that when I, as soon as I heard of that absurd and disgraceful interpretation which some of my brethren chose or affected to put upon my words, fairly explained them, and told them to what I alluded, and what part of the proceedings of the College on the 5th of February 1805 I had been informed of, and what part of them had been concealed from me, Dr Hope and some others of my brethren would not admit my fair explanation of my own words, but would insist on finding an inconsistency where there was none, between what I then declared and what I had declared formerly, though there certainly was a great inconsistency between what I declared at that time, and the absurd, incredible, disgraceful, malevolent interpretation which he affected to put on what I had said formerly;—it being certain also, and even self-evident, that I *could not* have been ignorant of all the proceedings of the College on the 5th of February 1805, unless I had studiously avoided to enquire about them, and obstinately refused to receive any information about them, or even to look into the new edition of our laws, in which I saw that the proposed falsification of our act of 1754, which falsification I had reprobated, had been completely retracted, and that act left as it was before;—it being also certain and self-evident, that for me to have acted in that manner would have been disgraceful to myself, both in point of understanding, and in point of morals, especially considering the strong professions of candour which I had made, and of my willingness to acknowledge, as soon as they should be made known to me, any errors that I might

unknowingly have committed, and to repair any wrongs that I might have done to my brethren, forasmuch as such wilful ignorance on my part of the proceedings of the College would have implied, that I had swerved from that offer, was afraid to learn what the College had done with respect to me, and that I most foolishly and basely persisted in those errors, and falsehoods, and wrongs, which it was my duty to have known, and to have rectified as soon as possible;—it being also certain and self-evident, that none of my brethren *could* believe me ignorant of all their proceedings, or even believe that I professed to be so, without believing that I had acted, nay, that I wished to be thought to have acted, in that infamous manner; which being absurd and incredible, such a professed belief on their part, with respect to me, must have been a mere pretence, evidently intended for a sinister purpose, which I believe I can explain;—it being certain also, as a matter of fact, that far from wishing to be, or to be thought ignorant of the proceedings of the College on the 5th of February 1805, in relation to me and my printed papers, I had been at pains to get the earliest and most complete information about them, that I was accordingly informed of the greater part, and thought I had been informed of the whole of them; and was at least informed of so much of them, that I thought it would be not only unnecessary, but indelicate, unmanly, and dishonourable, to attend any meetings of the College, in which that business was to be discussed, as this would have had the appearance of my wishing to see and enjoy the severe mortification of my brethren, who found themselves baffled in their favourite project, and reduced to the sad necessity of retracting what they had most deliberately asserted, after finding that it was publicly reprobated as falsehood and chicane, employed to accomplish, and at the same time to cloak a determined breach of faith;

7. Whether some of my brethren or I were guilty of a violation of truth, when Dr Hope asserted that I BEING MUCH PRESSED UPON THE SUBJECT, *did acknowledge and confess, that I had received infor-*

mation from two of the members, that the College had on the 5th of February come to a resolution, returning thanks to the President and Committee for their trouble in revising the laws, and declaring that they had acted from the purest motives, (see his 4th resolution,) and when Dr Duncan senior, in one of his printed papers, (quoted page 99,) asserted, that I WAS NOW OBLIGED TO ADMIT, that I had received such information;—it being certain, and well known to all my brethren, that there was no *obliging* of me, nor *much pressing*, nor any pressing of me to make me declare or admit it; that I did it frankly, explicitly, nay, eagerly, as soon as I discovered that Dr Hope meant to impute to me a profession of my having been totally ignorant of all the proceedings of the College on the 5th of February 1805, which being not only false, but absurd and incredible, except on the absurd and disgraceful supposition stated page 467, line 21, and withal completely infamous on my part, had never once occurred to me as even a possible supposition, or interpretation of what I had most solemnly declared;—it being certain also, that Dr Hope's strong professions of candour, in *believing* that solemn declaration of mine, in the sense which he chose to give it, and which I had never dreamed of, in spite of all the improbability of my having remained ignorant of the declaration of the College, are very suspicious, and have much the appearance of craft and malevolence, more especially as he would not admit the fair explanation of my declaration which I instantly gave; and as he soon made such an extraordinary use of his own pretended belief, and of my disavowal of ever having had such a meaning;—it being certain that belief is involuntary; that the improbabilities to which he alluded are irresistibly strong, amounting, in my opinion, to a negative certainty in opposition to my supposed declaration; and that, in these circumstances, if he paid any regard at all to my declaration, the natural and almost certain result would be *doubt*, inclining more or less in my favour; and that such *belief* on

