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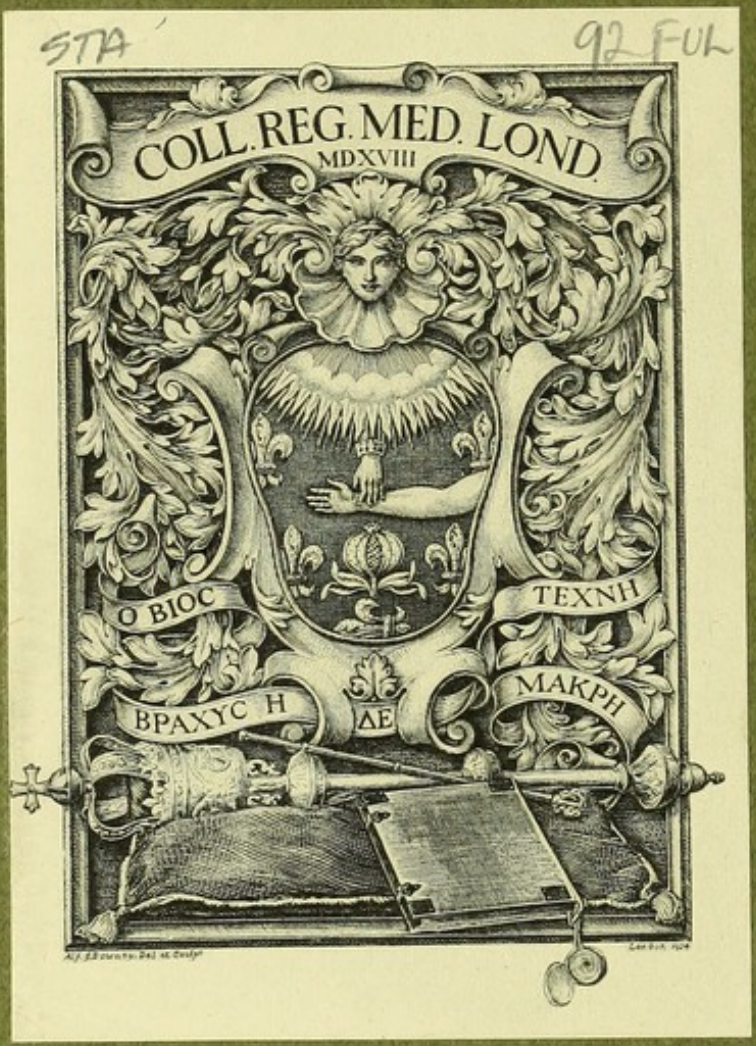

77.e.

The account of the trial of
1911 is of sufficient
medico-legal interest to
make it possible that
your Coll. might like
to possess a copy.

Yours sincerely

H. R. Fallis

Aug 19. 1913

TELEPHONE.
1411 GERRARD.

45, CURZON STREET,
MAY FAIR.W.

To the Librarian
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Dear Sir,

Sir Lauder Brunton and others have suggested that I should offer a copy of a brochure entitled,

"Act Q. & the Apothecary"

to your College.

I now do so.

The brochure was printed for private circulation among my family & friends, but it has been thought that

"OLD Q" AND THE APOTHECARY

"OLD Q" AND THE APOTHECARY

BEING THE RECORD OF A FAMOUS TRIAL, TOGETHER WITH SOME ACCOUNT OF THE FULLER FAMILY, 1776—1913

BY

H. JULIAN FULLER, B.A. (Oxon)

Of the Inner Temple, Barrister-at-Law

PRINTED FOR PRIVATE CIRCULATION

1913

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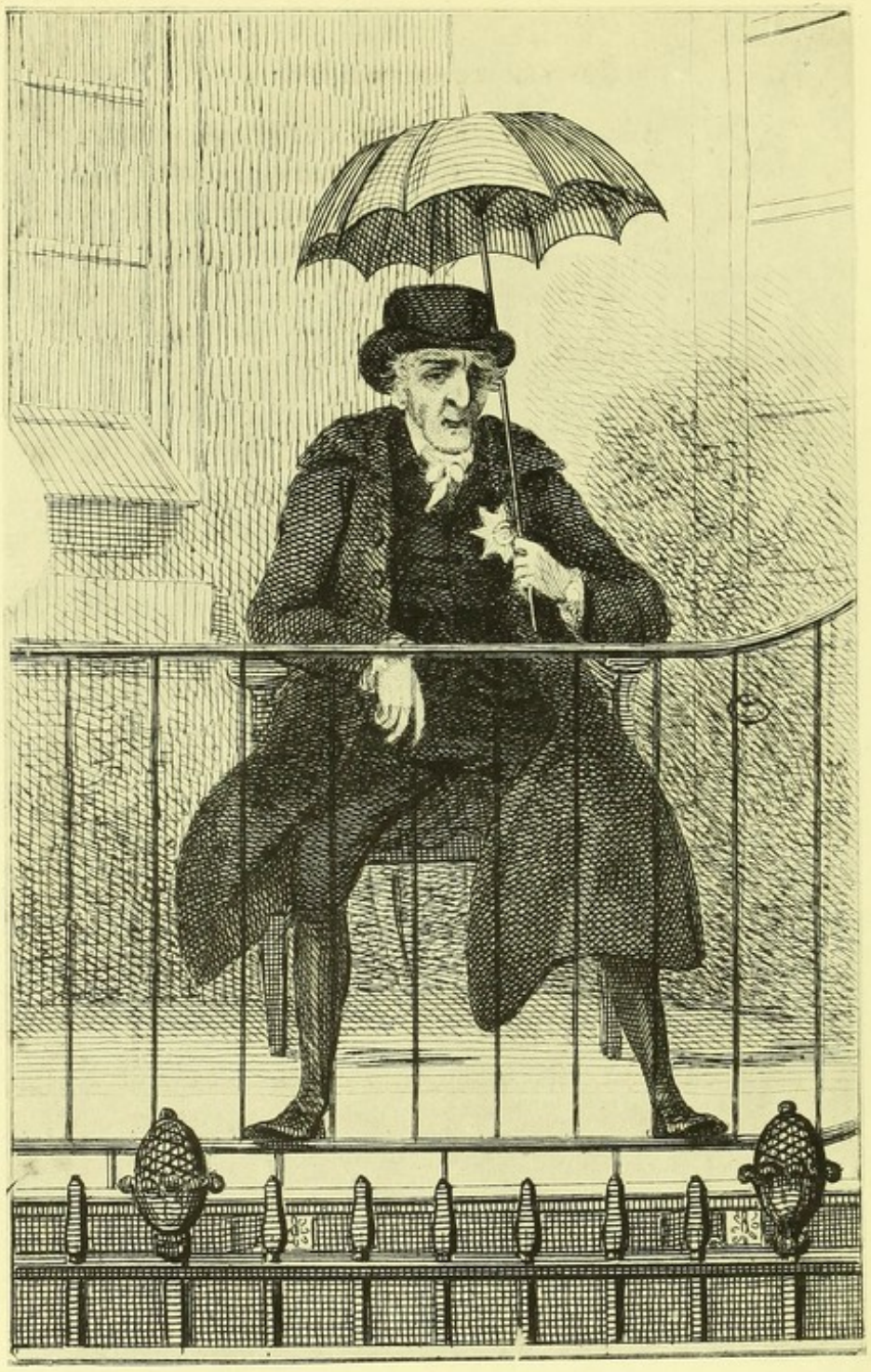


WILLIAM DOUGLAS, 4TH DUKE OF QUEENSBERRY.

FROM A CARICATURE IN THE BRITISH MUSEUM.

PREFACE

THE record contained in the following pages has been compiled by me, at the instance of my father, for the benefit of members of the Fuller family and of such friends as take an interest in our history.

Like some others of the family I never even had heard of the great trial until my father told me the story and produced the brief to the plaintiff's counsel, the transcript of the shorthand note of the case, and the plaintiff's bill of solicitor and client costs. He did this in order to explain to me the gradual rise in importance of the general practitioner, and the idea of compiling a family record came only at a later stage.

On reading the documents to which I have referred, and on going into detail, it became apparent that the trial was one of the first importance, and of interest not only to the descendants of Mr. John Fuller, but also to the medical and legal professions. The latter fact is my excuse, if it be thought that I have been too discursive on questions of law as affecting medical men in what is intended primarily as family history.

As far as I know every fact stated herein is correct. Should any inaccuracy have crept in, it is not for want of due care and close verification on the part of my father and of myself.

