

Letter to the Lord Provost, as chairman of the Court of contributors to the Royal Infirmary of Edinburgh, in regard to the proceedings at their last meeting on Monday the 7th January 1822. [And Letter to the... managers occasioned by an extraordinary resolution they have lately entered into] / [Robert Liston].

Contributors

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LETTER

TO THE

RIGHT HON. THE LORD PROVOST,

AS CHAIRMAN

OF THE

COURT OF CONTRIBUTORS

TO THE

Royal Infirmary of Edinburgh,

IN REGARD TO THE

PROCEEDINGS AT THEIR LAST MEETING ON MONDAY

THE 7TH JANUARY 1822.

By ROBERT LISTON, SURGEON.

“ At my first answer no man stood with me, but all men forsook me.”

EDINBURGH:

PRINTED FOR

JOHN ROBERTSON, 132. HIGH STREET.

1822.

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TO THE

RIGHT HON. THE LORD PROVOST.

AS CHAIRMAN

OF THE

COURT OF CONTRIBUTORS

TO THE

Edinburgh Association of Companies.

IN REGARD TO THE

PROCEEDINGS AT THEIR LAST MEETING ON MONDAY

THE 7TH JANUARY 1832.

By ROBERT LISTON, Surgeon.

"As my first answer no man stood with me, but all men for
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EDINBURGH:

PRINTED FOR

JOHN ROBERTSON, 121 HIGH STREET.

1832.

LETTER, &c.

MY LORD PROVOST,

YOUR Lordship will not be surprised that I take an early opportunity of addressing you, as Chairman of the Court of Contributors to the Royal Infirmary. The severe attacks which were made upon me in the Meeting of Monday the 7th curt., and the publicity which has been given to them, impose upon me the necessity of doing something in my own defence. I should have made the attempt personally in the Court ; but the vituperation of a Learned and Right Honourable Manager, — the statement of the Surgeons, which I aver to be full of misrepresentation, — and the eloquent declamations of a Learned Gentleman, who espoused the cause of the Surgeons

with more than professional warmth, had so poisoned the minds of the Court, that they would not, I perceived, hear a word from any one in my favour. The state of my own feelings, too, was such at the time, as to satisfy me that there was risk in attempting to reply to the unwarranted abuse, I must be allowed to call it, which had been bestowed on me. However this may be, I entertain no doubt the public will, in the end, come to think that matters have been precipitated, and that a strange indifference has been shewn to the great interests of the Hospital.

Young and inexperienced as I am called, it is not wonderful, perhaps, that the result of that day's proceedings should have been by me altogether unexpected. I supposed that such grave matters as I had been obliged, in my own defence, to bring against the Surgical Practice in that Institution, would at least have been investigated. It had, indeed, been frequently told me, that the Surgeons were using every exertion to have inquiry *quashed*: but the success of such an attempt I conceived to be altogether impossible; nor could I conceive that the friends of these gentlemen would advise them to submit to such a covering. Permit me to say, that the VOTE OF THANKS, by which they are so honourably covered, will probably appear

to the world premature ; at least, it would have been more valuable had the allegations been previously investigated and repelled.

With the exception, my Lord, of the abuse which was so liberally poured upon me by the Right Hon. Judge and by the Learned Counsel who spoke that day, I have no personal cause to be dissatisfied with the issue. The accusation against me of enticing patients to leave the Hospital has been altogether abandoned ; and on that subject I am entitled to say to the world that I AM UNIMPEACHABLE. I have therefore gained in this respect the redress which I sought ; not, indeed, by obtaining inquiry, but by forcing my enemies to a silence, which confesses that there never was any ground for that charge. Of the full value of this confession your Lordship will be better enabled to judge, when I inform you, that no exertions have been spared by the Surgeons to find out, by examinations of the servants of the House, something which might enable them to bring forward and substantiate the accusation.

And here, let me remind your Lordship of what entirely escaped the Right Hon. Judge and Learned Counsel in their indignation at my presumption in accusing such men, that *I am not the original aggressor* in this matter ; that I was accused of dishonourable conduct ; that I

was called on to account for the patients leaving the Hospital, and for their applying to me ; that in doing so I was obliged to state to the Managers circumstances which, I humbly conceived, they were bound to investigate, not merely for my vindication, but as the guardians of the suffering poor ; that from the Managers I met with nothing but what seemed studied neglect ; and that no other course was left me but what I took. The responsibility, therefore, of bringing the matter before the public rests not with me. Had the Managers examined into the evils alleged to exist in that Institution, of which the care is committed to them, they might have remedied the evils if found, or have effectually exposed my presumption, in accusing men so much my seniors and superiors, and the public accusations which have been so much stigmatised would have been avoided. It was after suffering long in my character, and after deliberate consultation with three of the most eminent Counsel at the Scottish bar, that I took that step which has been called RASH and INCONSIDERATE by one of their brethren.

Before I enter upon a more particular consideration of the invectives and arguments of the Right Hon. Judge and Learned Counsel, I will beg your Lordship's patience, while I notice

the work of an anonymous libeller, entitled, *HINTS* submitted to the COURT OF CONTRIBUTORS, &c. The object of that pamphlet is, by insinuations, to lead the public to believe that I was really guilty of the dishonourable conduct imputed to me. The performance is indeed very contemptible ; but as it contains some statements, or rather insinuations, which might be believed by some persons if not contradicted, it might be improper altogether to overlook it.

Here, my Lord, I may be permitted to remark the difference between my attack on the Surgeons, which has called forth so much indignant eloquence, and that made on me by my enemies, whoever they are, and which was, indeed, the real and prime aggression. I have come forward, presumptuously it is said, but openly at least, and in my own name, offering proof of my assertions, and calling for investigation. My enemies, backed by great names, supported by the united strength of Whig and Tory, shrink from their charge, conceal themselves in the confidential silence of the Managers, and renew, *by insinuation*, the charges which they have not the courage either to avow, or offer to prove.

The anonymous giver of *HINTS* says, “ The questions will still recur, when, where, and by

what means did Mr Liston first acquire that professional reputation which has of late attracted to him so many patients out of the Infirmary? Was it the rash, unadvised, and unsuccessful operation which he performed upon the boy, with a tumour on his shoulder, from Kinross, who had been dismissed, as an improper subject for operation, from the Infirmary, and which he had the assurance to publish in Dr Duncan's Medical and Surgical Journal as a cure?"

In answer, I say, that it was, I believe, this very operation which the giver of HINTS has so characterised, which first attracted the notice of the patients to me, and which was, indeed, the beginning of any reputation I may have as an operator, beyond the circle of this city, in our own country, or abroad.

This tumour, it is well known, was a very remarkable one, and proved, indeed, according to Mr Russell's expression, altogether *unique*. It was fixed to the shoulder-blade, and plainly could not be removed without removing a great part of that bone, a thing at that time unexampled. It was plain, from the excruciating pain, and from the rapid growth of the tumour, that it would, unless removed, quickly *prove fatal*. But who would venture on such an operation? The Surgeons of the Royal Infirmary determined that it was not to be attempted. Here it is

not meant to convey the slightest censure on the Surgeons. I fully allow that this determination was warranted ; for, as Mr Russell afterwards justly said in his Lecture, it was such an operation as no body of consulting surgeons ought to impose on one of their number, unless he should volunteer.

In these circumstances, the boy being dismissed, was accidentally seen by Mr Walker, who sent him to me. It was after mature consultation that, finding the disease confined to the shoulder-blade, that bone freely moveable on the ribs, the vessels and nerves in the axilla wholly unconnected with the disease, that I conceived the resolution of removing the tumour with part of the shoulder-blade. There is this difference, my Lord, between *boldness* and *rashness* in surgery, that the latter is the product of ignorance, and if it ever succeeds, succeeds only by chance ; while boldness is that just confidence, which the knowledge of what will be required at once gives and justifies. I had some experience also of the steadiness of my own nerves, and had confidence that they would not fail me. Nor was this confidence misplaced. In the very unexpected circumstances of the operation, which it is unnecessary to detail here, I retained my self-possession, and brought the operation, of no common kind,

to a happy issue. The wound healed so kindly, and cicatrized so fast, that little doubt was entertained of the whole of the diseased bone having been removed, and that the boy's life was saved.