his part was *almost*, or *quite*, impossible;—it being certain also, and self-evident, that his professed belief of my having declared, that I had no knowledge of any of the proceedings of the College in February 1805, tended to reduce me to a very strange, but most uncandid and infamous dilemma, of which he has tacitly availed himself in his string of resolutions;—it being certain that I *must* either *admit*, or *not admit*, his extensive meaning of my declaration; that if I admitted it, (in its full extent) I *must ipso facto* have admitted that I had acted in the most infamous manner, in wilfully remaining ignorant of those things which it was my duty to know, and according to which it was my duty to regulate my conduct; and moreover, I *must* soon have been convicted of falsehood in admitting such an interpretation of my words, or avowing such ignorance, by the inconsistency of it with the whole tenour of my words and actions in relation to that business for a year and nine months: if I did *not admit* Dr Hope's interpretation of my solemn declaration, then I was to be convicted of falsehood by his string of resolutions, and a vote of the Royal College. Bating only the trifling imperfection, called by logicians *ignoratio elenchi;* which is so common a sophism, that nobody minds it, or is ashamed of it,—I mean Dr H.'s ignorance, real or pretended, of what I said and meant by my declaration, the dilemma is complete, and excellent of its kind, and would have done great honour to Mr Humphrey Hocus himself. I really do not know what that kind of dilemma is called by logicians; but I am sure it is not altogether new. It is near akin to the dilemmas implied in the simple proposition, *Jack* does not continue to cheat at cards; or in the simple question, *Tom*, have you left off the practice of lying?—If *Jack* admits the proposition, he admits that he used to cheat; if he denies it, he admits that he continues to cheat.—If *Tom* answers the question in the affirmative, he admits that he was formerly in the practice of lying; if he answers it in the negative, he admits that he

still continues that most honourable practice. Surely *Jack* and *Tom* must be very foolish, and a little knavish also, if they refuse to say either yes or no to such a fair rational question, and such a plain proposition, especially if it came from one of their own intimate friends. But the most important use (as far as I know) of that dilemma, was in the discovery of witches. It is the principle on which the infallible efficacy of the water ordeal depended. The supposed witch was bound hand and foot, and thrown into a pond; the deeper the better: if she floated, as all witches do in water, she was a witch for certain, and of course was to be burned: if she sunk, and was drowned, then certainly she was no witch, but only an useless old woman, and there was little or no harm in drowning her.

8. My brethren, I hope, will think it worth their while to enquire, whether Dr Duncan senior or I were guilty of a violation of truth, when he declared, in a letter to Dr Wright, dated 28th November, 1806, (quoted in my Protest, page 33. of that series.)

" From the paper which Dr Gregory 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 on any other occasion;"—it being certain that, on Monday 6th of October, 1806, full *seven weeks before* that meeting of the Council, (on Tuesday 25th November, 1806,) at which, as Dr D. testifies, Dr W. put that *strong* question to another member of the Council, implying evidently that *that* other member had been admonishing Dr W., *probably* in a manner that he thought impertinent, not to inform me of what they were doing. But I do not understand that Dr W.

has the second sight, so as to foresee, in the beginning of October, what would pass, and even the words that he would utter, in the end of November, in the form of a question, but in substance a severe reply to a very strange and improper admonition addressed to him by another member of the Council, at an extraordinary meeting of it, called in consequence of some contingent and most improbable events; such as my proposing to the College certain queries with respect to their admonition about secrecy, and the College refusing to answer my queries when I proposed them, and taking three weeks to consider of them, and calling an extraordinary meeting of the Council to deliberate on the proper answer to be given to them, &c. If I had known Dr W. to be second sighted, I should have thought it but a scurvy sample of his prophetic powers to tell me, on the 6th of October, that what was to pass in the end of November actually had passed in the beginning of August, and to be very angry at it, and to mistake the person who had given, or was to give him offence by an impertinent admonition, and to say, that it was or would be his good friend and colleague Dr Duncan senior, when it had been or was to be *another member* of the Council, whose name has not yet been quite discovered, and is not likely soon to be ascertained. But as it is a point of infinite curiosity, and of some importance to me, and much more to Dr D., I seriously think he ought to spare no pains to find it out, and to make it generally known : for, as matters stand at present, they bear an appearance very unfavourable to him. The testimony which he has voluntarily borne, that Dr W. did address that dry question to a certain (nameless) member of the Council, at the meeting of it on Tuesday (the 25th of November) shews plainly that he remembered the question. The fact, well known to all my brethren who were at the meeting of the College on the 26th of November, that Dr W. and Dr D., and they only, expressed any knowledge of that conversation, and in particular of that question,

led irresistibly to the inference, which tallied perfectly with the positive information that I had received about it seven weeks before. When I stated the *fact*, without the names of the persons concerned in it, and asked whether it was admitted, or whether I must call on those concerned in it, by name, to authenticate what I had heard, Dr W. instantly declared that *he admitted* it; and Dr D. senior, *immediately after*, declared that he could *explain it*, but did not wish to interrupt me at that time. The only explanation that I have yet heard of his giving of it, is the very strange one, which I have stated in his own words, and which, to the best of my judgment, is a good sample of the art of explaining *obscurum per obscurius*. The only trifling obscurity that I perceived in what Dr W. told me, seven weeks before, was, that it did not make known precisely the words, or tenour, of the admonition addressed to him by Dr D. which gave occasion to his pithy question. This obscurity I expected that Dr D. would of course explain; as he, by his undertaking to explain the question, seemed to avow that he knew a good deal about it; probably more than any other member of the College. But this he has not even attempted to do. All the rest of Dr W.'s information I understood perfectly, and with ease; but all that I could understand by Dr D.'s explanation was, that he chose to *deny*, for he could not have forgotten, that Dr W. had put such a question to him, and that he wished to transfer the honour of that question, or rather of the admonition to Dr W., which produced it, to another person, a member of the Council, who did not choose to speak for himself, or even to have his name known. If he had chosen to speak out, and justify his own conduct, in giving Dr W. the admonition with respect to me, which produced that question, he would of course have done so immediately, if he was present, or as soon as he heard of my enquiry about that matter, if he was not present at that meeting of the Col-