In this preface also let me express the hope that *"Old Q" and the Apothecary* may serve to clear up certain misconceptions which may be present in the minds of those members of the family who know vaguely of the incidents recorded. That there

have been misconceptions is proved by the fact that my great-uncle, Mr. William Fuller, who died in 1893, and my great-aunt, Miss Mary Fuller, who passed away this year at the age of eighty-eight, were convinced that the plaintiff in the great suit was their father, Mr. Henry Peter Fuller, whilst, in reality, it was their grandfather, Mr. John Fuller. It is more than curious to observe how in a short space of time events of great moment to a family, and known to be of great moment, become distorted in the minds of persons whom one would expect to be familiar with them. At the time of the action—Fuller *v.* Douglas and Others—Mr. Henry Peter Fuller was barely twenty-six, and thus hardly likely to have had "Old Q" as a patient for seven years!

As for my own part in all this, I only can offer my sincere thanks to my father, but for whom this brochure never would have seen the light, and must add that whatever labour I may have expended hereon has been a delight, and has brought about in me a certain pride of ancestry which perhaps I lacked before.

H. JULIAN FULLER.

11, KING'S BENCH WALK, TEMPLE, E.C.
August 1913.

JOHN FULLER. Died Nov. 9, 1818.

"OLD Q" AND THE APOTHECARY

In this year of grace 1913 the name of William Douglas, fourth Duke of Queensberry, has become legendary. When one speaks of "Old Q" the picture is evoked of an old roué, who, according to the chronicler, "was a little sharp-looking man, very irritable, and swore like ten thousand troopers." We remember the fabled excesses of his youth, his apeing of juvenility even when in his seventies. A lampoon of 1795 describes him to us:

> "And there insatiate yet with folly's sport,
> That polish'd sin-worn fragment of the Court,
> The shade of Queensb'ry should with Clermont meet,
> Ogling and hobbling down St. James's Street."

Born in 1724 "Old Q" died in 1810, after a prolonged illness, and was buried with great pomp and ceremony in a vault under the high altar of St. James's Church, Piccadilly. And it was now, by his death, that his Grace the Duke of Queensberry helped to make law and history of a sort not usually associated with him and little known to the public of to-day.

Towards the end of his life, when decrepitude had gained on him, the Duke occupied the house now known as 138, Piccadilly. Here, from the two-storied porch which has disappeared in the refacing of the building, he ogled fair passers-by; here he watched his running-footmen's prowess before engaging them; here it was that he kept his groom, Jack Radford, continually on horse-

back in front of the house : and here finally he died, and thereby settled indirectly the status of the general medical practitioner. During the last years of his life he was attended by Père Elisée, former physician to Louis XV of France, and from 1803 by Mr. John Fuller, apothecary, of 112, Piccadilly. Père Elisée was remunerated by the eccentric nobleman on the Chinese principle, that is, he was given handsome remuneration for each day the Duke lived, with the warning that no fees would be forthcoming once his patron had passed away. Mr. Fuller, on the other hand, was not paid at all during the Duke's lifetime.

Mr. John Fuller came from Dorking to London in order to study medicine at St. George's Hospital. In 1776 or 1777 he entered into practice as an "apothecary," and soon acquired a large clientèle among "the nobility and gentry." "Apothecary," it should be explained, denoted a medical man other than a hospital physician or surgeon. At first he occupied premises in Leicester Square, then a society centre, and subsequently in Holborn, so as to be in nearer proximity to that fashionable quarter, Bloomsbury. Then, as Society moved westwards, he migrated to 112, Piccadilly, which he rented for £84 per annum, paid half-yearly, and which subsequently—just prior to its demolition in 1912–13—was letting at about £800 yearly rental. It was while here that, in 1803, he had the doubtful privilege of acquiring "Old Q" as a patient. One shudders to think what it must have been to dance attendance upon an aged gentleman who swore like ten thousand troopers, and who, it will be seen, obdurately refused to pay! Not that the Duke wished to deny his indebtedness to his apothecary, he merely was unwilling to be bothered with a question which, in his opinion, could be dealt with suitably by his executors. Hence it was that when the Duke drew his last breath on December 23, 1810, Mr. Fuller had paid 9,250 visits to his ducal patient, had slept

on 1,215 different occasions at 138, Piccadilly, and, further, had ruined his practice by this constant attention—all without payment, save for £73 10*s.* for an early illness of the Duke's in 1803 entailing thirty-five night vigils.

The executors of "Old Q's" will, Sir James Montgomery, Bart., Mr. Edward Bullock Douglas, and Mr. William Murray, being cognisant of the facts, asked Mr. John Fuller to put in a claim against the estate. At first Mr. Fuller told the executors that he was quite unable to determine on what principle to charge—the attendance having been of so extraordinary a nature —but finally he sent in an account, fixing the amount at £12,000, a sum which the Earl of Yarmouth, the father of the residuary legatees, said at the time, and afterwards in court, was not at all unreasonable in view of the circumstances. But now a difficulty arose. Some of the beneficiaries under the will being minors, the executors did not feel justified in paying out so large a sum without the sanction of the Court, and Mr. Fuller had to embark on what proved to be a most important action. It should be added that he undertook the burden of such an action on the advice and at the prayer of the executors, who, throughout, were actuated by the friendliest feelings towards the plaintiff.

The action was commenced in Chancery, the Piccadilly apothecary seeking "consolation in equity" for his unremitting attention on the Duke, since, for reasons that will be gathered later, his advisers were of opinion that no action lay at Common Law. However, the action was transferred to the Common Pleas, and was tried at Westminster by Sir James Mansfield, C.J., and a jury. This transference was due probably to there being issues of fact to be tried, while an assessment of damages might become necessary—both matters peculiarly within the province of a jury. The solicitors for the plaintiff were Messrs. Dawson & Wratislaw, those for the defendants Messrs. Troward &

Merrifield. For Mr. Fuller an imposing array of counsel was employed. Mr. Horne appeared in the Chancery proceedings, opinions were sought from Mr. Garrow, Solicitor-General in 1812 and Baron of Exchequer in 1817, and from Mr. Park, Attorney-General of Lancaster and Judge of Common Pleas in 1816, while at the trial Serjeant Vaughan, Attorney-General for Queen Charlotte in 1816 and Baron of Exchequer in 1827, led Mr. Denman, afterwards the famous Lord Denman, who became Baron of Exchequer in 1822. The defence was conducted by Serjeant Shepherd and Mr. Bowen.

It is now necessary to explain the great obstacle that lay in the plaintiff's way. The "apothecary" of 1811 was the general practitioner of to-day; he was the lineal descendant of the barber-surgeon, whose sovereign remedy was that of Dr. Sangrado—namely, bleeding—but unlike the barber-surgeon the "apothecary" was a qualified man, practising under the charter of James I., dated December 16, 1618. This charter was granted by James, for himself, his heirs and successors, to William Besse, and divers other persons,

> "and to all and singular other persons whomsoever, brought up and skilful in the Art, Mystery or Faculty of Apothecaries, and exercising the same Art, Mystery or Faculty, now being Freemen of the Mystery of Grocers of the City of London, or being Freemen of any other Art, Mystery or Faculty in the said City of London (so as they have been brought up and are expert in the Art or Mystery of Apothecaries) that they and all such Men of the said Art and Mystery of Apothecaries of and in the said City of London and Suburbs of the same, and within Seven Miles of the said City, may and shall be one Body Corporate and Politic, in Substance, Deed and Name, by the name of 'The

Master, Wardens and Society of the Art and Mystery of Apothecaries of the City of London.' "

The charter gave the society power to buy lands and chattels, to plead and be impleaded, and to have a common seal, while various ordinances and regulations were included. But it should be noted that the "apothecary" provided the leeches so freely used in those days, and dispensed his own pills, medicines, collyria, ointments, clysters, etc., and could charge only for these, and not for his attendance and advice, which, as the science of medicine progressed, were naturally of the greater value. Hence the custom arose for the "apothecary," on sending in his bill, to leave a blank in which the patient inserted a sum of money which in his estimation would be suitable remuneration for personal attendance. The writer is informed by his father that as recently as thirty or forty years ago patients of an older generation would add substantial sums to their doctor's bill in grateful recognition of his services. Unfortunately for the profession this pleasing habit has disappeared entirely !