It was in these circumstances that the case was published, not as a *cure*, as falsely asserted, but with this observation, "Whatever may be the result, certainly no blame can attach, seeing that the case *has so far completely succeeded*." And I will venture to assert that there is not a surgeon in Europe, who would not have considered the case as so remarkable, as to deserve publication, whatever the result might be.

This operation was performed on the 16th November 1819, and every thing went on apparently towards the perfect healing of the sore till the 27th December, when the cicatrisation was nearly complete. On that day an unhealthy appearance was, for the first time, noticed by Mr Grey, surgeon in Kinross, under whose care he then was. The remaining part of the bone had become diseased. The boy was again brought to town. I called in Mr Russell, and proposed to him, as the only chance of saving his life, the removal of the diseased bone and arm. But neither that gentleman, nor many other medical men whom I consulted (Mr Allan, Dr Barclay, Dr Sanders, Dr Kellie, &c.) would join

with me in opinion that such an operation would succeed. I was therefore obliged to abandon the poor boy to his fate. Here I will quote the beginning of a letter I received from Mr Grey after the boy's death: "My dear Sir, With this you will receive the diseased portion of poor M'Nair's shoulder. His mother, I am happy to say, through persuasion, most readily consented to its being carried away. The sac, which was entire at the time of his death, had burst before the body was inspected, and, I dare say, it contained nearly a Scotch pint of blood and lymph. We performed, in its removal, precisely the operation which you proposed, to save the unfortunate young lad; and I *now regret that it was not done* when he was last under your care. The disease, you will perceive, had no connexion with any of the vital organs."

This letter is unfortunately dated only Monday morning; but as another letter from Mr Grey, dated 28th February 1820, mentions the boy as then alive, but very much emaciated, and that his appetite was falling off considerably, I conclude that the period of his death was about the beginning or middle of March*. The unfortunate turn which the case took was not concealed, as I dare say the anonymous wri-

* I learn from Mr Abernethy that the boy died in the month of April.

ter of Hints knew very well. It was published in the next succeeding number of Dr Duncan's Journal.

I beg leave to add the following letter from a relation of the family, Mr A. Abernethy, printer, as conveying the sentiments of the young man's relations on the case :

“ DEAR SIR, *Edin. Jan. 5. 1822.*

“ Observing in the ANONYMOUS HINTS to the Court of Contributors to the Royal Infirmary, an allusion to the case of M'Nair from Kinross, in which it is insinuated that the young man's death was a consequence of your rashly operating, I beg leave to assure you, as a relation of the family, that such an idea was never for a moment entertained by his relations, and I am absolutely certain the medical gentlemen in the country never expressed such an opinion.

“ From the young man having shortly before lost his father, and being likely to be of much use in a young and indigent family, I felt a particular interest in his fate ; and as one consulted on the occasion, I certainly approved of *immediate operation*, as affording the only chance of prolonging life. In this opinion the young man himself, his mother, uncle, and other relations on the spot at the time entirely concurred ; and had it not been from the seeds of disease previously lurking in his frame, I have no doubt

he would this day have been a living testimony to the utility of your practice.

“ His sister and uncle are both in town, and entirely concur in what is above stated ; and as I have the best access to know the extent of your attention and humanity in the case, I give you full liberty to produce this at the meeting on Monday, or to make what other use of it you think proper. I remain, &c.

“ A. ABERNETHY.”

“ *Robert Liston, Esq. Surgeon.*”

Your Lordship may have heard it observed, as an instance of the wisdom of Providence, that malicious people are generally endowed with such a portion of folly, as serves to render their malice less extensively pernicious. The observation is happily illustrated in the present case.

The next case that came to me from the Hospital, was that of Gibson with axillary aneurism ; directed to me, it is very natural to believe, in a case of great difficulty, by the successful operation on M'Nair. After my complete success in this latter case, the only one which has succeeded in Britain, and one of the only three successful operations of the same kind in the world, it is not perhaps very wonderful, that the patients of the Royal Infirmary should

seek my aid, when they may not have received all the benefit they expected in the House. Nor does there seem any very violent necessity for having recourse to the supposition, that I have used undue means to bring it about.

The anonymous writer says, "Mr Liston will be able to inform the Court of Contributors, how long the patient Arthur, whom he says he has cured, after his having been fourteen months without benefit in the Hospital, has been in his employ. Can it be unknown to Mr Liston that this man has been in the habit of visiting the surgical wards of the Infirmary,—of conversing with the patients there,—of informing them of the great cure that had been effected by Mr Liston upon himself, and of advising them to apply to Mr Liston, as he was the *cleverest Doctor in Edinburgh?*"

The insinuation here meant to be conveyed, is that I have taken Arthur into my employment on purpose, and have desired him to make the visits in question. I make no doubt that the visits paid by those, who have received benefit from me, to the Infirmary, and the conversations they may have had with the patients there, may be one of the circumstances that have directed so many of them to me. But, assuredly, I never had the meanness to ask or advise any of them to do so. Had the Managers chosen to examine the per-

sons I offered to produce, this might have been one of the questions put to them, and no doubt would have freed me from such low suspicion. As it is, I have only my own word to give, which yet I hope may be considered by the public as of equal weight with the insinuations and inuendos of my concealed accusers. With regard to Arthur, the simple fact of his being in my employment is this : About the middle of October last, being dissatisfied with the servant at the Class-room, and believing that Arthur was in the country in a great measure out of employment, it occurred to me to make trial of him as class door-keeper, in which capacity he now acts for Dr Sanders, Dr Thatcher, Mr Syme, and myself. As he is on the spot, the Surgeons and Apothecaries of the Hospital may easily have an opportunity of learning from himself what directions I may have given him respecting his visiting the House. I only hope, that the threat made by one of the Surgeons, of turning the poor nurse out of the House, because she persisted in saying that Arthur was dismissed as incurable, will not be carried into execution.

The writer asks, " Can he have already forgotten the rounds which he has so frequently taken of the surgical wards, in company with this relation (Mr Syme,) the examinations they have made together of the surgical pa-

tients, the bleedings and the probings of some of these patients, and the conversations he held with them at these periods?"—In another place he says, "A claim to go into the Infirmary at any other hours but those at which it is visited by the medical officers of the Institution was never made by any other surgeon; and we trust that for the reputation of the Infirmary, and the safety of the patients there, it will never be granted to Mr Liston."

Since I resigned my office of Clerk in the Infirmary, I have on three occasions, and no more, as far as I recollect, seen patients in the House at other hours than the ordinary hour of visit, and I shall relate what passed on these occasions.

The first was the case of Gibson with axillary aneurism. I saw him about two o'clock in the afternoon, (having been prevented from getting to the House at the time of the visit,) in the presence of Mr Cruickshank, Apothecary's assistant, and of the nurse. What passed was to this effect: After I had seen the tumour, Gibson complained to me of the painful examinations to which he was subjected, that he was getting rapidly worse, and that nothing was done for his relief. My answer was I believe in these very words: "You must have patience; they will do the best for you." It is a fortunate circum-

stance, that Mr Cruickshank, the nurse, and Gibson, are all at hand to bear testimony to the truth of my statement.

The second instance of my seeing a patient was in the evening. The patient was Robert White, who at the time was lying comatose, in consequence of the attempt to cure the stricture while the stone in the bladder remained, keeping up the irritation. Mr Syme, on returning from his evening visit, found me in his room, and mentioned to me the dangerous state in which the man was lying, asked me to go to see him, and assist him with my advice. It is evident that no conversation could pass with this patient.