lege. But whether he was present or absent on that occasion, I have not the honour to understand on what principle Dr D. could think himself either obliged or entitled to explain the conduct of another person, in such a delicate, or rather in such a thorny business. I am sure I should never have thought of acting in that manner, nor do I know of any man, wise or foolish, who would have done so. But this is not the worst of it. By that reference to a nameless person, he *ipso facto* called on him, as a witness, in his favour, who might at least testify as to the *positive* fact, which he had so precisely asserted; namely, that the snappish question had been addressed by Dr W. to him, a member of the Council, and not to Dr D., at the meeting of the Council on Tuesday 25th November 1806. For such a witness, if such a one ever existed, to sing dumb, and to play least in sight, when his presence and his testimony were most wanted to confirm and explain his friend Dr D.'s very marvellous and obscure explanation of a plain matter of fact, if such it was, is surely very uncivil, and unfriendly, and uncandid, and not strictly honest: forasmuch as it gives occasion to some very obvious inferences, little to the credit of our Royal College as a body, and still less favourable to Dr D. as an individual.

This vexatious nonappearance of an important witness, when he was most wanted, strongly reminds me of what I have heard of a similar embarrassment, which occurred in London, about an hundred years ago, on occasion of a plot, which made some noise. I believe it was that of Guiscard, a French refugee, who stabbed the Lord High Treasurer Harley (Earl of Oxford.) Every body knew that there was a cloud of witnesses, who could easily prove every particular of that horrid plot: but they were neither visible, nor tangible: no man could produce them when they were most wanted. The mystery was soon explained, according to the fashion of the

Augustan age of Queen Anne, in a ballad, of which I remember only one stanza:

> " With witnesses plenty this plot doth abound ;
> There is one that was hanged, and one that was drowned,
> And one that was lost, and one never found,
> Which nobody can deny.

I am happy to think that there can be no such difficulties in the present case, to hinder Dr D. to produce his much-needed witness. Of all the seven members of the Council, in November 1806, even to this hour, none has been hanged, and none has been drowned, and none has been lost, and all may be found with the utmost ease. They are all alive and well ; and I hope shall long continue so: and I dare say, in half a day, or less, they might all be congregated in one bedchamber, to consult about an old sot dying of the jaundice and dropsy.

I think I can greatly assist Dr D. in finding out, and producing his friendly but dumb witness, if there is or ever was such a person. Trusting to the Edinburgh Almanack for 1806, for I have not time to consult our minute book, I presume he must be either Dr Spens (the president,) or Dr Wright (the vice-president,) or Dr Duncan senior, or Dr Stewart, or Dr James Home, or Dr James Hamilton junior, or Dr Hope, for these seven were all the members of the Council in 1806.—We have here a small polylemma (a heptalemma only) out of which to choose. Dr D. has solemnly declared, and offered to make oath, with a safe conscience, that he is not the person to whom Dr W. addressed that very significant question. It is hardly credible that Dr W. should have put such a question to himself, or even addressed to himself such an impertinent admonition, as could give occasion to such a question ; at least at a meeting of the Council, in presence of six of his colleagues, whatever he might occasionally do,

in a soliloquy, in his own museum. I believe that Dr W., just like some other people who shall be nameless, is a little irascible sometimes, especially when he thinks improper freedoms are used with him, or when any thing is done or proposed, which he thinks illiberal or dishonest; but I do not think he is so very snappish as to take himself by the nose in that manner, by addressing to himself either such a question, or such an admonition as could give occasion to it. There remain only the other five members of the Council, one or other of whom must be Dr D.'s very necessary witness. In one minute he might easily ask them all, publicly, one by one, in the College, to declare each for himself, whether or not Dr W., on the 25th of November 1806, or at any other time, put such a question to him, and what he (the witness) had previously said to Dr W. that gave occasion to it. Nay, without the indelicacy of calling on any of them, by name, to declare *that* truth, so necessary for his (Dr D.'s) vindication, he might desire, in general, that the person to whom it was addressed, and whose previous discourse, addressed to Dr W., had given occasion to it, should avow them himself. None of the five other members of the Council can be supposed so oblivious as to have forgotten so remarkable a conversation, which, if it ever occurred at all, had occurred but *one day* before the attention of the College was strongly called to it by my discourse, by my general question about such a conversation at a meeting of the Council, by Dr W.'s explicit and manly avowal of it, and by Dr D.'s unaccountable offer to explain it. None of the five can be supposed so unfriendly to Dr D., or so unprincipled, as to withhold his *true evidence* from him, in his utmost need. And none of them can be supposed so stupid as not to see clearly of what consequence it is to Dr D. that his testimony, if he be the person to whom Dr W. addressed his strong question, should be given publicly and without delay. For, from the manner in which Dr D., in the College, on the 26th of November

1806, offered to *explain* what I had enquired about, and Dr W. had frankly avowed, I necessarily understood, and firmly believed, that he meant to avow what Dr W. had told me seven weeks before, that he, Dr D., was the person to whom Dr W.'s question had been addressed, implying that his discourse, and some kind of admonition of his to Dr W. about me had given occasion to it; and I am convinced that every person present *must* have understood and believed the same.