While referring to the incorporation of apothecaries into a society, it is interesting to observe that physicians were formed into a college by the Statute 14 and 15 of Henry VIII., c. 5. Section 1 of that Statute recites the patent held by various physicians from the King, and Section 2 goes on :

"And that it pleas your Highness with thassent of your said Lordes Spuall and Temporall and the Cōmens in this your p'sent parliament assembled furtherlie to enacte ordeign and stablisshe that the six psonnes beforesaid in your said moost g[a]cious tres Patentes named as Pryncypalles and first named of the said Coialtie and Felisship" (these six were John Chamber, Thomas Linacre, Fernandus de

Victoria, Nicholas Halswell, John Fraunces, and Robt. Yaxley) "chosyng to them twoo moo of the said Coialtie from hensforward be callyd and clepyd Electys; And that the same Electys yerly chose one of them to be President of the said Coialtie; and as ofte as any of the Rowmes and places of the same Electys shall fortune to be voyde by death or otherwyse, then the Survyvours of the said Electys w^{t}yn xxx or xl dayes next after the Death of them or any of them shall chose name and admytt one or moo as nede shall requyre of the moost cunnyng and expert men of and in the said facultie in London to supplye the said Rome and nombre of eight psonnes so that he or they that shalbe so chosen be fyrst by the said Supvisours straytely examined after a fourme devysed by the said Electys and also by the same Supvisours approved."

Section 3 enacted that every physician practising outside London should be examined by the President and three elects, and should receive from each a testimonial of approval, "except he be a Graduat of Oxforde or Cantebrygge which hath accomplisshed all thyng for his fourme without any grace." It was thought for a long time that such Acts of Parliament were private Acts, but this particular Act was held to be public in a case at the beginning of last century—The College of Physicians *v.* Harrison, July 23, 1828: Moody and Malkin's Reports, Nisi Prius, page 191—where the College attacked the defendant for practising without due qualification. The objection was raised that this was a private Act, and should be proved by an examined copy and not by a printed edition as was sought to be done. Lord Tenterden held that this was not so. To a large extent the above Statute is repealed and amended by 23 and 24 Victoria, c. 66, under which the College is at present constituted.

The practice of surgeons is regulated, it should be noted, by the Statute 3 Henry VIII., c. 11, which is somewhat similar to the above Statute of 14 and 15 Henry VIII. In the case of Allison *v.* Haydon, May 7, 1828, reported in 4 Bingham at p. 619, it was held that a person certificated by the College of Surgeons could not recover for attending a fever case unless he held a certificate from the Apothecaries' Company, such certificate being necessary under the Apothecaries Act, 1815, passed mainly owing to the case of Fuller *v.* Douglas and others, but such difficulties for surgeons largely were obviated by the Medical Act (Royal College of Surgeons, England) 38 & 39 Victoria, c. 43.

But to return to the trial. It was on July 11, 1811, that Mr. Denman opened the pleadings.

> "The declaration states that the late Duke in his life time was indebted to the Plf in the sum of £12,000 for work and Labour as a Surgeon and Apothecary in and about the healing and relieving the said Duke in divers maladies and disorders under which he laboured & languished & also for divers medicines and other necessary things. He also alledges that the late Duke in his life time was indebted to the Plf in the like sum of £12,000 upon an account stated—The Defendts have pleaded the general issue."

He was followed by Serjeant Vaughan, who proceeded, in the usual way, to give the facts in detail.

> "In the year 1803 his Grace parted with his former Apothecary on account of Infirmity. It therefore became necessary for him to look for another. The choice was difficult, for it will naturally be supposed, as the fact was, that in the advanced state of Life at which he had arrived,

for he was then 78 years of age, he should have been subject to various Infirmities and Complaints—Having been then recently attacked with a severe fit of Illness his object was to find out some person of skill and eminence in the medical profession in whom he could confide—Looking around him he cast his Eyes on Mr. Fuller. . . ."

The learned Serjeant related how during this first illness of the Duke's Mr. Fuller sat up with his patient for thirty-five nights, receiving for this the sum of £73 10s. He also placed emphasis on the fact that during this period the amount of medicine supplied was absolutely trifling. Then he continues:

"His Grace was so much pleased with the attention of Mr. Fuller during his Illness that he determined to continue him constantly about his Person—It is necessary to remark that his Grace had for some time been subject to Vertigo and swimming of the Head which we all know are oftentimes the Symptoms and forerunners of more serious Diseases. . . . His Grace resolved that some Medical Man should be constantly assistant to his domestics fearing that notwithstanding their Care and Attention some Error might be committed during one of his customary Fits and that without the aid of a medical attendant he might be unexpectedly lost. Under these Circumstances Mr. Fuller was employed for a series of years—In order to estimate the nature of his Services you must consider the personal sacrifices he has made to enable him to render those Services—When I state to you that he was a man of high professional Character and in great Business I need use no Argument to persuade you that his Business must have materially suffered from his attendance on the Duke of Queensberry. It was under

these circumstances the attendance of the Plaintiff began and continued till the year 1810 comprising a period of 7 years and ½ during which period it appears that the Plaintiff slept in the House of the Duke of Queensberry 1215 nights at his special desire—that during that time he made 2511 constant visits of about 2 hours each in the day—there were other visits of from 3 to 4 hours each, to the amount of 1507 visits and besides these there were 4017 visits of about half an hour each, the average duration of the Visits of Medical Persons. These Visits comprized a prodigious Portion of his time tresspassing materially upon his ordinary Employment and his domestic comforts for he was subject to be called up as you will hear from the Duke's confidential Servants at all Hours of the Night.—His attendance upon his Grace you will of course conclude must have been extremely irksome."

Counsel impressed on the jury how this must have and had in fact interfered with Mr. John Fuller's other practice, and laid considerable stress on the wearing nature of the ducal employment.

"The Duke would not allow him to go to Bed till he was himself at rest—He would have the room darkened and would oblige the Plaintiff to sit up with him for Hours till he fell into a Dose and then at last Mr. Fuller fatigued and harassed was happy if he could get to his own Bed."

Then Serjeant Vaughan dealt with the attitude of the executors, and of Lord Yarmouth, whose children were the residuary legatees. After an objection by Serjeant Shepherd he read Lord Yarmouth's very generous certificate as to the Plaintiff's attendance on the Duke. The certificate ran as follows:

"Having fully considered all the Circumstances connected with the foregoing charge I am of opinion that it is as small a remuneration as can be given to Mr. Fuller for his very great Trouble, fatigue and unremitted attention during so many years attendance on the Duke and I hope the Executors will give this opinion some Weight coming as it does from one who has had so many opportunities of witnessing Mr. Fuller's Zeal and the natural Guardian of the Residuary Legatees."

The point that no bill had ever been sent in was next dealt with. It appeared by the Answer that the Defendant Douglas, one of the executors, had remonstrated time after time with the Duke, who had told him—doubtless in language culled from a very choice store—that the executors would have to see to it that every visit was paid for, and that he would allow no one to dictate to him. Dictate to "Old Q," indeed! In his answer the defendant Douglas puts it as follows, in quaint legal form, after explaining that on various occasions he had tried to persuade the Duke to pay Mr. Fuller or to leave him a legacy:

"Saith that he took another opportunity of following up his endeavours to get sd. Pl^{f}. paid by mentioning to the Duke that Pl^{fs}. account was not settled and that Pl^{f}. had no legacy left him whereupon said Duke expressed his determination not to give any legacy to Pl^{f}. nor then to settle his account but said his Exōrs might pay him upon which Def^{t}. told s^{d}. Duke he very much doubted whether his Exōrs might pay Pl^{f}. his demand and whether the Law would not prevent them from so doing And Defendant then ment^{d}. Plaintiff's unremitted attention & loss of time and Def^{t}. said he believed that Exors could not enter into such

a question to fix compensation and Def^{t}. much doubted whether a court of Law would. But said Duke still persisted in his opinion and s^{d}. he would not pay the Plaintiff but his Exōrs might and that Defendant talked nonsense but that Plaintiff knew better and knew he was sure to be paid by the Executors for every visit he made and said Duke desired as he had done before with considerable warmth he might not hear any more about the matter or he expressed himself to this Def^{t}. to that or the like effect."

Counsel, commenting on this, proceeded :

"If ever there was a man desirous of living it was the Duke of Queensberry.—He was not contemplating how cheap he could live—He does not choose to trouble himself by entering at all upon the subject—He says there is a fund of £1,200,000 ; the Plaintiff must be paid hereafter what he is entitled to receive—that question will be settled by my Executors. . . . Mr. Fuller was in the habit of attending the Household of the Duke of Queensberry for which he was paid £50 a year. . . . That is quite a distinct question—The Duke of Queensberry did not farm an apothecary for £50 a year."

Referring to the payment of £73 10s. for the first attendance of thirty-five nights, Serjeant Vaughan mentioned that Mr. Fuller had explained to the Duke that he could charge merely for medicines. But the Duke had an abhorrence of drugs, and the sum did not represent payment for physic but for personal attention, at the rate of two guineas a night. (The deduction being that from this the fees for the subsequent attendances were readily computable.)

But the general issue was the more important one. Serjeant Vaughan puts it very clearly.