The third instance was also in the evening. Dr Grant, House-surgeon, finding me in Mr Syme's room, asked me to visit Henderson, a patient on whom the operation for popliteal aneurism had been performed. Secondary bleeding had come on for the third or fourth time. It was fortunate for me, perhaps, that the bleeding was found to have stopped when the dressings were removed. Had this not been the case, I should certainly have felt myself called on to tie the artery higher up, the only chance which the patient had for life.

In general, I solemnly declare, that I never went to the Hospital for the purpose of seeing

patients but at the regular hour of visit; nor did I ever probe, bleed, or in any other way interfere with any surgical patient. It is true that I frequently visited Mr Syme, while he was House-surgeon, in the evening, or at other times, as best suited his leisure and my own; as I also did while he had the charge of the Fever Hospital; but I never accompanied him in his evening visits except in the cases above mentioned. It is quite possible, that in the course of the seven months during which he was in the Royal Infirmary other cases may have occurred, the circumstances of which might induce Mr Syme to ask my advice, and justify me in giving it. But of such cases I have no recollection.

Mr Syme is my *fourth cousin*; and much stress has been laid on his relationship to me, both by the pamphleteer, and by the Right Hon. Judge, who calls him my *near relation*. It is quite customary for the friends and acquaintance of the Clerks in the Hospital to visit them. It was the duty of Mr Syme, and the other clerks, to act upon emergencies; and was both natural and proper in them to ask and take any advice and help in such cases, as might be within their reach.

The anonymous writer thinks, that it cannot "easily be credited, that Mr Liston should already, not only so far excel the six surgeons attending the Infirmary in every thing that re-

lates to the knowledge and exercise of his art, but that he should have so far outstripped all his other predecessors and cotemporaries in the path of honourable competition for professional reputation, as to be the *only* surgeon in Edinburgh to whom patients, leaving the Infirmary, apply for advice and assistance. Putting aside all the living practitioners of medicine, who are the present candidates for a share of the public favour in Edinburgh, we may be permitted to ask, Did the professional reputation so long enjoyed by your Monros, Cullens, Woods, Bells, or Gregorys, ever draw patients to them out of the Infirmary? You may be assured it never did," &c.

This is the same argument to prove that I *must* have inveigled the patients, which Mr Jardine and Dr Monro stated to me as having so much weight with the Managers, and which the Right Hon. Judge also noticed. It is, I imagine, sufficiently answered already. I shall here only farther shew, that the whole proceeds on a *gratis-dictum*, and, as frequently happens to that kind of argument, turns out to be altogether unfounded. I am *not* the *only* practitioner to whom Infirmary patients have applied, as will appear from the following instances: Mr Allan, in his System of Surgery, vol. i. p. 264.,

details a case of tumour in the back, which had been operated on in the Hospital at different times by Mr Russell and Mr Newbigging, and afterwards in private by that distinguished and enlightened surgeon, the late Mr John Bell, and also by Mr Allan. This case terminated fatally; but have these surgeons, on that account, been denominated, either in pamphlets or speeches, “rash, presumptuous, and ignorant?” In a late number of the Edinburgh Medical and Surgical Journal, Mr Lizars, Mr Allan’s partner, relates a case of *tic douloureux*. The patient came out of the Hospital, and afforded Mr Allan, “Surgeon to the Infirmary,” and Dr Grant, House-surgeon of that Institution, an opportunity of assisting that gentleman in dividing the “*nervus mandibulo-labialis* of the philosophical Soemering.” I have myself been present at operations both by Mr Newbigging and Mr Wishart on patients who had been in the Royal Infirmary but a few days before. And, that the Surgeons of the Hospital itself have no objection still to give the benefit of their private practice to those who have lost patience at the delays of the Hospital, from whatever cause these may proceed, appears from the following anecdote: On the 26th December last, Michael Young, who, according to his own account, had been nine weeks in the Hos-

pital, with a large indurated testicle, the disease of fourteen or sixteen months' duration, left the House and applied to me. He states, as his reason for leaving the Hospital, the loss of his health under the delay ; that when he expressed his purpose to leave it, Mr Newbigging *offered to attend him in private*, and perform the operation necessary for his relief ; but this also he unaccountably declined.

The pamphleteer asks, " Can Mr Liston be ignorant, that the patient White, whom he lately cut for the stone, and who is said to have been sent home cured in fourteen days !!! went out of the Infirmary upon a pass, which had been refused to him by the Surgeons, but which had been granted to him by a relation of Mr Liston's, who, during the last ten or twelve months, appears to have acted in the double capacity of surgeon's clerk to Mr Newbigging, and of assistant to Mr Liston, in the operations he has performed upon the patients who have left the Hospital ?"

I shall reserve what I have to say in relation to the pass, till I come to answer the observations of the Right Hon. Judge. In the mean time, it is proper to state, that Mr Syme has been in the constant habit of assisting me in all my operations during the last five years. If there was any impropriety in his assisting me on the

occasion referred to, it was shared by every clerk belonging to the House, and by several of the dressers, for they also were present. The Right Hon. Judge charged me with presumption and rashness, on account of my short standing as a surgeon; and he drew a parallel from his own profession. "If," said his Lordship, "a young member of the bar, walking in the Parliament-House, were to produce a list of twelve cases, in which Mr Moncrieff and Mr Clerk were engaged on the one side, and Mr Jeffrey and Mr Cockburn on the other, and say that they were picking the pockets of their clients, and that he could have pled every one of them better himself, I should say that he was a conceited, a presumptuous, and an overweening coxcomb." But his Lordship has hardly run the parallel very fairly. To make the cases similar, we must suppose a complaint made by the senior counsel to the Court where his Lordship presides, to this effect: "That, after they had carried on causes for a length of time, their clients had, in many instances, deserted them, and had intrusted their causes to a certain young lawyer; that it was manifest from this fact, without other proof, that this arose from the young man's taking undue means to misrepresent to such clients the practice of the senior counsel, and persuade them of his own

superior ability." We must suppose the Bench of Judges indignant at the unworthy conduct of the young lawyer, talk of expelling him the house, &c., and, finally, a deputation of the court appointed, or self-elected, to converse with the stripling, and shew him the danger of his proceedings, and threatening him with the whole weight of the displeasure of the Judges, if he should not decline in future to take such causes in hand. Then we may suppose the young man to say, "My Lords, I never used undue means, as you accuse me of. Examine all my clients, and they will vindicate my character. But I can account very naturally for the seemingly unaccountable circumstances. My seniors have not been very successful of late in their pleadings; and a humoursome fellow of a client, dissatisfied with the interminable and unprofitable litigation into which he had been led, took it into his head to employ me. It so happened that I saw the error of their former proceedings, pleaded and gained his cause. One or two similar cases followed. The evil of which the elder counsel complain has increased, and is increasing. They are coming to me almost daily. I shall mention a few cases of my success after my seniors have failed, which will account for their clients coming to me." Now, my Lord, I submit to your Lordship, whether such an an-

swer, in such circumstances, would justify the Right Honourable Judge in calling this young lawyer "a conceited, a presumptuous, and an overweening coxcomb?"

The Right Honourable Judge justified the Managers in making no investigation into the charge against me, by asserting that there was no accusation before them. It is one of the most cruel parts of this business, that my enemies seem to have had the power of influencing the minds of the Managers against me, and of inducing them, or some of them at least, to act towards me on the ground that there was an accusation, and yet, in a *hocus-pocus* way, if his Lordship will allow me to borrow one of his expressions, disappear when the supposed charge is offered to be repelled. First, Mr Jardine tells me that, on account of this accusation, the Managers were on the point of *putting an extinguisher on me*; (and let me remark, in passing, that this Mr Jardine has not hitherto denied.) Then this gentleman makes an arrangement with Dr Monro and myself for a formal conversation on the subject, and begins it with saying, *that I had been accused of enticing patients from the Hospital*; and neither has this been denied. Then, when I write to the Managers, offering to rebut the charges, and calling for investigation, Mr Jardine writes me that he knows of no

charge brought against me at any meeting of the Managers by any individual. And, lastly, his Lordship, in the name of the Managers, disavows the existence of any charge.