If none of the five will bear witness for him, on that plain point, about which there could be no forgetfulness, and no mistake on his part, he will find himself in as bad a scrape, with respect to his *positive assertion* that Dr W.'s tart question was addressed to another person, as he is in with respect to his negative assertion that no such question was *ever* put by Dr W. to him: and in a worse scrape it is impossible for any man to be. Nor is the scrape made one jot the better by the decisive circumstance, that, even in his private letter to Dr Wright, explaining, or rather making obscure what was plain before, *he did not mention the name* of the person to whom he alluded. This, if there had been such a person, it would have been very natural, and not in the least indelicate, for him to have done; instead of employing a needless circumlocution and vague general expression, *another member of the Council*, whose name (on that supposition) must have been previously known to Dr W. at least, as well as to Dr D. The scrape too is made still worse, if possible, by another unlucky circumstance, that Dr W. cannot guess who that other member of the Council may be, and does not remember to have put that severe question to any person but Dr Duncan senior, and to him only at the meeting of the Council in August, but not at the meeting of it on the 25th of November 1806.

The sad anachronism into which Dr D. fell in endeavouring to account for what Dr W. had told me on the 6th of October, by something which he *said* had passed on the 25th of November following,

and which he was pleased to suppose and insinuate that Dr W. had *mistaken*, or *misrepresented* to me, *seems* to have proceeded from his not knowing, for it happened that in my enquiry I did not mention, the time when I received from Dr W. that very interesting information; and from his rashly and erroneously supposing that I had received it only *that day*, (26th November,) or at soonest the evening of the preceding day, *after* the meeting of the Council.

But whatever may have been the cause of his anachronism, the effect of it is the same, and it is obvious. It makes it *absolutely impossible* to believe his account or explanation of that question, put to him by Dr W. at the meeting of the Council on the 5th of August, and communicated to me by Dr W. with strong emotion, I mean indignation, in the beginning of October. I cannot be mistaken as to the date of my receiving that information, of which I have the most distinct memory, of which I put down in writing a memorandum the very day that I received it, (6th October,) which was highly interesting to me, and according to which I in some measure regulated my conduct towards the College. I should certainly have demanded an explanation of the *admonition* about secrecy, in consequence of what I heard of it on the 8th of August, even though I had never heard of Dr W.'s strong question to Dr D., or though no such discourse had ever past between them. But it was the certain information which I had received of that discourse, that induced me to make the latter part of my queries so very strong. I understood by it, what I had more than suspected from the moment that I heard of the Admonition, that my brethren wished to impose on us all an unlimited obligation of secrecy, to convey, by implication and craft, a censure on my conduct, without ever enquiring into it, or citing me to answer for it, or hearing me in my own vindication, or allowing me to acknowledge any errors, and repair any wrongs, that I might have committed, and withal to keep me ignorant of that proceeding, till it

should be established as a permanent regulation of the College. If I had known of the *virtual decision* at that time, I should have thought that I had perfect certainty of all these surmises: if I had suspected it, or thought it possible, I should have consulted our records, and learned the whole truth of it; and my brethren should have received my Queries in a very different form, but not a more pleasing form, than that in which they were given in to the College. As matters stood, it was *impossible* for me not to connect the Admonition about secrecy, and the anxiety expressed by Dr D. to keep it secret from me, with his avowed plan of still subverting our act of 1754, by authorising our members to practise pharmacy privately, and furnish medicines to their own patients, provided they made no charge for them; and with his consulting some great lawyers, to know how he might best accomplish that favourite purpose; and also how he might take vengeance on me, for having divulged his secrets, and thwarted his plan on a former occasion. As I was resolved not to submit to such an infamous obligation as that of unlimited secrecy, extending even to things morally wrong and dishonourable, I thought it *my right* and *my duty* to obtain from the College a precise explanation of their own admonition, and to oblige them either to disavow that base purpose, or, by declining to disavow it, to shew beyond dispute that such was their intention. As I wished to know their real sentiments, not to be amused with such evasions of my queries as they might contrive, of which we have actually seen a good specimen, I thought it right and necessary to take them by surprise. This I hold to be perfectly fair *foxizing* against other foxes. They know pretty well what success has attended my *foxizing*;—that they have not disavowed that dishonourable purpose (of their Admonition) which I strongly suspected that they entertained; and that, in their attempt to evade my query on that point, they have come very near to avowing that such was their determined purpose.

As to the authenticity of the information, which, on the 6th of October, 1806, Dr W. gave me of his discourse with Dr D. in the beginning of August, at a meeting of the council,—which discourse Dr D. has now denied most peremptorily,—there could be no mistake, either on the part of Dr W. or on that of Dr D. One or other of them must have been lying. All the preceding and succeeding facts and circumstances, connected with that business, which I have yet heard of, and they are pretty numerous, tally perfectly with Dr W.'s story, and would fully confirm it, even if his general character for probity and veracity had been doubtful; which I am sure it is not. The conclusion is very unfavourable to Dr D.; who, at any rate, had been *in malâ fide* for a long time before: I mean from the first concoction of the *report* of the unlucky Committee for revising our laws.