> "Part of the Case turns on this—What has Mr. Fuller lost by his attendance upon the Duke. That neither you or any other person can tell for if a medical man of high and established Character is in constant attendance upon a particular patient, from which attendance he cannot be released, his loss must be very great because he cannot in such case give his attendance to anyone else. The estimate of the loss sustained by the Plf must therefore be left a blank and all the evidence must be general—You will consider the professional services rendered by the Plf—that he is a person of distinguished and eminent Character as an Apothecary and that by his services to the Duke he was deprived of opportunities of attending his other Patients—You will also take into your consideration his personal sacrifices—the Loss of domestic comfort which must be occasioned by such an Attendance to a Man who has a wife and family and who is kept in a state of vigilant attention from the Bosom of that family."

Then comes the peroration, in which the Serjeant says that he is convinced that the jury "will not carve out a niggardly remuneration," but that they will give the whole £12,000 claimed, and he "flatters" himself—as the event proved, mistakenly—that they will not hesitate.

Michael Gomme, a servant to "Old Q," was the first witness called—to prove the nature of the attendance.

> *Q.* (by Mr. Denman) Was it frequently that he staid three or four Hours?
>
> *A.* Not so very frequent—this happened when there was

an Attack of the Vertigo. Mr. Fuller was then in the habit of stopping till it subsided.

Q. How long did the Fit last ?

A. Sometimes much longer than at others, sometimes half an Hour—sometimes an Hour—sometimes two Hours.

Q. And Mr. Fuller always staid till it subsided ?

A. Not always—Mr. Douglas came Home and then he would go.

Q. Mr. Douglas lived in the Family ?

A. Yes.

Q. Did the Duke express anxiety that Mr. Fuller should be sent for ?

A. Very much so, and if Mr. Fuller was out he would enquire where he was and send after him again.

Q. Was Mr. Fuller often there at night?

A. Generally.

Q. How long ?

A. The whole night.

Q. What was the sort of attendance he gave ?

A. He would attend him when he was unwell and comfort him—The Duke was satisfied if he was with him.

Q. Have you heard him express satisfaction ?

A. Very much so.

Q. Was there any necessity for darkening his room ?

A. It was thought so when he had these attacks.

Q. When he had these attacks it was thought necessary to darken the room ?

A. It was thought so and his Grace wished it.

Q. Have you known of Mr. Fuller's being often sent for from his Grace's to attend his other Business by his other patients ?

A. Yes, I have.

Q. Have you ever heard the Duke express any wish ?

A. When he missed Mr. Fuller before the time he asked, Where is Fuller, and if he was sent for. I have heard the Duke enquire for him and Mr. Fuller has in 10 minutes come back.

Q. Have you heard messages delivered to Mr. Fuller in the Duke's presence ?

A. No person was ever admitted in the Duke's presence.

Q. Was Mr. Fuller in the habit of assisting his Grace at Bedtime ?

A. He did not assist him further than to accompany him.

Q. He generally did that ?

A. Yes he did and the Duke was satisfied with Mr. Fuller's Conduct at all times.

Q. Suppose Mr. Fuller was not there did he wait ?

A. Sometimes he would.

Q. Were those attacks of Vertigo often ?

A. Very often.

Q. Did you ever (*hear ?*) him express any apprehension of their coming on when Mr. Fuller was not there ?

A. Very often : I have heard him express great apprehension.

Q. Of what ?

A. That he should perhaps die.

Q. Unless Mr. Fuller was there ?

A. Yes.

Q. Have you known Mr. Fuller disturbed in the night ?

A. Undoubtedly.

Q. For the purpose of attending him ?

A. Yes, and his Grace would call to know if he was there when he would not send for him.

. . . . . .

Sir James Mansfield.—He had a Physician frequently ?

A. A surgeon and Physician.

Mr. Denman.—He did not much like the attendance of a Physician ?

A. No. I fancy he did not.

Q. He preferred Mr. Fuller and the surgeon ?

A. Yes.

Q. How was the state of his spirits ?

A. When he had a little wine it was lifted up.

Q. Generally speaking ?

A. Low.

Q. Subject to alarm ?

A. Yes. Very frequently he would feel his own pulse.

Q. The Duke was never left alone ?

A. Scarcely ever—if he found he was he would soon ring the Bell.

. . . . . .

Sir James Mansfield.—What time of the evening had Mr. Fuller used to come when he slept there ?

A. About 11 o'clock.

Sir James Mansfield.—What Hour did he go away in the morning ?

A. About 12—That would be the Hour the Duke would get up latterly.

Serjeant Shepherd's cross-examination went to prove that Mr. Fuller's bill for attendance on other members of the family was sent in regularly. John Ketteridge, another servant, deposed that there was not a day without at least two attendances, and that sometimes there were five or six a day.

Q. What was the general Nature of his attendance ?

A. 3 or 4 times a day never less than twice.

Q. How often upon an average ?

A. 3 or 4 times.

Q. As far as you can form a Judgment how many Visits one day with another ?

A. That I cannot say.

Q. Two three or four ?

A. Yes.

Q. Was there any day he did not attend twice ?

A. No.

Q. Were there any days that he attended 4, 5, & 6 times ?

A. Yes.

. . . . . .

Q. You can speak to Mr. Fuller's attendance at night—was Mr. Fuller generally with him ?

A. He was.—He came between 11 and 12 & stopped till the Duke went to bed.

. . . . . .

Q. And sometimes went to Bed there himself ?

A. Yes.

Q. Was he often disturbed ?

A. Yes sometimes.

Q. More than once ?

A. More than once.

Q. Was the Duke in the habit of being attended in the night ?

A. Yes but the servants attended unless Mr. Fuller was enquired for.

Q. Have you known Mr. Fuller enquired for ?

A. Yes and I have gone to see if he was there and if he was the Duke said he did not wish to disturb him.

. . . . . .

Q. Have you heard his Grace speak of the satisfaction he received at the manner of Mr. Fuller's attendance ?

A. He always appeared to be satisfied.

Sir James Mansfield.—He must have been satisfied with him, you need not ask as to that.

The examination and cross-examination of Louis Dubois, the Duke's valet, provided some features of interest, there being *inter alia* some sort of suggestion that the Plaintiff had derived some gastronomic benefit from his devotion, but the replies of the witness were unsatisfactory !

Q. Were you about his Person sufficiently to see the services of Mr. Fuller ?

A. Yes.

Q. What were they ?

A. When he was attacked with Vertigo.

Q. Were these attacks frequent ?

A. He was very irritable, and those irritations brought on the fit.

Q. Whenever that was the case Mr. Fuller was sent for ?

A. Yes, but very often before Mr. Fuller was sent for I gave him a good Glass of Madeira which brought him up.

. . . . . .

Q. Sometimes he dined with the Duke ?

A. Yes.

Q. Was that often ?

A. Three or four or five times a week.

Q. Do you know whether he dined there without the Duke desiring him ?

A. No he dared not do that.

. . . . . .

Q. (*Serjeant Shepherd.*) Were the Duke's medicines charged in these Bills—(These were for physic supplied to the household.)

A. Whatever Medicines there were, were charged.

Q. The medicines the Duke took ?

A. That was very little indeed—he did not much like it.

Serjeant Shepherd.—I see in some of the Bills there are Medicines charged for other Persons—those were persons whom I supposed the Duke desired Mr. Fuller to attend. Your Lordship knows the Duke of Queensberry was very liberal to the French Refugees.

Serjeant Vaughan.—Did you ever see Mr. Fuller drink a Glass of Wine at the Duke's Table ?

A. Whenever he chose, but he was too fond of water (!)

Lord Yarmouth then testified in the terms of his certificate.

Q. Have you heard the Duke express himself fully on the subject of Mr. Fuller's attendance ?

A. Yes.

Q. State what were his expressions.

A. I have heard him use expressions of extreme Satisfaction at the attentions of Mr. Fuller—I have heard him in Terms as strong as Language could convey express his great Satisfaction at Mr. Fuller's Attentions to him—I have asked him if he would have anybody else but he would not hear of it—I was myself ill of an asthma and the Duke sent him to me—I considered it as a favour done me.

Q. Was he in the habit of sleeping at the Duke's ?

A. I was ill with the asthma ; I sent for him but he could not come. He told me he could not get out from his attendance on the Duke and that it made him lose a great

portion of his Business—My Servant went for him and brought back for Answer that he was at the Duke of Queensberry's.

Q. Having had the opportunity of witnessing his attentions you have heard the amount of his demand which he sent in to his Executors?

A. He mentioned it to me.

Q. Tell us what you think of his demand.

Sir James Mansfield.—Lord Yarmouth knows nothing of the demand previous to 1806. (Lord Yarmouth was not in England at the beginning of the attendance.)