Possibly these seeming contradictions may be reconciled by some such theory as this : In the meetings of the Managers, seven are required to make a quorum ; and when a smaller number happens to be assembled, though they may converse about the business of the House, and even take upon them to give such directions as they may think their colleagues will certainly approve of, yet there is properly no *meeting*, consequently no resolution, and no minute entered into the record. Now, the charge in question may have been made at such an imperfect assembly, and the statement may be *literally* correct, that no such charge had been entertained by the Managers.

The same theory, I would observe in passing, may perhaps serve to reconcile Mr Jardine's disavowal of himself and Dr Monro being a Committee of the Managers, empowered to make the famous propositions, with (at least as I was led to understand it) their making me these propositions, on the part of the Managers, as the condition of my retaining their favour.

Or possibly the accusations of me were made only to the Managers individually : But however this may be, certain it is, that I had the

most direct ground for believing that the accusation had been made, and acted *bona fide* upon it. My reasoning on that subject was stated as clearly, and with as much care to avoid any offensive expression as was in my power, in my letter to Mr Jardine of the 7th December, to which I beg leave to refer your Lordship.

But though there were no charge against me before the Managers, I beg leave respectfully to observe, that that will not justify them in their having refused investigation, because there were serious matters alleged by me (in defence of myself) against the state of surgery in the Hospital. And this was a matter much more important than the guilt or innocence of any individual, as involving the character and usefulness of that Institution of which they had the management. It was a subject which ought, in all reason, to have commanded their immediate and most serious consideration, as well as the utmost impartiality, that they might learn where the truth lay. Instead of this, they treat me and my averments with sovereign contempt; and, without inquiry, declare that they have found no reason to withdraw their confidence from the Surgeons.

It appears, that after the circulation of my Letter to the Contributors, and not before, they required the Surgeons to draw up a statement.

in answer to the cases given by me of persons cured after leaving the Hospital. It was then only that the protracted sederunts of the Surgeons at the Hospital,—their examination of nurses and other servants, and their nightly meetings took place; and the Report which, from his Lordship's expressions, we should be led to believe was drawn up immediately after my Letter to the Managers was given in, bears in its face unequivocal marks of belonging to a later period.

The Right Hon. Judge rested the defence of the Surgeons of the Hospital on their high character, and on their Report in answer to my list of cases. On the former of these heads I am ready to allow, that the character and standing of these gentlemen perfectly justified the Managers in the appointment; but I must be permitted to say, that no reputation can furnish a sufficient answer to direct charges, (such as I made to the Managers,) offered to be made good by evidence, against the Surgeons of a Public Hospital.

These charges, I must observe, have not received the shadow of reply. The Report of the Surgeons on my cases, whatever be the true character of that production, bears not on these charges in the slightest degree; for the evidence offered to be produced in support of them lies in cases in the books of the Hospital, of

which not even a list was given, and the cases in question were brought forward in illustration of my own success only ; and if they seem to bear on the charge of unnecessary delay, do so only incidentally. That was not the end for which they were produced.

I come now to the Report of the Surgeons in answer to my list of cases. As the Court determined that this Report should not be printed, I can only notice such of the observations as I shall be able to call to recollection. I applied to the Managers for a copy of the Report ; but they have not thought fit to grant my request. The Report was so embellished with the learned pathological and surgical remarks of the Right Hon. Judge who read it, that it was no easy matter to pick up its contents, and my answer must necessarily partake of the imperfection of my memory regarding it. If the world shall ever be favoured with that excellent work in print, I shall then have it more in my power to honour it according to its merits. For the sake of something like method, I shall reserve what is properly surgical, till I have answered some other objections made to my statements in the list of cases.

It was attempted to represent my list of cases as very inaccurate in the statement of the length of time the different patients had been in the Hospital ; and the learned Counsel contended,

that the inaccuracies detected afford sufficient reason for discrediting the whole. Now, the amount of the inaccuracies detected was this, that I stated Jean Craig to have been about three months in the Hospital, whereas it turned out from the books that she had only been eleven weeks' bated a day; that I stated Horsburgh to have been two months in the Hospital, whereas he had only been between seven and eight weeks; and that I stated Gibson to have been fourteen days in the House, whereas he had only been eight days. Now, when I wrote my letter to the Managers, being desirous to be accurate, I sent for Gibson, and took his own statement of fourteen days as correct. It appears, however, that his memory had failed him. But surely this greatest error is not of such vast importance, as to discredit all the statements I have made: These are all substantially correct, and will stand the test of fair investigation. I took the statements, as to the time, from the patients themselves, and had neither wish nor motive to go beyond the fact.

The Right Hon. Judge commented on the phrase applied in my cases to Robert White, that he had been *imprisoned* in the Royal Infirmary; and his Lordship stated the extent of this imprisonment as consisting "merely in the patient going into the House when he chose,

and leaving it when he chose." Now, I have no doubt his Lordship believed this to be the case; but this only shews that the confidence in any set of men, which precludes inquiry, may be carried too far. A less objectionable term than imprisoned might have been chosen; but the fact is, that Robert White *demande*d his *dismission*, and *was refused*. He wanted to go to Kinross on account of his private affairs, but *was not allowed to leave the House*. And, as his Lordship truly states, he left the House on a pass granted him by a relation of Mr Liston's; which pass he obtained by counterfeiting satisfaction with his situation for a day or two, so that, in truth, Mr Syme did not believe that White meant to go away at the time. And here it is but justice to that gentleman to state, in contradiction to the injurious reports and insinuations which have been made against his character, that, so far from persuading White and others to leave the Hospital, and put themselves under my care, he was really the means, as the man himself declared, of keeping White so long in the House: For White became extremely impatient, under the great pain he endured, at the delay of the operation; and Mr Syme used every soothing art to reconcile his mind to his situation, and wait till the Surgeons should think proper to operate.

The expression, that Gibson had been *tortured*, called forth his Lordship's animadversions, and, I understand, has been generally blamed, perhaps not without reason. I certainly did not mean to say that the man was tortured for the sake of torturing, but that the examinations and handlings to which the tumour was subjected had put him to very great pain, of which he most feelingly complained; insomuch, that he declares he did not sleep while he was in the House.—The Report says otherwise. After the nature of the tumour had been once ascertained, (and it was no way questionable,) every examination, in my opinion, became unnecessary, and, being productive of excruciating pain, ought to have been spared.

On this subject, let me remind your Lordship, that my list of cases *was made up for the Managers only*, from whom I confidently expected redress; and that it was not in contemplation that I should ever find it necessary to print it. When that measure was advised, it was necessary to give the letters exactly without alteration or amendment. Had it not been for this, I could easily have softened the expressions, and improved the list in question, particularly by arranging it in chronological order, and shewing how my success in one case induced others to apply to me.

In commenting on some of these cases, the

Right Hon. Judge was pleased to hold me up to ridicule, calling me a *hocus pocus*, the *Breslaw* and *Boaz of Surgeons*, and by insinuation a *quack*. These expressions are certainly very injurious. The extent of the injury they may do me in my profession cannot be foreseen, nor easily calculated, and the calculation would seem to be the proper work of a jury. How the Right Hon. Judge will make good his charge of quackery I leave to himself. My worst enemies, I trust, will allow that my *professional education* has not been defective. All the public medical classes, besides many of the private ones, were early attended by me. Dr Barclay, Lecturer on Anatomy, will certify that I assisted him for between four and five years, and that for the two last of these I was his principal assistant. I was then successively a Dresser, Clinical Clerk, and House-Surgeon in the Royal Infirmary. Afterwards I studied under Sir William Blizard and Mr Thomas Blizard at the London Hospital, and under Mr Abernethy at St Bartholomews. I am a member of the College of Surgeons of London, and of that of Edinburgh, and I have *taught* Anatomy and Surgery in this city for five years. If parade were necessary, I could likewise make an array of certificates. But this simple statement of facts must be sufficient to rebut the charge of quackery in the usual sense of the term. If employed in any

other sense, the public will, at no distant period, it is hoped, decide upon it with candour. I am still confident enough to believe that justice will be done me in the end. But it is time to bestow a little attention on the Report of the Surgeons and the surgical remarks of the Right Hon. Judge.