But this is not all, nor the worst of it. By the courtesy, or charity, of mankind, he that offendeth in one point, especially with respect to veracity, is guilty of all. "What does a man get by telling lies?" said a curious enquirer to Aristotle: "Not to be believed when he speaks truth," replied the philosopher. On this principle, which, as a general rule, is undeniably just, all the circumstances of the case, including Dr D.'s unlucky anachronism, shewing plainly that his *negative assertion* (that no such question was ever put to him by Dr W.) is false, most men would be apt to place in the same category his *positive assertion*, that Dr W. did, on the 25th of November, put that question to another (nameless) member of the Council, and even to suppose, that this assertion was contrived by Dr D. to screen himself from some unpleasant animadversions. But these surmises *may be false* and *unjust*. I heartily wish them to be proved false; by the person to whom Dr W.'s question was put speaking out, declaring that such a question was put to him by Dr W., and avowing what he had said to Dr W., that gave occasion to such a question. I wish it

to be ascertained who that person was, who, at that time, expressed his desire that the proceedings of the Council should be concealed from me.—As matters stand at present, Dr D. might just as well have said, that Dr W.'s question was addressed to the man in the moon: perhaps better; for the man in the moon, as far as I know of his character and conduct, cannot speak for himself, which every member of the Council of this College can easily do.

9. My brethren may also enquire, whether Dr D. or I was guilty of a violation of truth, when he, in his last printed paper, boldly asserted, that I had publicly declared in the College, that "Dr Gregory considered the vote of the College as a reproof to Dr Spens, BECAUSE, as he publicly said in the College, he imagined the purest "motives might mean the pure love of gain," (p. 113;)—it being certain that I never said, nor ever thought, any such thing; that the sentiment and declaration imputed to me, is not only quite different from what I thought and said, but is in itself false, and almost absurd, approaching very nearly to nonsense; it being certain also, that every member of the College, who was present at the extraordinary meeting of it, (on the 24th of November, 1807, if I remember right) when some curious questions in morals were agitated in our College, must have heard what I said on that subject, and that none of them who heard me *could* have misunderstood me so grossly. I said, and I say still, that I believed the only motive that the Committee had for acting as they did with respect to our act of 1754, was their desire to promote their own pecuniary interest, and perhaps also that of the College as a body,—in short, the pure love of money; and that I thought this motive a very good one, for which nobody can be blamed: I said also, that I thought the declaration of the College, that the Committee had acted from the purest motives, was a gentle censure on them, because acknowledging the goodness of a person's motives, considered apart from his actual conduct, is generally (or as

I believe always) done, as an excuse for his action not being what it ought to have been.—My sentiments on those points, and the reasons of them, having been fully stated already, (page 153. to 175.) I need not repeat them here: But I must remind my brethren, that, in page 114, I took notice of that shameful misrepresentation of my words and of my meaning by Dr D., and that I expressed my confidence, that some of them, for all of them must have known the truth, would take the trouble to set him right. Very near four months have now elapsed since they saw in my printed pages, that I made that appeal to their candour and veracity. Yet, to this hour, I have not heard of any disavowal of that falsehood by my brethren collectively, or of any retracting of it by Dr D. I am therefore reluctantly obliged to think it still *possible* that he means to persist in his assertion, and that some reasonable number of my brethren are prepared, with faces ready brazed, to back him, and to vouch for what he has asserted, and what, if true, would go far to prove me an ideot. But they are heartily welcome to try the experiment. If nine of them should come forward, with safe consciences, and swear that they heard me assert that absurdity which Dr D. has boldly, with a kind of appeal to them implied in the word *publicly*, imputed to me, it would avail them nothing. They would find the internal moral evidence irrefragably strong against them. They might just as well, and with as great a chance of being believed, declare upon oath that they heard me seriously maintain that a part was greater than the whole, and that two contradictory propositions might be true.

10. Next, my brethren, if they please, may enquire whether they or I were guilty of a violation of truth, when, on the 5th of February 1805, they declared, that Dr Spens and his Committee had acted in the most honourable manner;—it being certain, according to the commonly received notions of what is honourable in human conduct, that such proceedings as theirs, with respect to subverting and falsi-

fying our act of 1754;—namely, attempting to absolve themselves from an important obligation, which was the indispensable preliminary condition of their admission into this College and their continuance in it, just like evading in any other way, or openly violating any other obligation or duty, more especially when such absolving or evading is attempted by artifice and falsehood, and sowing discord among brethren, are thought the very reverse of honourable.

11. And lastly, my brethren may enquire, whether nine of them, or I, were guilty of persisting in an old, and engaging in a new violation of truth, when, on the 24th of November 1807, they deliberately declared their adherence to their former vote, (of 5th February 1805,) and their regret that I should think myself brought into the dilemma, so strongly stated towards the conclusion of my letter, at the same time declining to answer my plain questions, and to explain their own vote, so that I might know wherein they thought my error or my fault consisted, particularly whether they differed from me with respect to those principles of moral conduct, which I had occasion to assert very strongly, and according to which I had acted towards them on a very interesting occasion, or whether they admitted my principles in morals, but accused me of deliberate falsehood, in what I had stated of their proceedings, with precise references to the most authentic documents, well known to themselves, in proof of every thing which I asserted as a matter of fact, always urging to them my offer to acknowledge the errors and repair the wrongs which they might think I had committed, as soon as they should be pointed out to me;—it being certain, that such conduct as theirs to me, in those respects, is almost, or quite unexampled, but that any proceedings of the same kind, though infinitely less bad in degree, are generally reprobated as falsehood and chicane;—it being certain also, and even self-evident, that what I suggested to them towards the conclusion of my letter, was no dilemma, but a simple syllogism, not