Q. From the conversations you have had have you any means of knowing?

A. Taking it for granted that he attended from the time I understand he did the Demand appears to be reasonable. It does not appear to be above £1,000 a year if it had been paid quarterly—It does appear to me that such a sacrifice of his time is not overremunerated at £1,000 a year—He must have sacrificed nearly the whole of his time—I always paid Mr. Fuller for his Attendance as for a Physician—I never considered that I had a right to his attendance and that I was only to pay him for his medicines.

Q. Did you hear the Duke speak of his attentions from 1803 to 1806?

A. I cannot charge my Memory with it.

Sir James Mansfield.—You never knew anybody else pay an Apothecary £1,000 a year?

A. No.

Q. Did you ever hear of such an attendance as this?

A. No.

Sir James Mansfield.—Probably not.

Several eminent physicians and apothecaries spoke as to the extraordinary nature of the attendance for one holding the position of "apothecary," and as to the reasonableness of the charges considering the nature of such attendance and the interference with other work. These medical witnesses included such eminent men as Sir Henry Halford, Dr. Ainsley, Dr. Pemberton, Mr. Walker (apothecary), and Mr. Jones (apothecary). Sir Henry Halford testified as follows:

Q. I cannot ask you to put an Estimate upon any Man's Services but I ask you whether looking at this Bill and taking all the Circumstances together you think it is overcharged—I believe you frequently attended the Duke?

A. I did not attend the Duke. I was in the habit of calling upon him—This seems to be at the rate of about 2 guineas a Night. I should think it was a fair reasonable compensation—not too much in any respect considering the disturbance of such an Attendance to his general Business.

. . . . . .

Sir James Mansfield.—Did you ever know of any such demand by an Apothecary?

A. No, but I never heard of such an attendance.

Sir James Mansfield.—In general Apothecaries are paid (very unfortunately, I think, for their patients) in another Way. Every Gentleman will out of his Liberality make them a compensation but they never charge it.

A. No, but for a long and painful attendance an apothecary's charge is not an adequate remuneration.

Q. (*Serjeant Shepherd.*) But it is not a charge made regularly?

A. No.

Then a Mr. Holme gave evidence as to the Duke's intentions.

Q. (*Serjeant Vaughan.*) I believe you are acquainted with the nature of Mr. Fuller's attendance on the Duke of Queensberry ?

A. Certainly.

Q. It was a long and laborious attendance ?

A. It was a long and laborious attendance, and I would just beg leave to state what passed between the Duke and myself. The Duke of Queensberry on all occasions stated that no man would serve him without a remuneration—he said this in Mr. Fuller's presence. He said repeatedly, "Sir, you would not come here were you not to be paid. I expect it from no man. It is a principle in Human Nature, and whoever states the Contrary states an Untruth."

This concluded the case for the Plaintiff.

Serjeant Shepherd called no evidence, but at once addressed the Court and jury. In an able and most fair-minded speech he dwelt on the extraordinary nature of the case, threw some doubt on the accuracy of the figures respecting the visits, and, as in duty bound, raised the point that "apothecaries" had no legal remedy by which to enforce payment for attendance, if they had not managed to obtain it from the patient.

"But you will observe that in the Answer a doubt is stated whether they (the executors) can pay or are bound by Law to pay this demand and this was the doubt expressed to the Duke in his life time by Lord Yarmouth. Why was this doubt expressed ? Because tho' a Man has a right to be paid for his Services if they are rendered on the footing and Ground of being remunerated as a debt

yet if he does give his Services not putting them on the footing of a debt but in Expectation that when the person to whom he has given them is making his will he shall find his Remuneration in the Bounty of that person and in a greater degree than if they were repaid as a debt—if he renders his Services on that Speculation and in the hope and expectation of receiving a Legacy he cannot convert those Services into a debt and when his Expectation has failed and been disappointed say Now I am not a Legatee I will be a Creditor."

. . . . . .

"I really wish the Duke had left it to him but of this I am sure that if upon opening the will Mr. Fuller had seen £12,000 left to him as a Legacy for his Services, he would have exclaimed in rapture Good God! how bountiful has the Duke been to me. Why the Trade of an Apothecary must be a very profitable thing indeed if his Services are to be so remunerated—it must be much better than the profession of a Physician—If they are to be paid at this rate they are much better paid than most physicians. It may be an inconvenient thing for a man to sleep out of his own Bed & to take a Bed at the Splendid & hospitable Mansion of such a Nobleman as the Duke of Queensberry but I believe there are very few apothecaries who would think much of the Inconvenience if they were to be rewarded according to the Scale of this Plaintiff's Claim."

. . . . . .

"With respect to the apothecary it is right that he should receive a remuneration for his attendance, and we all know that an apothecary expects to receive *ultra* his charge for Medicines a remuneration for his attendance—whatever the Liberality of the patient may induce him to

give. And we also know that if an apothecary is not properly paid for his first Attendance he will say the next time you apply to him for his advice and assistance, 'You must send for someone else. You have not acted towards me with the liberality I had a right to expect, and therefore I will not attend you. You must get another apothecary.'"

At the end of this speech Sir James Mansfield summed up the case to the jury. He stated that he believed that no such question ever had offered itself or had been agitated in a Court of Judicature before, and that the discussion had showed that it was a question that never could be agitated again. By this he meant that this case laid down clearly the legal view of charges by apothecaries in the year 1811. As to the position of apothecaries, he made the following remarks:

". . . The witnesses who have been examined on the subject have told you what I dare say your own Experience has informed you of, if you have been so unfortunate as to have had a long Illness, that it is not the custom for an apothecary to charge for attendance, but that the usual way of charging is for the Medicines he furnishes, and a most miserable way of charging it is, for they generally leave a blank at the end of their Bills, leaving it to the liberality of the Patient, if he thinks they ought to be paid for extraordinary attention, and therefore being no legal demand, but being left to the Liberality of the Patient, it never can be made the subject of an action except under very particular Circumstances or under an express agreement."

The Chief Justice then holds that but for some passages in

the evidence and for some admissions in Douglas's answer the action could not have been maintained.

> "The question you have to try is whether the Duke was himself indebted to the Plf. in the amount of this demand —that is whether by an express agreement or by an agreement you can imply from the nature of the Service & some expressions in Mr. Douglas's answer and Mr. Holme's evidence the Duke did bind himself to pay the Plf what was a proper Compensation for his attendance for if the demand had rested merely on the attendance itself without any particular Evidence applying to the Liberality of the Duke it would have been extremely difficult to have made out a legal demand."

The judge then refers to that part of the answer which relates to the interview between Mr. Douglas and the Duke as to the Duke's will, and to the Duke's remarks in the evidence of Mr. Holme (for both see *ante*).

> "From these two pieces of Evidence—from the answer of Mr. Douglas and the Evidence of Mr. Holme you will say whether they do not imply an undertaking on the part of the Duke to pay for the attendance of Mr. Fuller—If they do, then the legality of the demand is made out and you will say that the Duke employed the Plf upon the Terms of his being paid for his attendance—If you are of opinion there was such an Engagement then your verdict will be for the Plf.—On the contrary if you are of opinion that this was not an attendance to be paid at so much a Visit but that Mr. Fuller expected to be paid by a Gift from the Duke or by a bequest in his Will and that in point of fact he de-

pended upon his bounty & trusted to his liberality in that case however illiberally the Duke may have dealt by him it is a question which ought not to be decided in a Court of Law."

. . . . . .

After a review of the facts Sir James Mansfield leaves to the jury the questions as to whether there was any express agreement by the Duke to pay at a fixed rate, or else an express agreement to pay a reasonable sum for the attendance generally, and what sum should be given if any.

"You are to consider only how much in point of Law to which this Gentleman resorts he is entitled to receive—you are the proper Judges of that Question and if under all the Circumstances you think there is evidence enough to entitle him to be paid by the Duke's Executors you will find your Verdict in his favor and you will give him such a reasonable Compensation as you think he deserves.

Associate. Consider your Verdict."

The jury retired for about an hour, and on their return into court gave a verdict for the plaintiff, damages £7,500. This sum—a very large one for those days—was paid over to Mr. Fuller's solicitors on July 25, 1811. There was a strict party and party taxation of the costs, and the difference which had to be paid by the plaintiff out of his own pocket amounted to £283 18*s.* 9*d.* The Prothonotary—the taxing-master of to-day—was particularly severe on the medical experts, who were allowed only one guinea instead of five guineas, which latter fee in these days would be considered by no means exorbitant. The short-hand note and transcript cost £9 1*s.*, but there is no record of Counsel's fees. It would be interesting to know the amount of

these, which, obviously, were allowed in full on taxation and paid by the defendants. How would they compare with the fees of to-day? Unfavourably, one may imagine, since of late years leaders of the Bar have increased their charges to an alarming extent—"alarming," for counsel, since, although the general standard of fees has been raised, the general public has become thoroughly frightened of embarking on litigation, however just the cause may be. A brief report of the action and its result is to be found in *The Gentleman's Magazine*," vol. lxxxi., pt. ii., p. 8., and mention of the case is made in *George Selwyn and his Contemporaries*, and other works.