In regard to Jean Craig's case, the first stated in my letter, the Surgeons, in their Report, observed, That there was a sore on the toe from a burn ; that she did not apply on account of the aneurism, but for the sore ; that the former gave her no inconvenience ; and that an attempt was made to cure the aneurism by pressure before any operation was proposed to her. They also stated, that the removal of the toe was a very improper or rash proceeding, as shewn by the note annexed to my statement.

To all this my answer is, that I knew as much as the gentlemen of the Infirmary did of the sore ; for they had been unsuccessful in their attempts to cure it, and the parts were in *the same* state as at her admission ; and that, had I given a detailed account of the cases, I should not have neglected to mention so strong a feature ;—that the aneurism had existed from birth, and had prevented her from ever entering on any active employment ; — that it rendered her lame, and throbbed most violently on the slightest exertion before the accident ;—that

I was as well aware as they were of the slight cases in which pressure and *cold* had proved beneficial, but had seen enough to convince me that no such happy result could arise from this sort of inert practice in the case in question. Nor was I sanguine enough to hope, that a sore in so unhealthy a part, and attended besides with frequent and profuse hemorrhage, would heal by any pressure, however cunningly applied. From the greatly increased activity of the vessels over the whole foot, it was equally apparent, that to avoid violent bleeding in the operation, the only proceeding was the amputation of the extremity above the ankle joint, and that the safety in operating lower was in the celerity with which the incisions were to be performed. It is evident, that in removing the other toes with the great one, the same vessels would have been divided, and at the same place: the hemorrhage would have been equally profuse, and infinitely more dangerous from its continuance: For I make bold to assert, that in the common mode of procedure, the amputation must have lasted at least fifteen minutes, instead of so many seconds; and if the danger was great in the one case, what must it have been, not to speak of the suffering, in the other? His Lordship, the Right Honourable President of the Court of Session, taxed me with the grossest ignorance for cutting into the dis-

ease, instead of cutting it out ; and had I done so, the censure would have been just. But as his Lordship seems to be deeply versed in matters of this kind, I think I could convince him that I was equally aware of the propriety of that rule, if he would but take the trouble of visiting my museum, and inspecting the toe in question. The successful termination of the case, is of itself sufficient to shew that no disease was left ; that there was no lameness would have appeared had investigation been allowed ; and as I can produce many instances in which this operation has been performed without being productive of lameness, I must still persevere in my assertions, even though “ the youngest surgeon’s apprentice in Edinburgh would not have displayed such ignorance.” The lameness and deformity attendant on the operation, successfully executed, the Learned Lord cannot surely mean to say would be equal to that following the removal of all the other toes and the bones supporting them. Then there would have been a “ destruction of the arches of the foot” with a vengeance. And I should be glad to know how his Lordship reconciles the proposed mutilation with his judicious prefatory remarks as to the “ amputation of the limbs and heads of different classes of the community.” I have just now seen a girl of fourteen, whose great toe

and metatarsal bone I removed some time ago : she walks without lameness, and even dances well. This, and other instances, I know not how to reconcile with the Learned Lord's observations *.

The want of lameness and deformity after the cure called forth many brilliant and profound physiological remarks on the great use of every part of a man's body, particularly of the great toe, and on the extraordinary strength of the muscles attached to this part. His Lordship also remarked, that unless a peculiar art of removing great toes was enjoyed by me, I had done no more than any other surgeon could have done. I may merely mention, that the attachments of the muscles alluded to were saved, and that a peculiar mode was adopted in this operation, viz. the removal of the bone without the division of the sole of the foot. The diffi-

* This young patient might perhaps be supposed capable of supporting only a ton and a half on the great toe, according to this great authority on physiological matters. Still the case bears on the point ; and if his Lordship should express a wish, I shall send the young woman to visit him. The fact of her having so much use of her foot is the more remarkable, that the operation was done before I had begun to practise the mode of removal by cutting plyers, and, consequently, more of the integuments in the sole of the foot and muscles were sacrificed.

culty in planning and conceiving an operation is often as great as the execution *.

An attempt was made to explain the de-

* The following letter from Jean Craig reached me this day. It has come so opportunely, that I doubt not the candour of my friends will question the authenticity of the document, or ascribe it to my solicitation. That it has not been procured, however, by this latter means may be inferred from the circumstance that the writer has omitted to state her ability to walk or dance, which, in reference to his Lordship's clear reasoning, would have been an important matter with me. I have however this day written to Jean Craig, inquiring respecting this fact; and I hope to have an opportunity of publishing her answer in my observations on the Surgeon's Report, when that valuable document shall appear.

DEAR SIR,

Wick, 10th January 1822.

I received a letter from Mrs A. who gave me a severe scold for my remissness in writing you to let you know how my foot was. I wrote my aunt short after I came home, and I mentioned in it that my foot was perfectly whole; and I wrote you by the Marchioness, which I hope you will have by this time. But I am very sorry to hear, that there was reports raised that I was still in Edinburgh in a very bad state of health, and that my foot was nothing better. Had I staid in the Infirmary I doubt not but that would have been the case; but I am happy that Providence so ordered it as to put me under your hands, who was the means of curing my foot, and to whom I shall ever be indebted for the attention you have paid me during that time. Please give my compliments to Mrs A. and I remain yours very much obliged, &c. (Signed) JEAN CRAIG.

To Surgeon Liston, &c.

lay in the cases of Horsburgh and Bookless, by the prevalence of erysipelas at that time in the House. But the Surgeons had forgotten entirely that they *did operate* in these circumstances; that they made unsuccessful incisions for the removal of the bones, into Bookless's foot, and had the sores crammed with tents; and that they endeavoured to dilate the wounds in Horsburgh's hand with sponge, and then grappled for the carious bones. In both, the erysipelas supervened; and I should be glad to know whether the practice here detailed, or the clean and free removal of the affected parts, was most likely to encourage the attack of the prevailing disease.

It was further remarked in the Report, that the separation of a small piece of bone was expected from Bookless's heel, and that the cutting out of a "great *swoop* of the heel bone, and the one adjacent to it," in which it was remarked I could not distinguish the healthy from the diseased portion, was quite unnecessary.

I have the presumption to say, that whatever may happen in other diseases of the bones, in this of caries, the cure by separation of any portion is a most unusual occurrence; that almost the whole of the os calcis was carious, together with a portion of the astragalus, so that a probe could be freely passed through the foot; and

the comparative result of the operations by the Surgeons in the Hospital, and of mine in private, must satisfy the most scrupulous as to the propriety of proceeding as I did.

In regard to Arthur, it was said that he left the Hospital *by his own desire, and much improved in his complaints.* His own account is, that he asked the Surgeon, Mr Wishart, if he could do more for him, and was answered that he was afraid he could not, but that he should have directions and dressings from the Clerk. The improvement which had taken place consisted in his entering the Hospital making all his water through the urethra, though with a urinary abscess, and in his being dismissed passing it all through an opening in the hip. He sometimes observed one drop or a little moisture appearing at the extremity of the urethra. It need not be added, that all attempts by all concerned to pass catheters or bougies into the bladder had failed. The directions were of the most extraordinary kind. According to the man's own statement, he declares that he was advised to apply a compress of the lint with which he was provided, to the fistulous opening, and retain it by adhesive plaster; and when he had a desire to make water, which was about every hour, and sometimes oftener, that he should make a firm pressure on the dressing? The state he

was in from the rotting of his clothes, and excoriation of the integuments occasioned by the involuntary oozing of the urine, may be spared.

It was stated in the Report, that neither Bishop nor Pringle were under the care of the present Surgeons. But Bishop, by his own account, *was treated for some time by Mr Wishart, and that practitioner dismissed him with these words: "You had better think of going away, for we can do no more for you!!"* From this it will be seen, that inaccurate statements can be made even by the six respectable characters so cruelly and wantonly attacked.