in the least embarrassing to me, who was perfectly certain of the justness of the general principles, and the truth of the particular facts which I had asserted, and was ready to prove, and to answer for;—it being certain also, and self-evident, that my brethren were, at that time, and must have felt themselves, in a most painfully embarrassing situation, or what is commonly called a sad scrape, the nature of which, and the impossibility of ever getting out of it, if they had not known these things before, must have been made very plain to them by my syllogism, which they mistook, or affected to mistake, for a dilemma:—it being certain, and by that syllogism made obvious to themselves, that they could not deny the principles of morals which I had asserted, without being *ipso facto* convicted of falsehood and absurdity; that they could not deny the particular facts which I had stated with precise references to the most authentic documents, without being instantly convicted of deliberate falsehood; and that, if they admitted both the general principles in morals which I had asserted, and also the particular facts which I had stated, it would follow necessarily that their own vote, to which they declared their adherence, was false, and that in their proceedings they had been guilty not only of falsehood, but of knavery, including the most gross injustice to me, whom, without evidence, and contrary to the clearest evidence, without hearing me, or citing me, or informing me of what they were doing, or even giving me an opportunity either to vindicate what I thought right, or to acknowledge and rectify what might be found wrong in my conduct, as I had always offered to do, they had *virtually* condemned to infamy as the author of a false and scandalous libel on my own brethren.

What I have thus stated is certainly the worst part of the sad scrape into which my brethren have got; and it is evidently quite hopeless: but there is another part of it, also very bad, and equally hopeless; but less important than the former. I mean their ill-judged, and not

very honourable attempt, by means of the admonition often mentioned already, to impose on us all an unlimited obligation of secrecy; and their still more injudicious perseverance in that attempt, by endeavouring to evade, instead of fairly and explicitly answering my Queries, and disavowing that too general meaning, the shameful impropriety of which must have been obvious to themselves from the first, still more when their attention was strongly called to it afterwards, by my Queries, by the Protest which they heard me read and did not relish, and by what they had heard of a much more serious protest against their Admonition, which I had prepared, which they were unwilling and afraid to hear me read, or to allow to be recorded in their minute-book; and which accordingly I have printed for their edification. That long-dreaded Protest, which they had actually taken the advice of counsel to know how they might prevent me from reading, I presume was not the less formidable to them, when they knew, as they did from my letter of November 2, 1807, to the President, (see page 88. of that series,) that it had been so cautiously written, that when it was revised by an eminent lawyer, there was but one expression, and this a very trifling one, to which he objected as in any degree improper, and that it had been immediately altered to his satisfaction. They could, therefore, have no hopes of being able to catch at any improper expression of mine, and to stop my mouth by taking down my words, and founding on them some *proceedings*, according to the advice which they had received from their great lawyers Mr Matthew Ross and Mr Francis Jeffrey.

Having in that long Protest given them, very explicitly, my reasons for thinking an unlimited obligation of secrecy in our College morally wrong, and disgraceful, and illegal, and not even enforceable by law, I will not again enter on that discussion, further than to give them one short but comprehensive illustration of my opinion, which ought to have made a part of that Protest.

An admonition, or a law about secrecy, may very innocently, and not dishonourably, because not intentionally, be expressed in such terms as would make the obligation of secrecy absolutely unlimited, extending to things morally wrong and dishonourable, done deliberately: but when the impropriety and too general meaning of the obligation is pointed out, and made a subject of enquiry, or formal protest, to persist in enforcing it in that improper meaning, instead of rescinding, correcting, explaining, and properly limiting it, becomes just as wrong and dishonourable as it would be expressly to enact a law imposing the obligation of secrecy with respect to all impieties, treasons, felonies, frauds, falsehoods, and misdemeanours, that may be done or proposed: for all this is manifestly implied in an unlimited obligation of secrecy.

As to the limit, or no limit, of the obligation of secrecy in our College, which my brethren, in the 5th paragraph of their answers, or no answers to my queries, have been graciously pleased to admit, namely, that it extends and applies to all proceedings in the College, except only such as the College have determined to make public, and for this purpose direct to be announced in the newspapers, or to be otherwise made known, I have only to add, to what I have stated about it in my Protest (page 41,) that my questions and my objections are equally strong against trusting a majority of us with an obligation of secrecy so nearly unlimited, or limited only by a nugatory condition. *Diffidentia tempestiva parit securitatem*, is an old and wise maxim, of daily application and use; and never better illustrated than in a little anecdote, which I shall state for the edification of my brethren. An honourable gentleman was much captivated with the charms of a very beautiful modest girl, whom he chanced to meet with. The girl being his inferior in rank and fortune, he endeavoured, of course, in the most honourable manner, to seduce her; but found her virtue quite impregnable. His passion growing

stronger, or his reason weaker, he, at last, in a fit of desperation, fairly married her; regardless of his grandmamma's advice—to beware of marriage. As soon as his marriage was duly solemnized and consummated, "Now, my dear," said the happy bridegroom, "would "it not have been better to let me do this, without all those foolish "ceremonies?"—"Ah, no," replied his gentle bride, "I was cheated "that way once before." Though such *foxizing* against other foxes has been very common in all ages and nations, some extraordinary fool, whose name I have forgotten, not being able to understand it, consulted a famous wizard about it, and received from him the memorable answer, worthy of the Delphic oracle in its very best times:

> The swain *may* be true, in whom none will confide,
> And the maid *may* be chaste, who has never been tried.