Such was the end of the great "apothecary" trial, but the practitioner's fight was not yet won. For a long time apothecaries had been agitating to have their status determined on a sound basis, and the case of Fuller *v.* Douglas and Others provided a fulcrum for this agitation. Public opinion came to their aid. Few trials, other than those dealing with crime or else those in the nature of *chroniques scandaleuses*, ever have elicited so much contemporary interest. High and low, professional and lay, men before, during, and after the trial discussed the case in all its aspects. Members at Brooks's argued the point; wagers on the result were made at Crockford's. Fashionable madams wrangled round and about it with their friends, in the intervals of card-playing or of ladling out "tay" from their caddies of Tunbridge Wells ware. The case was not one of merely social interest. Indeed, it was felt that the law itself was on trial, and that, in some sense, public morality was involved. Was an apothecary to be wholly dependent for his livelihood on whether or not the Marchioness of X. had the megrims when her largesse was invited? Was he to lose a substantial sum because the Earl of Z., when faced with the deprecating blank at the foot of the bill, was feeling the worse for sampling the latest consignment of Portuguese

wines sent over to him from the Peninsula with Lord Wellington's compliments? The names of "Old Q" and Mr. John Fuller were on the lips of everyone. Be it said to the credit of the public that it was on the side of the angels, and, *a fortiori*, of the apothecary!

There was universal jubilation when it was known that Mr. Fuller had been awarded a substantial amount, but the agitation waxed still more intense when it was appreciated that but for special reasons—the fact that it was a friendly action and that Mr. Douglas, Mr. Holme, and Lord Yarmouth gave most generous and straightforward evidence—he would have recovered nothing. Once more in the history of this country, as had happened in other cases, a private individual, by focussing public attention on an undeniable grievance, succeeded in altering the law of England for the better. People began to realise that they owed the apothecary a great debt, which was ill repaid by leaving him at the mercy of individual whims and idiosyncrasies. That debt could be made up to him to some extent by removing the anomalies that beset his profession. The outcry was insistent and incessant. John Fuller, by his suit, had done more than to obtain for himself "reasonable compensation": he had impelled the nation, and so forced the legislature to recognise the status of the apothecary as being that of a general medical practitioner and not solely that of a dispenser of drugs. Small wonder, then, that his descendants, generation by generation, have cherished the old yellow papers of the trial, from which papers this record is drawn! They help to perpetuate the memory of one who not only was an eminent man of his day, but, also of one who did a great and historical service, however unwittingly, to a noble profession which claimed him for itself, as it has claimed many of his line. As has been said, general interest in the fate of apothecaries showed no signs of abatement, and not long after the trial—con-

sidering what is the usual incubation period for legal reforms—the Apothecaries' Bill was brought before Parliament. In *The Times* of March 20, 1813, we find two interesting announcements.

> "A General Meeting of the Chemists and Druggists will be held on Monday evening next, the 22nd inst., at 5 o'clock, at the Freemasons' Tavern, Great Queen Street, Lincoln's Inn Fields, to sign the Petition to Parliament against the Apothecaries Bill. The Chair will be taken at six o'clock precisely.
>
> "W. B. HUDSON, *Chairman.*
>
> "*Committee-room, Globe, Fleet-street, March* 18."

> "A General Meeting of the Promoters of the Bill for regulating the Practice of Apothecaries, Surgeon-apothecaries, &c., throughout England and Wales, will be held at the Crown and Anchor Tavern on Wednesday next, at half-past six p.m. for the purpose of receiving the Report of the Committee. By order of the Committee.
>
> "W. T. WARD, SEC.
>
> "*Holles-street, March 17th.*"

Again, *The Times* of March 8, 1815, records a petition to Parliament by the College of Physicians to be heard by counsel against certain parts of the Bill. However, on July 12, 1815—barely a month after Wellington's great victory—the apothecaries won their battle of Waterloo. "An Act for better regulating the Practice of Apothecaries throughout England and Wales" was placed on the Statute-book (55 Geo. III. c. 194). By this Act the Society of Apothecaries was firmly established. It was only by passing the examinations of the society that an

apothecary could practise, and, by s. 21, recover charges by process of law. Section 21 runs as follows:

> "No apothecary shall be allowed to recover any charges claimed by him in any court of law, unless such apothecary prove on the trial that he was in practice as an apothecary prior to or on the said first day of August 1815 (the day the Act came into force), or that he has obtained a certificate to practise as an apothecary from the said master, wardens, and society of apothecaries as aforesaid."

This seems a somewhat negative provision, but the reason for it is obvious. A sharp line was to be drawn between physicians, surgeons, and general practitioners, and, further, no unqualified person was to take advantage of the law. A similar clause was enacted as to the medical practitioner generally—as opposed to physicians—in 1886 (see later). It will be seen that the word "attendance" is not mentioned. It was not necessary. The case of Fuller *v.* Douglas and Others, which had roused public opinion and brought about the Act of 1815, fixing the general *status* of the apothecary, had made it quite clear that payment for attendance rested on a contract between practitioner and patient, and after the trial medical men had adopted the custom of charging regular fees for attendance. In the case of Smith *v.* Chambers, March 5, 1847, 2 Phillips' Chancery Cases, p. 221—an interesting case, since it was one of residuary legatees suing executors for having paid an apothecary's charges for medicine *and* attendance, just as Lord Yarmouth's children might have sued the Duke of Queensberry's executors but for the trial—Lord Cottenham, Lord Chancellor, said:

> "The right of a medical man to charge for attendances

is not a matter of law but of contract, either expressed or to be implied from the usage of the place. . . ."

No one can question the proposition that this is the correct view to-day as in 1847. That this is so is corroborated clearly by the varying charges made by medical men against their patients, according to the latter's rank and wealth.

After the Apothecaries' Act there was no more legislation until 1858, when the Medical Act, 21 & 22 Victoria, c. 90, was passed. This Act, by its 31st section, laid it down affirmatively that persons registered under the Act might sue for their charges. The section was repealed by one of the numerous amending Acts—that of 1886, 49 & 50 Victoria, c. 48, section 6 of which reads as follows:

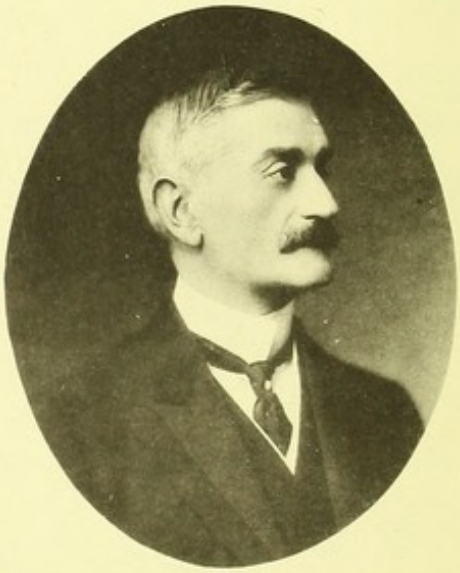
"6. On and after the appointed day a registered medical practitioner shall, save as in this act mentioned, be entitled to practise medicine, surgery, and midwifery in the united kingdom, and (subject to any local law) in any other part of her majesty's dominions, and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances, or any fees to which he may be entitled, unless he is a fellow of a college of physicians, the fellows of which are prohibited by bye-law from recovering at law their expenses, charges, or fees, in which case such prohibitory bye-law, so long as it is in force, may be pleaded in bar of any legal proceeding instituted by such fellow for the recovery of expenses, charges or fees."

From the date of this Act the position of the general practitioner became assured; and, looking back through the years, one cannot but ascribe this happy state of affairs to John Fuller.

JOHN FULLER.
DIED NOV. 9, 1818.
AGED 63.

HENRY PETER FULLER.
(SON OF JOHN).
B JAN. 28, 1785. D. AUG. 28, 1866.

WILLIAM FULLER.
(SON OF HENRY PETER.)
B. DEC. 17, 1826.
D. MAY 4, 1893.



HENRY ROXBURGH FULLER.
(GRANDSON OF HENRY PETER.)
B. JULY 27, 1855.

HENRY JULIAN FULLER.
(SON OF HENRY ROXBURGH.)
B. MARCH 20, 1888. AUTHOR OF THIS CHRONICLE.

JOHN FULLER, and his three successors in direct descent, with their chronicler.

The portrait of JOHN FULLER is taken from a miniature by SHERLOCK, painted in 1802.

Is it not just also to pay some tribute for these excellent innovations to that tiny figure "ogling and hobbling down St. James's Street"?