Some remarks were made as to the dependence of the stone and stricture on each other in White's case. I have stated, that "the cure of the stricture was attempted whilst the cause remained;" and the progress of the cure will, I hope, bear me out in my assertion, that at least the stricture, whatever was its immediate cause, was kept up by the irritation of the stone. Mr Syme, by the order of the Surgeons, commenced the cure of the stricture, which was soon interrupted by the violent inflammation of one of the testicles, previously somewhat swelled. A recurrence of this accident from the same treatment induced this gentleman to suggest the propriety of removing the

stone. The proposal was canvassed at a consultation, and perseverance with the bougie recommended. Coma and very dangerous symptoms were the consequences. No progress had been made in dilating the urethra by all the attempts during the seven weeks he remained, and but a very small shaft could be passed. After the stone was extracted, by two or three introductions of the bougie during the cure, the stricture yielded and the wound healed*. The patient walked from James's Square to the Hospital on the 13th or 14th day after the operation, and returned to Kinross, as far as I recollect, next day. *In conclusion, it may be remarked, that no Surgeon of the House knew, except by Mr Syme's report, that there was a stone in the bladder.*

The inaccuracy complained of in regard to Bryden's case, is explained by the fact, that he had absented himself from me for some months, and again applied, betwixt the writing of the letter and the printing. The man's account was, that he waited for some new contrivance being made, of which I took a note when he first applied; and it is the best apology for the de-

* It was stated in the Report, as the cause of delay, that the wound would not have healed before the removal of the stricture. My opinion was very different; and the result fully justified that opinion.

lay. I have said, that in the interval of the man's application to me, he had fallen into the hands of a quack; and his Lordship took the liberty of remarking, that "he suspected he had been under more quacks than one." I leave it to your Lordship to explain, whether the name of quack be more applicable to men who attempt, and that unsuccessfully, what they are qualified to perform neither by study nor dissection, or to a person who has been bred in the dissecting-room, and who, by success at least, would appear to be in some measure entitled to afford relief by operation. That the disease returned in the nose, was certainly unfortunate; but that it was no fault of mine, can be attested by Dr Duncan junior, and many other medical men, who saw him during the cure. They all expressed their conviction that the disease had been completely rooted from the antrum, as indeed it was. After the cheek was united, the patient returned to his usual labour, which cannot be said of some *similar* cases.

The bleeding and starvation* in Gibson's case, and the delay, shewed that no operation was in contemplation. He was bled twice, kept on the lowest diet, and without fluid, excepting the juice of the *three oranges*, (for, as far as the

* The word starvation was never meant but in a medical sense.

man or his wife can recollect, he never enjoyed the six *so liberally* ordered for him ;) and in all respects he was treated on the plan pursued by the Italian Surgeons for aneurisms reckoned incurable by operation. That there was no determination to operate, however much they might consult * on the case, is evident from the fact, that the delay of every day, nay, of every hour, rendered that proceeding more dangerous and difficult, and that the disease had made rapid progress whilst he lay in the Hospital ; and Mr Russell may recollect his observation to me, that it was extending above the clavicle rapidly. How different was the conduct of Mr Thomas Blizard in a similar case, (one in which he certainly deserved success.) The patient was brought in at the visit, and in half an hour after the operation was performed. If the operation was contemplated, why did Dr Barclay, who had been

* His Lordship remarked, that " nothing was done in the Hospital without consultation, yet this presumptuous and inexperienced young man set himself up against them all." As to consultations hereafter. I may be allowed to say, in the words of one of his Lordship's predecessors on the Bench, in regard to Surgeons learning by experience, " that in every body of men, however respectable, some individuals will be found, whom no experience can improve, and no practice make perfect." It is presumed, that whatever may be his Lordship's opinion, no rational person can suppose that either oranges or pine apples would have cured the aneurism.

consulted previously in this case, refuse to accompany me, on the ground that he had already strongly expressed *his* disapprobation of such an operation in his Class, and could not countenance it? Why did Dr Hennen, that excellent medical officer, whose opinion was also asked, express his conviction, that the Surgeons had no intention of operating, and declare that he would not attempt it himself for a thousand guineas? And may I be permitted to ask, in passing, which of the six experienced Surgeons really proposed to himself this arduous task?

It is a curious fact, that the parts of my letter, where I had shewn the greatest wish to be accurate, have been brought against me to prove that no credit was to be attached to my statements. This was the case in regard to Keir as well as to Bryden.

It is related, as far as I recollect, in the Report of the Surgeons, that this young man, Keir, was admitted with a puffy swelling of the knee, which was treated by firm compression with sponges and bandage; that this was not sufficient to prevent the bursting of a collection of purulent matter, or the necessity of opening it; that his health failed, and he was dismissed. They, and their advocate the Right Honourable President, further reprobated me for my practice; and I was abused for not mutilating

the man at once, without making an attempt to save the joint. How this agrees with his Lordship's judicious lecture on amputation, I leave it to him and his instructors to explain, as they best can. When the lad applied to me I extracted a considerable portion of loose bone, which, by his own account, had never been discovered in the Hospital. I ascertained that the disease did not extend into the joint, as was asserted, but was limited to the head of the tibia. A smart attack of erysipelas reduced him a good deal, and he went to the country for some weeks. On his return I removed the carious bone from under the ligament of the knee pan, being as much impressed with the propriety of keeping on a limb when possible, as the Right Hon. Judge, and perhaps as little addicted to rashness. When it became necessary, the limb was removed, and the patient recovered speedily. What effect the pressure on a collection of pus, indicated by the puffy swelling spoken of by the Surgeons, had on the bone, and what might have been the result of the operation I first had recourse to, if properly performed, at an earlier period, those most concerned may ruminate on.

Some remarks and verbal criticisms, "as to the patients being under treatment instead of under cure," and which shewed nothing but a desire to cavil, were made on the cases of Jame-

son and Mitchell. In conclusion, I have to thank some of those connected with the Royal Infirmary for their kindness to me in inquiring so anxiously for some of my patients, and more especially for the great anxiety they manifested on the occasion of John Mitchell's danger from a severe attack of erysipelas, brought on by an imprudent exposure to cold. I have to inform them, that he returned home some weeks ago.

I have now only to remark, on the injustice, to say the least of it, of bringing forward and commenting on a written statement, in answer to one which had been before the Contributors, of refusing to print it, and of deciding on that *statement*, or *mistatement*, without an opportunity being afforded of making any answer. I have endeavoured to answer it as far as my recollection serves me, but should hope that the Report will still appear, illustrated by the learned commentaries of his Lordship, the Right Honourable President of the Court of Session.

The Learned Counsel insisted much on my motives in appealing to the Court of Contributors, which he considered as very suspicious. My wrongs he made very light of, and represented as imaginary, and used only as a cover for my unwarranted attack on the Hospital and its Surgeons; and he conceived himself discharging a great public duty, in standing forth

as the champion of a most excellent and most beneficent Institution, against the unjust and wanton attack of an individual. The Court of Contributors, he observed, could give me no redress, and this he thought clearly shewed the true character of my appeal.

Now, unquestionably, if my wrongs were not real, if they were not great, if my recrimination of the Surgeons of the Hospital was not, in my most sincere and conscientious belief, founded on the true state of the practice there subsisting, and if my statement to the Managers on that subject was not called for, to explain the circumstance of the patients running away from the Hospital, then I confess I should richly deserve all, and much more than all the vituperation which has been heaped upon me by the Lord President of the Court of Session, and by the Learned Counsel.