In these deplorable circumstances, to which by their own perseverance in wrong-doing, my brethren were reduced, it was their right, nay, more, it was their duty, not only to accuse, but to convict me of falsehood, if they could, in every thing, or in any thing unfavourable to them which I had asserted. But there were some sad difficulties awaiting them in the discharge of that important duty. To convict me of falsehood in those matters was *impossible*, as they all knew perfectly. The evidence of what I had asserted was before them, and was complete and irrefragable. To accuse me of falsehood in those matters, when they could not prove their accusation, and when, on the contrary, they would have given me an opportunity, and even obliged me to enter anew on the sad discussion, and to make all that I had said of them more severe, and more generally known, would have been imprudent and unavailing. They could not fail to think of the common and strong *argumentum pistolinum*, which combines the force of the axiom, the syllogism, the

dilemma, and the demonstration, and accordingly is very generally used by the most honourable logicians, who understand no other argument, and find themselves in some kind of scrapes. It is well known, that it is not the violations of truth which they commit, but those which they are told that they committed, or, as a great philosopher has expressed it, not the lie that goes from them, but the lie that goes to them, that hurts the honour of men of honour.

Hi motus animorum, atque hæc certamina tanta
Pulveris exigui jactu compressa quiescunt.

I am sure my amiable partner *Mr Trotter*, must have expected at least three black jobs (the best of all jobs) in consequence of my Censorian Letter, and would have been eager, from the purest motives, and in the most honourable manner, to furnish some of my brethren with the finest shrouds and the handsomest coffins in his shop, nay, each of them with a coach and six, if they chose to go in state to Pluto's drawing-room. But though I heartily wish him well, and am sensible that a bird in the hand is worth two in the bush, I wish my honourable brethren much better. I wish them long to flourish, to bear their blushing honours thick upon them, and never let them perish in their hands, but piously transmit them to their children. I trust my worthy partner will lose nothing by that; and that they shall furnish him with many a black job, before they become such a job to him themselves. I hope they may even live to do good service, in that way, to his son: for my worthy partner has somehow contrived to beget a chopping young Death, who, I hope, will live and do well, *pacatumque reget patriis virtutibus orbem*, in due time. But even the best and most honourable logicians find it difficult and unavailing in some cases, to employ the *argumentum pistolinum*. As, for example, an honourable gentleman, who

took pepper in the nose, on hearing that one of his acquaintance had said that he stunk. He immediately defied the offender to answer for his assertion, by the *argumentum pistolinum*. "Very well," said the other; "but observe, if you kill me, you will not stink less; and if I "kill you, you will stink a great deal more." In such circumstances, surely, every good logician would be content to stink as usual, rather than run the risk of being made to stink much more, without the smallest chance of being made to stink less than he used to do.

But *miserrimum est timere, cum speres nihil*:—over shoes, over boots, &c. In the deplorable circumstances in which my brethren were placed, it was honourable and necessary to do something, if not to vindicate themselves, at least to take vengeance on me, to stop my mouth, to prevent me from reading my Protest, and to save them from the mortification of being obliged either to answer or to refuse to answer my questions, and to explain their own virtual decision.

Its proper power to hurt each creature feels,
Bulls aim their horns, and asses lift their heels:
'Tis a bear's talent not to kick but hug;
And no man wonders he's not stung by pug.
Slander or daggers dread from Delia's rage,
Hard words or hanging, if your judge be Page;
From furious Sappho scarce a milder fate,
Poxed by her love, or libelled by her hate.

Nor shall weak truth your reputation save,
The knaves will all combine to call you knave:
Wronged shall he live, insulted o'er, opprest,
Who dares be less a villain than the rest.

I can scarce believe, though I heard some strong hints of that kind, that my brethren, by the string of resolutions which they have proposed against me, expected, or even intended in any measure to

vindicate themselves. If such was their purpose in them, their attempt was not only impotent, but absurd and preposterous: and their situation, very like that of an honourable gentleman, whose friend calling on him one morning, and observing that he looked uncommonly dismal, of course asked him, "How go your affairs with "the ladies?"—"Very ill indeed," said the wight of the sorrowful countenance, "I can neither do it, nor let it alone."

That is truly a hard case, though a common one: and the more vexatious that every attempt to do it affords additional, and of itself convincing proof, that the luckless person cannot do what he wishes to do.

If Dr Hope's string of resolutions, which he proposed to the College, was intended to preclude, on my part, all further discussion of the proceedings of the Committee of 1804, and of the College in relation to them, including of course the virtual decision, which I am convinced was his wish and that of all his friends, the attempt was equally absurd and preposterous. It could not fail to have just the opposite effect. He and all his friends, if they had not been totally blinded by the most rancorous passion, must have seen, that such an infamous accusation made it not only my right but my duty to vindicate myself completely, and, for this good purpose, to tell anew the whole story, and to state, and illustrate as fully as I should think fit, every fact and circumstance which tended to prove my *bona fides* and their *mala fides* in the whole business, from first to last. If they did not clearly perceive this *a priore*, as they might easily have done, I may fairly presume, that the preceding 489 pages will give them some notion of it, and also of the sad scrape they have got into in another respect.