. . . . . .

Mr. John Fuller, who had commenced to practise about 1776, retired a few years after the trial. He died at Reigate on November 9, 1818, aged sixty-three. The successor to his house and practice was his second son, Henry Peter, the eldest son, John, having died, just after qualification, from pneumonia contracted when lying on damp grass at Lord's cricket-ground.

Mr. Henry Peter Fuller, who, during his active career, was for many years in partnership with Mr. Thomas Hammerton, did a great service to St. George's Hospital in the early twenties of last century. The Hospital had fallen on evil days, being ill kept and badly managed, and there was much talk of its being closed for good. Thereupon Mr. Fuller set to work and collected among his patients no less a sum than £30,000 as the nucleus of a fund whereby the Hospital was rebuilt to some extent and its management was re-organised. To perpetuate this achievement the Governors of St. George's Hospital named one of the wards the "Fuller" ward, which exists to this day. Sad though it is to relate, it is said that St. George's Hospital is to be removed from its present position. It is announced that Mr. Mallaby-Deeley, M.P., has bought the site for £460,000 in order to build a vast hotel thereon. Further, it is rumoured that the Westminster Hospital also is to disappear, and that the two foundations will join each other in constructing a new building in the western or south-western suburbs of London, possibly at Wandsworth.

An amusing reference is made to Mr. H. P. Fuller at page 156 in *Leaves from the Note-books of Lady Dorothy Nevill* (Macmillan & Co., 1907). Lady Dorothy writes:

> "The ways and things of the 'sixties seem very strange to-day. . . . The hideous crinoline was universally worn by ladies, and entailed untold inconvenience and discomfort. Old Dr. Fuller of Piccadilly (the last of the Apothecaries) was once summoned to dislodge a fish-bone from the throat of Frances Anne, Lady Londonderry, and when imperiously told to begin, was obliged to say that he was quite unable to get within many yards of her ladyship's throat in consequence of her crinoline being so enormous and so solid."

For over forty years the practice was carried on by Mr. Henry Peter Fuller and Mr. Hammerton, and consisted practically in a monopoly of general practice amongst the notable residents in the Mayfair district. So much was this the case that Mr. Fuller would refuse to visit a patient who moved north of Oxford Street, as being too distant for attendance! North of Oxford Street, Mr. Propert, father of the late Mr. Lumsden Propert, held a very similar monopoly.

To show how London has developed since those days a curious fact may be quoted. Mr. Roxburgh Fuller, when a little boy, was told by his grandfather, Mr. Henry Peter Fuller, how the latter, as a young man—this would be about 1818—flushed a covey of partridges in Berkeley Square, so near was this district to the open fields. About the same date Mr. Henry Peter Fuller—by permission of his patient, Earl Grosvenor, the ancestor of the present Duke of Westminster—would go for a few hours' snipe-shooting over the marsh lands, now built over, and known as parts of Belgravia and Pimlico.

Many people have forgotten that these marsh lands were afterwards converted into possible building land by the prescience of their then owner, who permitted the thousands of tons of soil excavated in the making of the London docks to be dumped on them.

Mr. Henry Peter Fuller retired in the early 'sixties, dying at Stoke Poges in 1866, at the age of eighty-one. "Old Tom" Hammerton, as his patients were wont affectionately to call him, followed his old friend into retirement a few years later. He died at Cheltenham at the advanced age of eighty-three years.

Henry Peter's successor was his third son, William, who joined his father and Mr. Hammerton about 1850. (The eldest son, Henry William, had not become a general practitioner, but was physician to St. George's Hospital.) Mr. William Fuller took into partnership Mr. Thomas William Cowell, who died very suddenly in 1869, aged forty-eight, and in 1870 Mr. Frank Manley-Sims succeeded Mr. Cowell. Mr. Manley-Sims married Alice, second daughter of Dr. Henry William Fuller, and was therefore nephew by marriage to his partner, William Fuller. Mr. William Fuller and Mr. Manley-Sims carried on a huge practice between them until 1884, when there was a newcomer in the person of Mr. William Fuller's nephew, Henry Roxburgh Fuller, son of Dr. Henry William Fuller, the St. George's physician. In 1886 Mr. William Fuller retired, leaving his nephew and Mr. Manley-Sims to carry on the traditions of over one hundred years. Mr. William Fuller retired to Stoughton, near Guildford. During the whole of his professional life he lived at 111, Piccadilly, next door to 112, his father's house. Alas! 111 and 112, Piccadilly, and several adjoining houses, have disappeared. Their sites, like that of St. George's Hospital, are to be occupied by a vast caravanserai, whose *rococo* splendours soon will efface all memories of years gone by. It is the spirit of the age. Neither town nor country is safe from the hands of the apostles of "progress"!

"La terre se dépouille et perd ses sanctuaires;
On chasse des vallons ses hôtes merveilleux;
Les dieux aimaient des bois les temples séculaires,
La hache a fait tomber les chênes et les dieux."

(*Victor de Laprade*, 1812–1883.)

Mr. William Fuller died in 1893. From 1896 to 1902 the even tenour of the practice was unbroken, but on the evening of December 8, 1902, Mr. Manley-Sims expired very suddenly, and literally in harness, at his house, 12, Hertford Street. He had done a hard day's work and had seen his last patient only three hours before his death from *angina pectoris*.

Since 1902 Mr. Roxburgh Fuller, at 45, Curzon Street, has carried on the family practice single-handed, and he bids fair to be the last of the medical Fullers, since his son, the present writer, and the other male members of the family have had no vocation for the medical profession. In this year, 1913, Mr. William Fuller's only son, Captain William Blyth Fuller, the Queen's Regiment, is adjutant to the Highland Light Infantry (Territorials) at Glasgow, while the other male members of the family—beside the writer—who are of full age, number only four, viz. the three sons of the Rev. John Fuller (second son of Henry Peter Fuller), who died in 1897, and the grandson of Frederick, third son of old John Fuller, the "apothecary."

Of the Rev. John Fuller's sons the eldest, the Rev. Richard Henry Fuller, is Rector of Emmanuel, Loughborough; the Rev. Latimer Fuller is Bishop of Lebombo, Portuguese East Africa; and Mr. William Arthur Fuller is an Army Coach at Storrington, Sussex.

Mr. H. P. Fuller's fourth son, the Rev. Ernest A. Fuller, who, in his day, played (as long-stop!) in the Cambridge XI. against Oxford, was for many years Vicar of St. Barnabas, Bristol, and died, unmarried, in 1901.

Mr. Charles Fuller, Frederick James Fuller's grandson, is, like his father and grandfather, a solicitor, practising at Rugby. The history of this branch of the family also is interesting. It will be remembered that the plaintiff's solicitors in the great trial were Messrs. Dawson & Wratislaw. The Wratislaw of

THOMAS HAMMERTON.
DIED AT CHELTENHAM. AGED 83.

THOMAS WILLIAM COWELL.
D. JULY 29, 1869. AGED 48.

FRANCIS B. MANLEY-SIMS.
D. DEC. 8, 1902.
AGED 62.

Portraits of THOMAS HAMMERTON, THOMAS WILLIAM COWELL, and FRANCIS B. MANLEY-SIMS, F.R.C.S., who were successively associated with the "Fuller" practice.

this firm came from Rugby. He was the son of Count Marc Wratislaw, a member of one of the oldest families in Bohemia, who became a Lutheran, and, having quarrelled with his relations in consequence, came to England and settled at Rugby, where, towards the close of the eighteenth century, he obtained the appointment of teacher of modern languages to the school. He was married twice to English ladies, and by his second wife had three sons and three daughters. The eldest son, John Theodore, became the junior partner in the firm of Dawson & Wratislaw. After the trial the business connection between him and John Fuller ripened into friendship, and Henry Peter Fuller, John's eldest son, married John Theodore Wratislaw's eldest sister, Matilda Juliana. Court Marc's second son, Albert, became a master at Rugby school, and the third, "Count" Ferdinand—he was the only son to use the foreign title—entered into business as a solicitor in Rugby.

Henry Peter Fuller's brother, Frederick James, became a solicitor in London, and had a large clientèle in partnership with Mr. Saltwell, the firm being known as "Fuller & Saltwell." The firm carried on business at Carlton Chambers, Regent Street. On Frederick James Fuller's death, the business was absorbed by the firm of Messrs. Capron & Co., of Savile Place.

Messrs. Fuller & Saltwell became the London agents of "Count" Ferdinand, of Rugby, and Mr. Frederick James Fuller's son, Frederick, also a solicitor, assisted off and on in the Rugby business. On "Count" Ferdinand's death his second son, Theodore, succeeded him, and was joined by the younger Frederick Fuller, the partnership lasting for fifteen years, when it was dissolved by mutual consent.