But I most solemnly declare, that the evil I was suffering in my character was very great, and very injurious to me, especially as a Teacher of Anatomy and Surgery. Every art had been used to poison the minds of the Students on the subject of my character; and with such success, as I truly stated in my circular letter, that many of them who had meant to attend my class this winter were deterred from doing so; and I sincerely believe, that had this business com-

menced sooner, so that my letter had been circulated before the commencement of the winter classes, it would have made a very material difference on the number of my pupils. The Learned Counsel was ignorant of these facts, and gave easy faith to the stories of the poor persecuted Surgeons. Nothing, as I said in my letter to Mr Jardine of the 7th December, ever gave me greater satisfaction, than my learning from that gentleman that my enemies had at last ventured to accuse me to the Managers. I thought that that body would, in justice to me, confront me with my accusers, and investigate the truth of the charges on both sides; and in such circumstances, I was certain of my own vindication.

The argument of the Learned Counsel, that the Court of Contributors could give me no redress, and that consequently my appeal to it was a mere pretence, proceeds upon the supposition, that I asked, or expected from that Court, redress as from a Court of Law. Unquestionably such an idea never was conceived by the very eminent Counsel who advised that measure. But they saw that matters of most important concern to the character and usefulness of the Institution were involved, which they conceived would certainly bring about inquiry, in consequence of which, my vindication must neces-

sarily follow. The possibility of the Managers resisting investigation was indeed contemplated ; but, at all events, it was foreseen, that the mere exhibition of the correspondence would itself operate the clearing of my character from the unjust and pernicious aspersions under which it was suffering.

The Learned Counsel observed very truly, that I had brought forward the matter not for the sake of public objects, but the private one of my own vindication ; and this he represented as very *suspicious*. Though I cannot pretend to any knowledge of law, unless in so far as it may have its foundation in common sense, I should be disposed, with great deference, to question the accuracy of this inference, which, as I understand it, is this,—that in bringing forward the allegations in question, I was neither actuated by the justifiable motive of self-defence, nor by a patriotic principle of public good, but by the malicious and envious motive of detracting from the reputation of the Surgeons to the Hospital. Now, I admit the motive of self-defence. I have not pretended to any pure and unmixed motive of public spirit ; but I deny the malice ; and the question comes plainly to this, Whether, without the necessity of bringing these statements forward regarding the Royal Infirmary in my own defence, the purity of my motives would

have been less liable to suspicion? I humbly think not. I have been compelled into these statements in my own vindication; and what is not voluntary can scarcely be considered as malicious. I was, however, well convinced, that the inquiry was of extreme importance to the true usefulness of that Institution, the great excellence of which I as warmly and fully appreciate as the Learned Counsel; and my disappointment was very great, that an investigation which I conceived essential to its very ends was successfully resisted. Nor would I ever have sought redress of my own grievances, however great, by bringing forward unnecessary or unjust charges against the Royal Infirmary. Assuredly my motives ought to have furnished no argument against the examination of a statement, which the Contributors might have been assured I had not brought forward lightly.

The malice of my enemies, not contented with the accusation which has occasioned the present controversy, has been, since the circulation of my letter, actively busied in spreading most scandalous stories to hurt or ruin my moral character. Unfortunately, the Learned Counsel, by an unguarded expression, gave such countenance to one of the many such stories as might be most seriously and extensively hurtful to me. With that honourable feeling,

which is well known to belong to his character, he shewed himself, on my application to him, most ready and even anxious to repair the evil. This, I trust, will be effectually done by the following letter :

“ 92. George Street, Saturday, 12th.

“ SIR,

“ I have carefully considered the documents and explanatory statement you have been pleased to lay before me, and have no difficulty in saying, since you think it may be of use to you, that I am satisfied that there never were any grounds for imputing to you the guilt of seducing a female patient, while under your charge in the Infirmary ; and that I sincerely regret having made use of any expressions at the meeting of Contributors, which could be supposed, however erroneously, either to carry or to countenance such an imputation. The expressions alluded to were used, as I think every one who heard them must have felt, merely hypothetically ; and the case was distinctly put as one of supposition and illustration only ; the fact being, that till I received your statement, I had no information on the subject to warrant an affirmation of any sort, even if it had been consistent with my notions of justice or propriety

to introduce any averment on such a subject, or on such an occasion.

“ It was not without great pain that I yielded to the call of public duty, so far as to say several things on that occasion which I was aware might be injurious to a young man of talents and expectations. The interests of a great and beneficent establishment, however, seemed to require that of me. But there are not many people, I imagine, who would believe that I would think of supporting the character of the Infirmary, or its Managers and attending Surgeons, by propagating false and irrelevant imputations on the personal conduct of their accuser. In that character I cannot possibly wish you success, as I am most conscientiously convinced that your charges are groundless and unjust. But I say, with the utmost sincerity, that wherever you have been unjustly accused, I hope and trust that you will be enabled to detect and expose your calumniators.

“ I have the honour to be,

Sir,

“ Your very obedient Servant,

“ F. JEFFREY.”

“ *To R. Liston, Esq.*”

The Learned Counsel, in opposing the motion for printing the Surgeon's Report, contended that nothing, not even a public object, could justify the bringing of this subject under public discussion ; that in every Hospital, instances of blunder and neglect were liable to occur, but that these would not warrant any person in bringing such defects into view, so as to obscure the general advantages of those institutions. Now, to a certain extent, I am disposed to allow his reasoning to be correct. Unfortunate results will occur, whether in public or private practice, and it would be quite unwarrantable to bring every such occurrence forward to public notice. But surely there are limits beyond which this reasoning ought not to be carried ; otherwise, the very object of the Institution might be sacrificed to that of covering the deficiencies of the officers, and, at all events, protecting their reputation.

It is easy to suppose instances of mere unfortunate results, so numerous as would make it wise to decline the further services of the Surgeons. Let us suppose, for instance, for the sake of argument, that in the course of six or eight months, there were in a public hospital, (and to remove it far from our own doors, say in London or Dublin,) in all nine cases, we shall say, of what are called the capital operations

of surgery *, and that eight of the nine should prove fatal : Or suppose that in the same period there should be eight or nine cases of compound fracture, and that seven or eight proved fatal : I humbly conceive it would become the duty of those who had the direction of such Institution, as the guardians of the poor, to say to such unfortunate practitioners, “ Gentlemen, We do not question your ability in your profession, but really the very frequent fatality attending your operations, and occurring in your practice, puts it out of our power any longer to avail ourselves of your services.”

I agree with the Learned Counsel that BLUNDERS are liable to occur; and I believe the liability is peculiarly great with those Surgeons, whose fingers have not been much soiled with the filth of the dissecting room. But, my Lord, I can conceive blunders so gross, and involving such consequences, that a single instance, much more repeated instances, ought to disqualify the surgeon from ever taking a knife in his hand to cut the flesh of a fellow creature. Suppose, for instance, that in the extirpation of a tumour, the surgeon cuts a large blood-vessel, and suppose that he loses presence of mind, and, instead

* By capital operations are meant here, Lithotomy, Trepan, Amputation, and those for Hernia and Aneurism.

of securing the vessel, as a skilful surgeon would do, stands in amazement looking on till the patient expire : Or suppose, that in extirpating a tumour in the breast, the surgeon cuts the axillary vein, (which could scarcely happen to a skilful surgeon,) and that in order to repair this error he dives with a sharp crooked needle among the important nerves and blood-vessels in that situation, and includes vein and nerve perhaps in the ligature, to the destruction of the patient : Or suppose, in tying an artery for aneurism, the surgeon unskilfully detaches so much of the vessel, that sloughing of that portion and consequent secondary bleeding is unavoidable : Or suppose, that in a case of croup, the surgeon, in attempting the operation of bronchotomy, should cut into the mouth above the obstruction, instead of cutting into the windpipe below it : Or suppose, in a case of large strangulated hernia, where the gut is mortified and attached to the neck of the sac, the surgeon, instead of leaving the gut attached, and making an opening into it, as is successfully practised by good surgeons, should tear the gut from its attachments, and return a portion of it into the abdomen, pouring its contents among the viscera, to the speedy destruction of the patient : Or suppose, that in the operation of lithotomy, the bladder and rectum are laid into one, to the

ruin of the patient's comfort for life : These would be blunders, such as would stamp, in the opinion of every competent judge, the operators as unworthy of the name of Surgeons : And could it be made out to the satisfaction of the Directors of a public Hospital, that during a period of several years a series of such blunders in practice had happened in their Institution, will the Learned Counsel contend, that it would still be the duty of such Directors to wink and conceal ? Would it not be rather an imperative duty to deliver the poor from such hands ?