They have shewn a most eager desire to convict me of falsehood: they profess to think that I have been guilty of many gross falsehoods, highly injurious to them and to the Royal College: yet they

make no attempt to convict me of any of *those* falsehoods; but wish to convict me of a pretended falsehood, which, from the many strong circumstances of the case, it is evidently incredible, and almost impossible, that I should have committed, or even have thought of; but which, at any rate, supposing it possible, nay certain that I had been guilty of it, would have been no injury to them. On the contrary, supposing their assertion of my falsehood to be true, that is, supposing me to have received that full information of all their proceedings, especially of their virtual decision on the 5th of February 1805, which information I solemnly declare, and my uniform conduct in relation to it amply shews, that I never did receive, it would be evident that I had been doing them the greatest favour, and myself the greatest injury, in my power, by allowing their proceedings to pass unnoticed for a year and nine months, when it was in my power to vindicate myself from the foul injustice of their *virtual decision*, by shewing that the declaration in which they had expressed it, was contrary to truth, and contrary to the clearest evidence, perfectly well known to themselves. Such acquiescence on my part, if *per fas aut nefas* they could contrive to make it be believed, implying of course that my declaration that I did not know of their *virtual decision* was false, would tend very plainly to make me be regarded as a pusillanimous ideot, who had neither sense nor spirit enough to vindicate himself from the most foul injustice, when it was in his power to do so; but would not tend in the least to vindicate those proceedings of theirs, which I had reprehended, or to invalidate the complete evidence against them which I had produced.

The only other purpose, which I can conceive the accusation preferred against me to have been intended to serve, is to gratify the pure vindictive malevolence of some of my very angry brethren, who finding it in vain to attempt to clear themselves, wish to blacken me. *Est quoddam prodire tenus si non detur ultra.* The attempt itself,

and the means employed to accomplish it, are most admirable. I do not know whether Mr Humphrey Hocus has been consulted, or whether there was any occasion to consult him, on the occasion; but I say with confidence, that Mr Hocus would with pleasure give his ears, if he had any, to be the author of such a plan. The honour of it would have been too much for any individual; and very few, if any, individuals would have chosen to stake their own credit, their fame and fortune, on the truth of their assertions, the validity of their reasonings, the justness of the sentiments, and the completeness of the evidence which they produced in support of their charge, as I did, in 1805, in my reprehension of the proceedings of the Committee appointed to revise our laws. The Royal College of Physicians was to be the screen, *et decus et tutamen:* and a surer screen could not be wished, if it should choose, as it had done on some former occasions to make a vote supersede all evidence. A vote is always in the power of the majority of any society, if they shall choose to act as judges and witnesses in their own cause; and on the present occasion, a great majority of the College are as much parties, in almost all the preceding transactions, as the person who made, and the person who seconded, the motion before them. To acquit me is to condemn themselves of falsehood and injustice, in a long train of their most deliberate proceedings. To agree to the motion before them is just, in other words, to declare that they had not, on a former occasion, done me the foul injustice, against which I have so strongly remonstrated; to reject the proposed motion would be equivalent to declaring, that on a former occasion, by a *virtual decision*, without evidence, and contrary to evidence, they had condemned me to infamy as the author of a false and scandalous libel on my own brethren, unheard, uncited, not allowed either to vindicate myself, or to acknowledge any errors and repair any wrongs, if I had committed any, and absolutely ignorant of what they intended, and had deliber-

ately done against me. I should like to see the individual who had power of face enough, in such circumstances, to act as judge, and witness, and finally pronounce such a decision in his own cause. There is, I believe, in human nature, for I have read of it somewhere,

> ————that coward spleen,
> Which fears not guilt, but always seeks a screen.

It is for the Royal College to judge whether it will be such a screen on the present occasion.

The general principle which my brethren seem to have had in view in their most honourable attempt to take exemplary vengeance on me, appears to great advantage in their proceedings, but I can hardly give them the credit of having originally contrived it. I do not think it is quite new; and I shrewdly suspect they have taken the hint from a story that is told of a Quaker who was grievously annoyed by a dog that barked at him.—" Dog," said the Quaker, " I will " not kill thee, nor yet will I strike thee, but I will give thee a bad " name;" and immediately began to bawl out—" A mad dog, a " mad dog:" the consequence of which was, that the poor cur was dispatched before he could say Jack Robinson.

If the sentiments, intentions, and wishes of my brethren with respect to me, were to be as plainly expressed in words, I presume they would run thus,—" Dog, we will not kill you, lest we be hanged for " it; we will not strike you, lest you kill us; we will not attempt to " vindicate ourselves, lest we make bad worse; we will not attempt " to reason with you, lest we catch a Tartar,—but we will give you " a bad name, Dog, and a vote for it."

Of their most hearty good will to give me a bad name, and of their admirable talent for voting, I can have no doubt; having had ample experience of both: but on the present occasion they shall soon be

convinced that their own probity and veracity are in question, much more than mine; and that the question must be decided, not by their votes, but by just evidence, and by the common sense of mankind.

JAMES GREGORY.

St Andrew's Square,
Monday, 1*st Aug.* 1808.

THE END.

Edinburgh:
Printed by James Ballantyne & Co.

12.10.1988