Mr. Frederick Fuller remained in practice at Rugby until his death in 1891, and he in turn was succeeded by his son, Mr. Charles H. Fuller, who is now the leading solicitor in Rugby,

Registrar and High Bailiff of the Rugby County Court, and a Notary Public. Mr. Charles Fuller is unmarried, and is the only living male descendant of Frederick James Fuller.

Thus there have been four doctors of the Fuller family in direct line, extending over a period of one hundred and twenty-seven years, and three solicitors in direct line, over a period of nearly one hundred years. In each case, the family tradition—as has been seen—appears likely to terminate with the present representative.

The Wratislaw connection was the cause of a curious incident some years ago. Mr. Roxburgh Fuller was called in to attend Count Berchtold, then of the Austrian Embassy, and now, 1913, Prime Minister of Austria. Mention was made of the Wratislaws, and the Count immediately said that he numbered a member of that family among his own ancestors. When shown the engraved portrait of Count Marc Wratislaw, he recognised it at once, and said that a similar engraving was in his family's possession. From this conversation it was clear that Count Marc Wratislaw's father was great-great-grandfather both to Count Berchtold and to Mr. Fuller!

During many years of practice Mr. Roxburgh Fuller naturally has had the care of numerous personages of note, among others the late and last Duke of Cambridge, whom he attended during his fatal illness. His Royal Highness passed away on March 17, 1904. A few days later Mr. Fuller was summoned to Buckingham Palace by King Edward VII., and was made by his late Majesty a member of the Victorian Order.

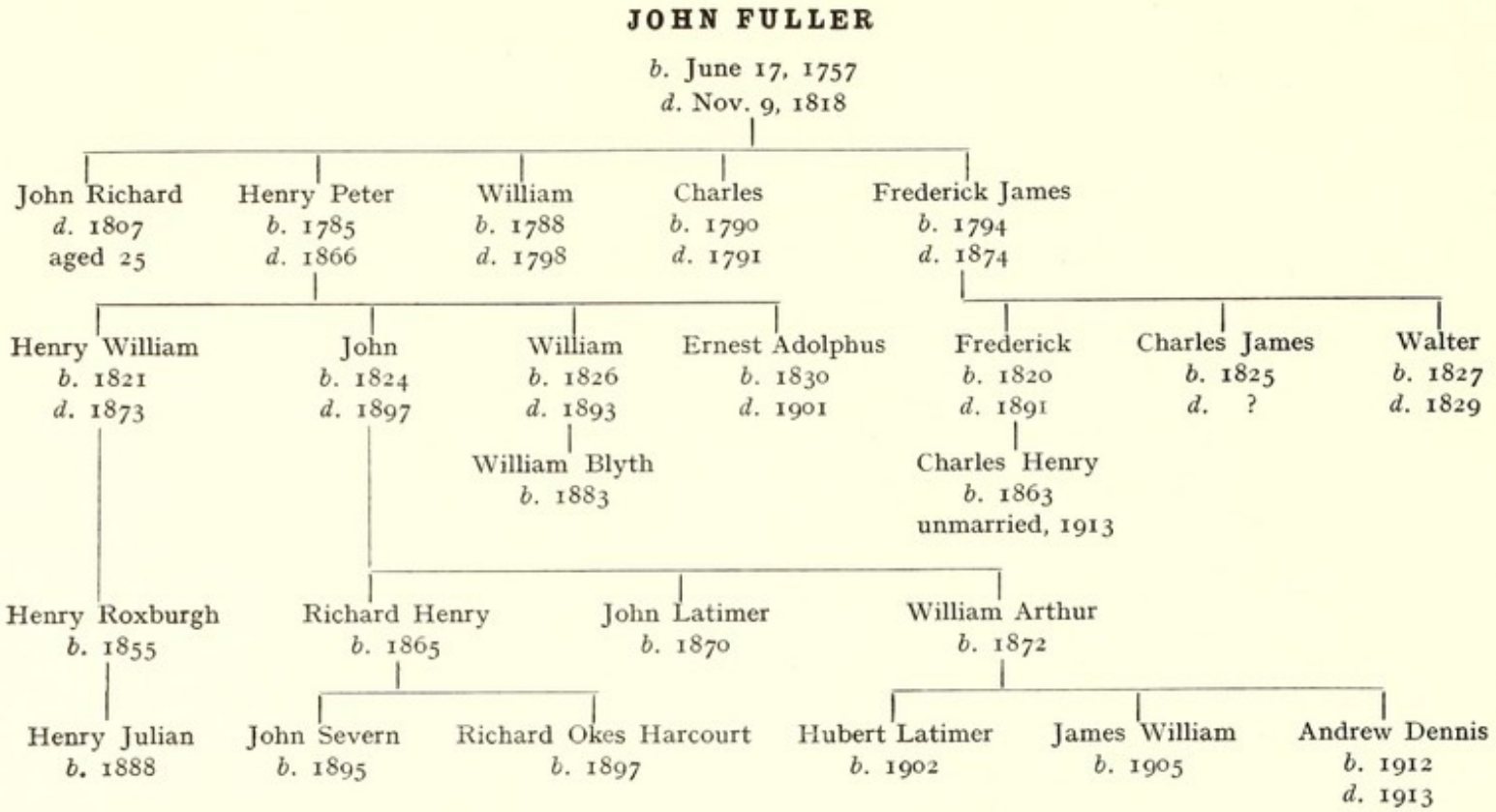
It is a striking fact also that in the early 'thirties Henry Peter Fuller became medical attendant to the sons of Baron Nathan Mayer de Rothschild, founder of the famous London house, and that since that date no year has passed in which some member of that great family has not been attended by a member of the firm of Fuller.

Such is the record of the Fullers from 1776 to 1913. It is hoped that this memorial, brief and inadequate though it be, will prove to be *aere perennius* for future generations of the family. May they remember and ponder the words of a great French writer :

" . . . Humbles hommes, l'oubli sans pitié nous réclame,
Et sitôt que la mort nous a remis à Dieu,
Le souvenir de nous ici nous survit peu ;
Notre trace est légère et bien vite effacée ;
Et moi qui de ces morts garde encore la pensée,
Quand je m'endormirai comme eux, du temps vaincu,
Sais-je, hélas ! si quelqu'un saura que j'ai vécu ? "

(*Charles-Augustin Sainte-Beuve*, 1804–1869.)

The tale is ended. What say the old Latin dramatists at the end of their plays ? *Plaudite !*


JOHN FULLER
b. June 17, 1757
d. Nov. 9, 1818
John Richard
d. 1807
aged 25
Henry Peter
b. 1785
d. 1866
William
b. 1788
d. 1798
Charles
b. 1790
d. 1791
Frederick James
b. 1794
d. 1874
Henry William
b. 1821
d. 1873
John
b. 1824
d. 1897
William
b. 1826
d. 1893
Ernest Adolphus
b. 1830
d. 1901
Frederick
b. 1820
d. 1891
Charles James
b. 1825
d. ?
Walter
b. 1827
d. 1829
William Blyth
b. 1883
Charles Henry
b. 1863
unmarried, 1913
Henry Roxburgh
b. 1855
Richard Henry
b. 1865
John Latimer
b. 1870
William Arthur
b. 1872
Henry Julian
b. 1888
John Severn
b. 1895
Richard Okes Harcourt
b. 1897
Hubert Latimer
b. 1902
James William
b. 1905
Andrew Dennis
b. 1912
d. 1913

HENRY WILLIAM FULLER.

B. Jan. 11, 1831.

D. Dec. 18, 1873.

PHYSICIAN TO ST. GEORGE'S HOSPITAL.

There has been one other "medical" Fuller. Henry William Fuller, eldest son of Henry Peter and Matilda Juliana Fuller, was born at 112, Piccadilly, January 11, 1821.

Educated at Rugby and at Caius College, Cambridge, he took the degrees M.A. and M.D., and completed his medical education at St. George's Hospital, to which he was appointed Assistant Physician May 12, 1848, and full physician, March 27, 1857, which post he held to his death.

He married (Holy Trinity Church, Paddington, July 16, 1850) the eldest daughter of David Roxburgh, Emma Turner, by whom he had six children, a son and four daughters attaining full age.

Dr. Fuller had refused to enter the family practice, fearing the strain of frequent night work and the uncertain hours of a general practitioner.

He attained considerable eminence as a consulting physician, and might have attained the highest honours in his profession, but for his early death at the age of fifty-three. He was best known by his book on rheumatism and the allied diseases, which remained, for many years, the standard work on that subject.

On his marriage, Dr. Fuller went to reside at 13, Manchester Square, where he lived the whole of his professional life, and where he died, December 18, 1873.