The Learned Counsel says, that **NEGLECT** is liable to occur in every Hospital. Here I must entirely differ from him, and contend that neglect, if decided and unquestionable, is altogether unjustifiable, and that one single instance of it ought to be followed by the **DISCHARGE** of such surgeon. Suppose, for instance, that a seaman is brought from a distance to an hospital between ten and eleven o'clock at night, with his leg, by some violent accident, reduced to a jelly,—that the people in attendance, seeing the danger, send immediately for the surgeon, who refuses or neglects to come,—that the unhappy man remains unassisted till mid-day following, when it is found too late to remove the limb, because gangrene has taken place : Or suppose that a person is brought to the House

in the night time with compound fracture, the bone protruding through the flesh, one of the most dangerous cases that can occur, and requiring most immediate attention, — that repeated messages are sent to the surgeon, but he does not make his appearance till mid-day : Or suppose, that on the occurrence of secondary bleeding, after the operation for aneurism, on the evening of one day, the surgeon should refuse to attend till next day at twelve o'clock : These would be instances of such gross dereliction of the duty they had undertaken, as it ought to be put out of the power of such persons to repeat.

These cases I have stated hypothetically, to shew, that, contrary to the argument of the Learned Counsel, circumstances are imaginable where it would cease to be a duty to conceal. If any one of these suppositions of general want of success,—of gross and palpable blunders,—of gross and decided neglect,—be not singly sufficient to justify discussion, then, since we are in the way of making suppositions, let us suppose them all united in one Hospital, I think even the Learned Counsel's well-known ingenuity and eloquence would be inadequate to devise and enforce such arguments as would convince the rational and unbiassed hearer, that all discussion ought to be avoided, lest the general

advantages of the Institution should be obscured.

Having made so many suppositions of a melancholy nature, I shall, for your Lordship's relief, and my own, make one of another kind. Suppose that, many years after this, when my imprudence and presumption shall have been forgotten, and I shall have acquired such experience as might make me not unworthy to fill the place of some one of the eminent Surgeons who have just been honoured with the thanks of the Court of Contributors,—if then it should be in the power of any stripling to allure the patients to leave the House, and if such stripling should anyhow be led to bring such charges against the then Hospital, as I have had the presumption to bring against the present,—then I hope that, for one, I shall not be persuaded to devise means of quashing inquiry, and to shelter myself under arguments drawn from the general danger of discussion, or a vote of thanks for my challenged services.

I must now, my Lord, very reluctantly, and with very painful feelings, take notice of the speech of Mr Jardine: but it is a paramount duty to defend my own veracity. How much of my statements that gentleman meant to deny, and how much to admit, I was not able distinctly to collect. It has been observed to me,

that his speech was very awkward for me ; but this I do not feel. For me it is no way awkward, wherever awkwardness may attach.

My letter, addressed to *Mr Jardine and Dr Monro, a Committee of the Managers, &c.* on Friday the 16th November, stated the truth, and nothing but the truth ; and this will be made out to the conviction of every person who shall weigh the following circumstances : That letter began in the following words :—“ Gentlemen, You yesterday, on the part of the Managers of the Royal Infirmary, made me two propositions, and you laid before me, as the penalty of my non-compliance, the loss of the favour of the Managers, and my perpetual exclusion from the appointment of Surgeon to that Institution. It was your desire that I should take time to consider these propositions and consequences. I beg leave now to give you my deliberate answer.

“ One of these propositions was, that I should, in future, refuse my assistance to any person who had been a patient in the Royal Infirmary.

“ To this proposition my deliberate answer is,” &c. Then, farther on, the letter proceeds to say, “ The other proposition made me was, that I should, in future, abstain from visiting or attending the Royal Infirmary. This, also, I beg leave very respectfully to decline.”

On the 17th November, that is, next day, I received from Mr Jardine the following letter :
 “ DEAR SIR, Can you give me a call before 12 o’clock to-day.

“ Yours, &c.

(Signed) “ H. JARDINE.”

“ *Robert Liston, Esq. 123. Prince’s-street,*
“ Saturday Morning.”

On the 6th December, I received Mr Jardine’s letter, dated December 4. 1821, in which he tells me, I am mistaken in supposing Dr Monro and himself to be a Committee ; and farther on he says, “ But we had no authority from the Managers for doing so ; and I beg that the confidential conversation we had with you on the subject may be distinctly understood as having proceeded from no authority of the Managers, but from our desire to free you from the suspicion of such conduct.”

Here there is an evident wish to get quit of these propositions as made by the authority of the Managers ; but there is not the slightest hint that my statement with regard to them was in any way incorrect. This is tantamount to an admission, in so many words, that my statement is true to the smallest tittle.

Is it, indeed, conceivable, that any person in his senses could write to two gentlemen, “ You

yesterday made me such and such propositions," stating what had never occurred? Or if any one should have the impudence, your Lordship will pardon the word, for no other is applicable to the supposed case, to do so, would not the language of those on whom he endeavoured to palm expressions never used, be in a very different strain from that of Mr Jardine? "Sir, How came you to impute to us what never passed? Such an abominable proposition as the first you ascribe to us, never entered into my imagination." Some such language would have been the well-merited rebuke which such an attempt would have called forth.

Mr Jardine's memory has failed him, when he says, that he met me on the street two days afterwards, and that by chance, and held a conversation with me on the subject. The only conversation I ever had with him after the 16th was in his own house on the 17th, in consequence of the note above quoted.

Of this conversation, wherever it happened, I shall give my account, and leave it to every one to attach credit where it may be judged most deserved. Mr Jardine certainly said, that Dr Monro and he were not a *Committee* of the Managers; to which I answered, that the name was of no consequence; *they had come to me with the knowledge, and by the authority of the Mana-*

gers. To this he made no reply. Mr Jardine said, that it was not meant that I should cease to attend the Infirmary. I said, that they had made that proposal to me. Mr Jardine said, "Yes, but it is not meant that you should entirely absent yourself: Only it would be more delicate if your visits were not so frequent." I declined to give any pledge that I should not continue my attendance as freely as I had always done. Mr Jardine very earnestly endeavoured to dissuade me from making any application to the Managers on the subject. I said, that my mind was made up, and that my letter was already written, and would be laid before the Managers on Monday the 19th.—This is the substance of the conversation that passed in Mr Jardine's house on the 17th November, and the only conversation I ever had with that gentleman after my letter addressed to the Committee on the 16th.

The reporter of Mr Jardine's speech observes, that nothing could exceed the perspicuity of his statement, and the feeling with which it was delivered. I shall only say that the speech, as reported, is to me in some respects unintelligible: but he is there made to say things so wide of what ever took place, and so plainly absurd, that it would be doing him injustice to take them up to answer them as his.

I shall only observe, in concluding this part of the subject, that if my account of the conversations be taken, Mr Jardine's conduct, up to the period of the circulation of my letter to the Contributors, and my own throughout, appears perfectly natural and consistent. If the account which Mr Jardine is understood to have given be taken, my conduct appears that of a madman, and that of Mr Jardine altogether inexplicable.

In conclusion, I beg leave to state, what your Lordship will perhaps be disposed to hear with some surprise, that neither the vote of thanks to the Surgeons, nor the Right Honourable Judge's demonstration of the exquisite prudence of delay, seem to have reconciled the patients to that wise system. Neither has his Lordship's exposition of my ignorance, rashness, presumption, and quackery, opened their eyes to these melancholy truths. The same unaccountable circumstances continue, of the patients leaving the House, and seeking the surgical aid of him who has the honour to subscribe himself,

My Lord,

Your Lordship's most obedient

humble servant,

ROBT. LISTON,

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